

PREVENTION OF SEXUAL EXPLOITATION AND ABUSE (PROGRAM)

OBJECTIVE/BACKGROUND

This policy is intended to protect from sexual exploitation and abuse anyone benefiting from and involved in the delivery of Canadian Foodgrains Bank-funded programs, particularly children and vulnerable and at-risk adults. This policy lays out the commitments made by the Foodgrains Bank and informs members and partners of their responsibilities in relation to protecting beneficiaries and staff from sexual abuse and exploitation in the delivery of Foodgrains Bank-funded programs.

It is well understood that incidents of sexual exploitation and abuse occur in situations of power imbalances and acute vulnerability. In humanitarian crises people are particularly vulnerable. In these contexts, social and political structures designed to protect members of the community are often eroded and weakened. Also, humanitarian aid workers hold considerable resources and power during times of crisis, creating an environment ripe for sexual exploitation and abuse to occur. While some of these dynamics may be different in development contexts, there is the potential for sexual exploitation and abuse anywhere there are power imbalances and therefore this policy covers all international projects funded by Canadian Foodgrains Bank.

In 2002, the Inter-Agency Standing Committee (the primary mechanism for inter-agency coordination of humanitarian assistance) established a Taskforce on Protection from Sexual Exploitation and Abuse in Humanitarian Crisis. One of the key outputs of this Taskforce was the creation of Six Core Principles Relating 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 local age of consent. Mistaken belief regarding the age of a child is not a defense.
3. Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior is prohibited. This includes exchange of assistance that is due to 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, he or she 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 code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.

DEFINITIONS

Community-Level Complaints Mechanism

A community-level complaints mechanism blends both formal and informal community structures, where individuals are able and encouraged to safely report incidents of sexual exploitation and abuse. Local communities are involved in developing and approving the mechanism so that it is both culturally and gender sensitive. The mechanism should have multiple entry points, allowing staff and beneficiaries opportunities to report at the organizational level or at the community level¹.

Sexual Exploitation

Sexual exploitation means 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 sexual exploitation of another.

Sexual Abuse

Sexual abuse means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions².

Survivor-Centred Approach

A survivor-centred approach creates a supportive environment in which the survivor's rights and wishes are respected, their safety is ensured, and they are treated with dignity and respect. A survivor-centered approach is based on the following guiding principles:

- **Safety:** The safety and security of the survivor and her/his children is the primary consideration.
- **Confidentiality:** Survivors have the right to choose to whom they will or will not tell their story, and any information should only be shared with the informed consent of the survivor.
- **Respect:** All actions taken should be guided by respect for the choices, wishes, rights and dignity of the survivor. The role of helpers is to facilitate recovery and provide resources to aid the survivor.
- **Non-discrimination:** Survivors should receive equal and fair treatment regardless of their age, gender, race, religion, nationality, ethnicity, sexual orientation or any other characteristic³.

Whistleblower

A "Whistleblower" is any person who reports activities that they consider to be illegal, dishonest, unethical or otherwise improper. Whistle-blowers provide information on a reasonably held belief that wrongdoing may have occurred.

¹ Definition taken from the *United Nations Glossary on Sexual Exploitation and Abuse: Thematic Glossary of current terminology related to Sexual Exploitation and Abuse (SEA) in the context of the United Nations. 2nd Edition*

² Definitions taken from *United Nations Secretary General's Bulletin: Special measures for protection from sexual exploitation and sexual abuse*

³ Definition taken from *UNFPA Managing Gender-Based Violence Programmes in Emergencies, E-Learning Companion Guide*

POLICY

1. Canadian Foodgrains Bank has zero tolerance for any incidents of sexual exploitation or abuse by anyone involved in the delivery of projects funded by the Foodgrains Bank, including, but not limited to, staff, volunteers, contractors, and suppliers. This includes sexual exploitation or abuse committed against project beneficiaries or others in project communities and/or against anyone involved in the delivery of Foodgrains Bank funded projects.
2. Members and partners are expected to have policies, procedures and codes of conduct for preventing and addressing sexual exploitation and abuse in the delivery of projects funded by the Foodgrains Bank.
3. Members and partners are expected to have confidential complaints mechanisms and accompanying investigation procedures and processes to protect and support survivors.
4. If members or partners do not have policies, procedures, codes of conduct, and confidential complaints mechanisms and accompanying procedures for preventing and addressing sexual exploitation and abuse, projects may still be funded if the supporting member and partner adopt the procedures, code of conduct, and complaints mechanism recommended by the Foodgrains Bank.
5. Members and partners must investigate all complaints and allegations and, where such complaints or allegations are substantiated, act to hold perpetrators to account. The investigation process adopted by a member or partner organization must include the following requirements: (a) the investigator be competent and impartial, (b) the investigator determines the circumstances and facts behind the allegation and draws conclusions on whether there is evidence that proves or disproves an allegation, and (c) where a complaint is substantiated, follow-up actions be identified and taken.
6. Members and partners are required to inform the Foodgrains Bank of any complaints and allegations of sexual exploitation or abuse against anyone involved in the delivery of programs funded by the Foodgrains Bank within seven (7) days of receiving one. This report will include the nature of the complaint or allegation, the steps taken to ensure the safety of the parties, the country that the allegation was made in, and the investigation plan including timelines. Reports to Foodgrains Bank will follow the principle of being survivor-centred as well as principles of procedural fairness and will not include the names or other identifying information in order to ensure the confidentiality of the complainant and the respondent.
7. Upon completion of an investigation into an allegation of sexual exploitation or abuse, Foodgrains Bank will be informed whether the complaint was substantiated. If the investigation has not been completed within one (1) month, the member will provide an update on the status of the investigation to Foodgrains Bank.
8. Canadian Foodgrains Bank will provide members and partners with its expectations regarding preventing and responding to sexual exploitation or abuse in its project agreements with members and partners.
9. Members have primary responsibility for supporting and building the capacity of partners to prevent and address sexual exploitation and abuse. Foodgrains Bank will provide training for its own staff and support training in the prevention and addressing of sexual exploitation for member and

partner/project staff. Foodgrains Bank will also develop tools to support members and partners in policy implementation such as generic standard operating procedures (SOPs).

10. Canadian Foodgrains Bank will maintain its own confidential complaints mechanism and will work with members and partners to investigate and follow up on all complaints and allegations received by the Foodgrains Bank regarding sexual exploitation and abuse by anyone involved in the delivery of programs funded by the Foodgrains Bank.

PROCEDURES

1. **PSEA Focal Point:** The executive director, the human resources director, and the international program director will assign one or more Foodgrains Bank staff to act as focal points to support the implementation of this policy.
2. **Member & Partners Policies, Procedures & Codes of Conduct:** The Foodgrains Bank PSEA focal point will review the policies, procedures and codes of conduct of members and partners receiving Foodgrains Bank funding to determine whether they are consistent with the core principles and minimum operating security standards related to the prevention of sexual exploitation and abuse as defined by the Inter-Agency Standing Committee. If there are shortfalls, members and partners will be encouraged to strengthen their policies, procedures and/or codes of conduct. Members will also be expected to work with the partners and staff involved in the delivery of Foodgrains Bank funded projects to meet the expectations outlined in the above policy.
3. **Project Approval:** During the project approval process, Foodgrains Bank staff will review plans to implement expected measures to prevent sexual exploitation and abuse in Foodgrains Bank funded programs and communicate Foodgrains Bank's expectations. Project proposals/requests should provide information on:
 - Any funding support needed for PSEA activities should be clearly identified in proposed project budgets submitted to the Foodgrains Bank
 - Plan for having an accessible, transparent and confidential complaints handling mechanism and processes
 - Plan to raise beneficiary awareness of partners confidential complaints mechanism
4. **Project Agreements:** Project agreements signed with the members and partners implementing Foodgrains Bank funded programs will outline:
 - Expectations regarding the prevention of sexual exploitation and abuse
 - Expectations regarding establishment of community-level confidential complaints mechanisms for reporting sexual exploitation and abuse.

- Expectations that beneficiaries be informed about the standards and policies they are guided by, about the means of accessing community-level complaints mechanisms, and the assistance that is available to complainants and survivors.
 - Expectations that within seven (7) days of receiving an allegation or complaint about sexual exploitation and abuse in projects delivered with Foodgrains funding, the Foodgrains Bank will be notified that an allegation has been made, what the nature of the allegation is, and what country it happened in.
 - Expectations that within seventy-two (72) hours of receiving an allegation or complaint about sexual exploitation and abuse, the partner will notify the supporting member and together with the member will ensure that appropriate supports are put in place, and an appropriate investigation is being initiated.
 - Expectations that the outcome of the investigation (i.e. whether the complaint was substantiated) and follow-up actions will be reported to the Foodgrains Bank international program director. The requested confidentiality of complainants, informants, and whistleblowers must be maintained. All information gathered about identifiable individuals must be treated in accordance with applicable privacy laws of the relevant jurisdiction.
5. **Training, Tools and Resources:** Foodgrains Bank will foster continued learning and growth to build the capacity of the Foodgrains Bank network in strengthening systems that prevent sexual exploitation and abuse. This includes supporting members, partners, and Foodgrains Bank staff with tools and training for the protection of beneficiaries, staff, and volunteers from sexual exploitation and abuse. It also includes identifying a roster of people with the necessary expertise to guide and conduct appropriate investigations.
6. **Foodgrains Bank Complaints Mechanism:** Foodgrains Bank will publish on its website its standards and expectations regarding the prevention of sexual exploitation and abuse and will establish a confidential complaints mechanism to which allegations or complaints can be sent directly to the Foodgrains Bank. The following process will be used to respond to these allegations or complaints:
- An acknowledgement of the allegation or complaint will be sent as soon as possible.
 - All complainants will be fully informed about how the complaint mechanism works, including the investigation process and anticipated timelines. Complainant and survivors will be informed of any decision to proceed with an investigation and/or referral to relevant authorities in cases of criminal conduct, or to have no further action taken. Complainants and survivors will receive feedback on the development and outcome of their case, and Foodgrains Bank will make every effort to maintain lines of communication and act according to a survivor-centered approach. As far as possible and appropriate, survivors will be engaged in conversations about their own welfare, and Foodgrains Bank will make every effort to work with the member and partner to provide assistance, psychosocial counselling, medical treatment, and legal assistance to any survivors of sexual exploitation and abuse.

- Allegations or complaints against Foodgrains Bank staff or representatives will be addressed using the process outlined in the Foodgrain Bank prevention of sexual exploitation and abuse policy (staff and representatives).
- Complaints and allegations of sexual exploitation and abuse against member or partner staff or others involved in the delivery of a Foodgrains funded program will be reviewed and acted upon within seven (7) days of receipt. The relevant member will immediately be informed of the allegation or complaint and a meeting convened to determine the most appropriate course of action.
- It is expected that the member will take the lead in supporting the survivors and conducting an investigation if it involves their own staff, representatives, or contractors, and will work closely with the partner to support survivors and conduct an investigation if it involves partner staff, representatives, or contractors including referring the complaint investigation to an independent and neutral delegate, which may include the Foodgrains Bank.
- If the partner and member does not have the capacity or resources to initiate and lead an appropriate and thorough investigation, the Foodgrains Bank will provide support to ensure a proper investigation is completed and support is provided to the survivor.
- If there is reason to believe that an allegation or complaint of sexual exploitation and abuse has been dealt with inappropriately by a member or partner, Foodgrains Bank reserves the right to take further action including but not limited to further investigation and/or the withdrawal of Foodgrains Bank funding.
- The Foodgrains Bank reserves the right to conduct its own investigation in the event that a Foodgrains Bank staff member or volunteer is implicated in the complaint as per the Foodgrains Bank prevention of sexual exploitation and abuse policy (staff and representatives).