




Manitoba Council for International Cooperation

**Prevention and Response to Sexual Exploitation and Abuse
Policy**

Approved June 12, 2019

Policy Type: Board, Staff and Volunteers Organizations receiving funding from MCIC	
Policy Title: Prevention and Response to Sexual Exploitation and Abuse [PSEA]	
Policy Number: Operations 05	
Approved Date: June 12, 2019	
Scheduled for Review: November 2021	
Document History: April 2019 Developed	
Reference Documents: <ul style="list-style-type: none"> • See list at end of policy 	

MCIC has a zero-tolerance policy establishing that sexual exploitation and abuse is prohibited and that every transgression will be acted upon.

Purpose 1

Scope 2

Background 2

What and when to report..... 2

Core principles of PSEA within a code of conduct 2

Roles and Responsibilities 3

Management and Coordination, Cooperative Arrangements..... 4

Mechanism for Anonymous and Confidential Reporting 4

Disciplinary Measures 4

Glossary/Definitions 5

References..... 5

Appendix A Reporting Form- Sexual Exploitation and Abuse Allegations in International Assistance 7

Global Affairs Canada’s Statement on Sexual exploitation and abuse in international assistance..... 11

Purpose

MCIC recognizes that sexual exploitation and sexual abuse violate universally recognized international legal norms and standards. Aligned with Canada’s commitment to the delivery of international assistance grounded in a human rights framework, MCIC places human rights and dignity at the centre of its development work. MCIC takes seriously all concerns about sexual exploitation and abuse (SEA), aims to prevent, and will investigate and respond to complaints about SEA brought to the attention of the Executive Director and the Board of Directors. MCIC will initiate rigorous investigation of complaints

that indicate a possible violation of this Policy on Prevention and Response to Sexual Exploitation and Abuse (“PSEA Policy”) and will take appropriate disciplinary action, as warranted.

Scope

This policy applies both to MCIC’s organizational role as an employer and as a council, and to its mission which includes supporting its members. As such, the policy applies to all members of the Board of Directors and all MCIC employees, consultants, volunteers and representatives. The policy will be applied to the programming work of the organization where MCIC has control and influence, including program, management and governance areas.

Background

MCIC’s Board of Directors passed a motion at the November 18, 2018 board meeting which values the work done to date to develop the CCIC Leader’s Pledge on Preventing and Addressing Sexual Misconduct¹ and affirms the commitment to the pledge.

What and when to report

This reporting requirement is strictly for credible allegations of sexual exploitation and abuse occurring in (a) the delivery of MCIC-funded international development and humanitarian projects, or (b) MCIC’s workplace, its Board of Directors, and its domestic programming with beneficiaries, participants, and volunteers. An allegation is credible when the source, nature, and information of the report suggest that the allegation is plausible and warrants further investigation. This includes cases that:

- are perpetrated by MCIC staff or associated personnel, or by a person/people working on an initiative funded by MCIC. Such people may be staff, volunteers, or contracted personnel of a partner organization, or be local stakeholders involved with the implementation of a MCIC-funded initiative.
- may have a negative impact on the reputation of MCIC or of an organization funded by MCIC

We expect partner organizations and grant recipients to report allegations within 48 hours of determining that an allegation is credible. In cases where MCIC’s funding for the project originates from Global Affairs Canada (GAC), MCIC will report the allegation to GAC according to GAC’s requirements.

For broader safeguarding or sexual harassment concerns, partner organizations should continue to follow current practice and inform their MCIC project officer if the issue will affect project implementation.

Core principles of PSEA within a code of conduct

Humanitarian agencies have a duty of care to beneficiaries and a responsibility to ensure that beneficiaries are treated with dignity and respect and that certain minimum standards of behaviour are

¹ <https://ccic.ca/news/ccic-leaders-pledge-on-preventing-and-addressing-sexual-misconduct/>

observed. In order to prevent sexual exploitation and abuse, MCIC strongly encourages and supports its members to incorporate the following core principles into an agency code of conduct:

- i. Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.
- ii. 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 regarding the age of a child is not a defence.
- iii. 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 beneficiaries.
- iv. 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.
- v. 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.
- vi. 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 specific responsibilities to support and develop systems which maintain this environment.

Roles and Responsibilities

MCIC is directly responsible for investigations of cases reported to the organization. In order for MCIC to fulfill its duty of care, it has established a PSEA plan which includes the following four pillars:

1. **Management and coordination:** This policy is operationalized by MCIC's PSEA plan, its cooperation with members and partners, and its dedicated focal point(s) committed to PSEA.
2. **Engagement with and support of local community population:** MCIC ensures effective and comprehensive communication with members and partner organizations on (a) what to do regarding raising beneficiary awareness on PSEA and (b) how to establish effective community-based complaints mechanisms and a mechanism for anonymous and confidential reporting to MCIC.
3. **Prevention:** MCIC has effective and comprehensive mechanisms to ensure awareness-raising on SEA amongst personnel, as well as effective recruitment and performance management. MCIC provides training for MCIC personnel on the prevention of sexual exploitation and abuse as well as proactive training on remedial measures for when misconduct is found. Online resources are made available to all member agencies, partners/grantees, and prospective applicants.
4. **Response:** Internal complaints and investigation procedures are in place and detailed in MCIC's PSEA plan. This includes a mechanism for fair and confidential investigative procedures to respond to all allegations of sexual exploitation and abuse, and measures including disciplinary action in cases of serious conduct.

Management and Coordination, Cooperative Arrangements

Roles and responsibilities to ensure monitoring of, and compliance with, the PSEA plan will include the Executive Director and a PSEA representative appointed by the Board of Directors annually. The PSEA rep could be the Chair of MCIC's Personnel Committee, the Chair of MCIC's Board of Directors, the Vice-Chair of the Board of Directors, or a member of the Personnel Committee.

The name of the PSEA member with current contact information is maintained on an ongoing basis and is accessible to all personnel, member agencies and partners/grantees.

MCIC shall provide a written copy of this policy to all personnel, member agencies, and partners/grantees and shall promote prevention and protection from sexual exploitation and abuse. MCIC shall ensure that personnel, member agencies receiving funds and all other grantees shall either: (a) sign an attestation stating they shall respect the PSEA policy, or (b) adopt their own policies and procedures to prevent sexual exploitation and abuse that shall be in keeping with the goals and objectives of the MCIC policy or CCIC Leader's Pledge.

Mechanism for Anonymous and Confidential Reporting

MCIC has established a mechanism for anonymous and confidential reporting and fair and confidential investigative procedures to respond to all allegations of sexual exploitation and abuse. These mechanisms and procedures are detailed in MCIC's PSEA action plan.

All SEA incidents must be reported immediately to the Executive Director and the PSEA rep, who are required to report critical incidents to the MCIC Board of Directors. In case of injury, the report must happen within 48 hours. The Manitoba Workplace, Safety and Health requirement is that any serious injury (loss of blood, limb, fractures, eyesight, or consciousness) is to be reported within 24 hours.

The Executive Director and the PSEA rep must undertake incident analysis after the immediate event has been dealt with to determine why the incident happened, whether it could have been prevented, and how it could be managed more effectively in the future.

Disciplinary Measures

Violation of this policy is a breach of the employment relationship and funding relationship. It is subject to progressive disciplinary action possibly leading to termination of employment or, in some cases, direct and immediate termination of employment.

Action taken may include:

- Employees - disciplinary action or dismissal.
- Volunteers, board members, interns – ending the relationship with MCIC

- Local partner organizations/grantees – withdrawing of funding/support and ending the relationship with MCIC
- Consultants/contractors – termination of contract
- Legal action and/or criminal prosecution – In any of the above situations, a report will be made to authorities in cases where violations involve a criminal offense or there is a requirement by law to report incidents of suspected or actual abuse.

Glossary/Definitions

Partners/Grantees: Any organization, agency or company which is an ultimate recipient of funds from MCIC for a development project. This includes member agencies and consultants.

Sexual Exploitation: Any actual or attempted abuse of 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 exploitation” is a broad term, which includes a number of acts described in the UN Glossary, including “transactional sex”, “solicitation of transactional sex” and “exploitative relationship”.

Sexual Abuse: Actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. All sexual activity with a child is considered as sexual abuse. A child/minor is defined as a person under the age of 18, regardless of the age of majority or age of consent locally. "Physical intrusion" is understood to mean "sexual activity". “Sexual abuse” is a broad term, which includes a number of acts described in the UN Glossary, including “rape”, “sexual assault”, “sex with a minor”, and “sexual activity with a minor”.

Protection from sexual exploitation and abuse (PSEA): The term used by the United Nations and non-governmental community to refer to measures taken to protect vulnerable people from sexual exploitation and abuse by their own staff and associated personnel.

Sexual harassment: Sexual harassment is *not* SEA. Conduct or behaviour of a sexual nature is considered SEA when this conduct or behaviour amounts to either sexual exploitation or sexual abuse. The definition of sexual harassment is broader and does not require a link to the work environment. It is defined as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment. *Comment: “Sexual harassment” has been included in the glossary to show the distinction between SEA and sexual harassment.*

See additional terms at “UN Glossary on Sexual Exploitation and Abuse” at <https://hr.un.org/materials/un-glossary-sexual-exploitation-and-abuse-english>

References

Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief.

<https://www.icrc.org/en/doc/resources/documents/publication/p1067.htm> and
<https://www.icrc.org/en/doc/assets/files/publications/icrc-002-1067.pdf>

SPHERE minimum standards <https://www.spherestandards.org/> and
<https://www.spherestandards.org/humanitarian-standards/core-humanitarian-standard/>

Inter-Agency Standing Committee Plan of Action on Protection from Sexual Exploitation and Abuse in Humanitarian Crises. <https://interagencystandingcommittee.org/iasc-senior-focal-points-sexual-exploitation-abuse-and-harassment/content/strategy-protection-and>

Minimum Operating Standards Protection from Sexual Exploitation and Abuse by own Personnel (MOS-PSEA). https://interagencystandingcommittee.org/system/files/3_minimum_operating_standards_mos-psea.pdf

Letter from Minister Bibeau to Canadian partners. https://international.gc.ca/world-monde/issues_development-enjeux_developpement/sexual_exploitation-exploitation_sexuels/ministers_letter-lettre_ministres.aspx?lang=eng

Global Affairs Canada expectations for reporting sexual exploitation and abuse in international assistance. https://international.gc.ca/world-monde/issues_development-enjeux_developpement/sexual_exploitation-exploitation_sexuels/expectations-attentes.aspx?lang=eng

Appendix A Reporting Form- Sexual Exploitation and Abuse Allegations in International Assistance

Instructions

Member organizations and grantees should use this form to report allegations of sexual exploitation and abuse (SEA) linked to MCIC-funded projects. If the information requested in the form is not available, leave that section blank.

Complete **Part A** at the time of the initial allegation. Complete **Part B** at the conclusion of the investigation or, in the case of a lengthy investigation, to provide an update.

Please fill out the “Reporting Form – Sexual exploitation and abuse allegations in international assistance” (available also at <https://international.gc.ca/gac-amc/assets/pdfs/forms-formulaires/gac-amc-3143e.pdf> or use this appendix

Privacy

To protect the privacy of victims, survivors, whistleblowers and alleged perpetrators, organizations should not provide any information that could identify the individuals involved. All information will be treated as private and confidential in accordance with the federal Privacy Act². In cases where MCIC must report the allegation to GAC, all information will also be handled in accordance with the Government of Canada’s Privacy Policy and the Personal Information Protection and Electronic Documents Act (PIPEDA).

The organization will be informed when this form is shared with GAC. For more information on PIPEDA or the Privacy Act visit <https://www.priv.gc.ca/en/privacy-topics/privacy-laws-in-canada/>.

This form can be emailed to: report@mcic.ca

<input type="radio"/> Original	<input type="radio"/> Amendment	Date (yyyy-mm-dd):	<input type="text"/>
--------------------------------	---------------------------------	--------------------	----------------------

Part A- Initial Allegation

1. Organization or Person Reporting the Allegation

Person

Name:

Position Title:

² <https://laws-lois.justice.gc.ca/eng/acts/P-21/>

Telephone No:

Email:

Organization

Name:

Address:

Telephone No:

Email:

2. Link to MCIC/FIT Funding

Project Name and Number:

Country:

Other information related to MCIC/FIT funding:

3. Victims / Survivor Information

Is the victim under 18 years of age?: Yes / No

If yes, please state age:

Gender:

Citizenship:

Is the victim/survivor an MCIC/FIT beneficiary (receiving any type of international assistance or humanitarian funding through project funding?): Yes / No

Has the victim/ survivor been referred to local support services?: Yes / No

If so, what assistance have they received?

4. Alleged Perpetrator Information

Citizenship:

Employment Status (Partner organization staff, local partner staff, volunteer, etc.):

Date of Alleged Incident (yyyy-mm-dd):

5. Summary of Allegation and Response

Type of incident

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

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

Brief description of allegation

Provide details on the allegation without disclosing or identifying either the survivor or the alleged perpetrator:

Organization's response:

What action has the organization taken?

What actions is the organization planning? Over what time period? (investigation, support to victim, etc.):

Is the incident a criminal act under local legislation? Yes / No / Unknown

Have local authorities been notified? Yes / No

Authority name(s):

What follow-up actions (if any) have these authorities taken?

Part B- Conclusion

Note: do not include information that could easily identify the victim or alleged perpetrator.

Briefly summarize the outcomes / recommendations of the investigation:

Identify decisions or follow- up actions taken:

Date (yyyy-mm-dd):

Global Affairs Canada's Statement on Sexual exploitation and abuse in international assistance

https://international.gc.ca/world-monde/issues_development-enjeux_developpement/sexual_exploitation-exploitation_sexuels/index.aspx?lang=eng

We expect recipients of Canadian funding to follow international best practices and to take appropriate measures to prevent and respond to sexual exploitation and abuse. The [Minister for International Development sent a letter](#) to all Canadian international assistance partners receiving Canadian funding in May 2018 describing these expectations

One of these expectations was for partners to have publicly available codes of conduct covering sexual exploitation and abuse. The department's [General Terms & Conditions for Contribution Agreements](#) require partner organizations signing a new contribution agreement for international development assistance to have or develop a publicly available Code of Conduct on prevention and response to sexual exploitation and abuse within six months of signing the agreement.

Our [guidelines on applying for International Humanitarian Assistance](#), outline how partners must align their codes of conduct with the Inter Agency Standing Committee's six core principles relating to sexual exploitation and abuse and the accompanying eight minimum operating standards.

As of September 1, 2019, we will require partner organizations to have a code of conduct to prevent and respond to sexual exploitation and abuse in place to apply for development and humanitarian funding.

We expect partner organizations to inform the department of any allegations arising in the delivery of Canadian international assistance. Multilateral partners will follow their specific protocols to report sexual exploitation and abuse. More information on this requirement, including the reporting form to use to report allegations of sexual exploitation and abuse, can be found in the [expectations for reporting sexual exploitation and abuse in international assistance](#).