

# **CARE International Policy on Protection from Sexual Exploitation and Abuse and Child Protection**

## **1. Introduction and Preamble**

CARE International (CI) places human dignity at the centre of its relief and development work. At the heart of CARE's efforts to impact poverty and social justice is its engagement with marginalised communities, and vulnerable adults and children.

Vulnerable adults and children are particularly at risk of sexual exploitation and abuse. This policy defines CARE International's commitment to the protection from sexual exploitation and abuse (PSEA) of vulnerable adults, involving CARE Employees and Related Personnel. In recognition of the special vulnerability of children, this policy also affirms CARE's commitment to the welfare and protection from sexual exploitation and all forms of abuse of children, involving CARE Employees and Related Personnel.

CARE International has a zero tolerance toward sexual exploitation and abuse and child abuse. CARE International takes seriously all concerns and complaints about sexual exploitation and abuse and child abuse involving CARE Employees and Related Personnel. CARE initiates rigorous investigation of complaints that indicate a possible violation of this policy and takes appropriate disciplinary action, as warranted.

## **2. Scope of Application**

This policy applies to all CARE Employees and Related-Personnel.

## **3. Definitions**

### **3.1 Children and vulnerable adults**

A child is any individual under the age of 18, irrespective of local country definitions of when a child reaches adulthood.<sup>1</sup>

Vulnerable adults are defined as:

- those aged over 18 years and who identify themselves as unable to take care of themselves/protect themselves from harm or exploitation; or
- who, due to their gender, mental or physical health, disability, ethnicity, religious identity, sexual orientation, economic or social status, or as a result of disasters and conflicts, are deemed to be at risk.

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<sup>1</sup> Definition of child from the InterAgency Standing Committee (IASC) Guidelines to implement Minimum Operating Standards for Protection from Sexual Exploitation and Abuse by UN and non-UN Personnel, March 2013.

### 3.2 Sexual Exploitation<sup>2</sup>

Sexual exploitation means any actual or attempted abuse of 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.

### 3.3 Sexual Abuse

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

### 3.4 Child Exploitation and Abuse (involves one or more of the following)

#### a. Physical abuse

Physical abuse occurs when a person purposefully injures or threatens to injure a child or young person. This may take the form of slapping, punching, shaking, kicking, burning, shoving or grabbing. The injury may take the form of bruises, cuts, burns or fractures.

#### b. Emotional abuse

Emotional abuse is inappropriate verbal or symbolic acts toward a child or a pattern of failure over time to provide a child with adequate non-physical nurture and emotional availability. Such acts have a high probability of damaging a child's self-esteem or social competence.

#### c. Neglect

Neglect is the failure to provide a child (where they are in a position to do so) with the conditions that are culturally accepted as being essential for their physical and emotional development and well-being.

#### d. Child Sexual Abuse

Child sexual abuse is the involvement of a child in sexual activity that s/he does not fully comprehend, give informed consent to, or for which s/he is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society. It is evidenced by an activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person. It may include, but is not limited to, the inducement or coercion of a child to engage in any unlawful sexual activity, the exploitative use of a child in prostitution or other lawful sexual practices or the exploitative use of pornographic performances and materials.

#### e. Grooming

Grooming generally refers to behaviour that makes it easier for an offender to procure a child for sexual activity. It often involves the act of building the trust of children and/or their carers to gain access to children in order to sexually abuse them. For example, grooming includes encouraging romantic feelings or exposing the child to sexual concepts through pornography.

#### f. Online grooming

Online grooming is the act of sending an electronic message with indecent content to a recipient who the sender believes to be less than 18 years of age, with the intention of procuring the recipient to engage in or submit to sexual activity with another person, including but not necessarily the sender.

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<sup>2</sup> Definitions of "sexual exploitation" and "sexual abuse" from the United Nations Secretary General's Bulletin: Special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13).

### **3.5 Sexual Exploitation and Abuse**

Use of the term “Sexual exploitation and abuse” throughout this policy refers to children as well as vulnerable adults.

### **3.6 CARE Employees and Related Personnel**

The term “CARE Employees and Related Personnel” includes all employees of CARE International, CARE Members, CARE Affiliates and CARE Country Offices. The term also includes board members, volunteers, interns, and international and local consultants, in addition to individual and corporate contractors of these entities and related personnel. This includes non-CARE entities and their employees and individuals who have entered into partnership, sub-grant or sub-recipient agreements with CARE.

## **4. Background**

In December 2006, CARE International endorsed the “The Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN personnel”, including Standards to support progress made towards eliminating sexual exploitation and abuse by personnel. On the same occasion, CARE International reaffirmed its goal of achieving full implementation of the six Core Principles adopted in 2002 by the Inter-Agency Standing Committee (IASC) Working Group on Prevention and Response to Sexual Exploitation and Abuse. In March 2017, CARE International expanded its policy on protection from sexual exploitation and abuse to specifically incorporate the broader concerns on child abuse. These affirmations demonstrate the determination by CARE to prevent and respond to acts of sexual exploitation and abuse and child abuse by CARE Employees and Related-Personnel. The Core Principles and Statement of Commitment form the basis of this policy.

## **5. Core Principles<sup>3</sup>**

In order to protect the most vulnerable populations, particularly vulnerable adults and children, and to ensure the integrity of CARE International activities, the following six Core Principles must be adhered to:

- 5.1** Sexual exploitation and abuse and child abuse by CARE Employees and Related Personnel constitute acts of gross misconduct and are therefore grounds for termination of employment.
- 5.2** Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of the majority or age of consent locally. Mistaken belief in the age of the child is not a defence.
- 5.3** Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour by CARE Employees and Related Personnel is prohibited. This includes the exchange of assistance that is due to programme participants.
- 5.4** Sexual relationships between CARE Employees/Related Personnel and programme participants are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of CARE’s relief and development work.

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<sup>3</sup> The six Core Principles are from the UN Secretary-General’s Bulletin on Special Measures for Protection from Sexual Exploitation and Abuse (ST/SGB/2003/13). They have been modified by CARE International to refer to child abuse and “CARE Employees and Related Personnel”.

- 5.5** Where a CARE Employee or Related Personnel develops concerns or suspicions regarding sexual abuse or exploitation and child abuse by a fellow worker, whether in CARE or not, he or she must immediately report such concerns via the established agency reporting mechanisms.<sup>4</sup>
- 5.6** CARE Employees and Related Personnel are obliged to create and maintain an environment that prevents sexual exploitation and abuse and child abuse and promotes the implementation of this Policy. CARE Managers at all levels have particular responsibilities to support and develop systems, which maintain this environment.

## **6. Commitments<sup>5</sup>**

CARE International is dedicated to fulfilling the six Core Principles through implementation of the following Commitments. This includes time-bound, measurable indicators of progress to enable all entities of CARE International, and others, to monitor CARE's performance.

- 6.1** Develop organization-specific strategies to prevent and respond to sexual exploitation and abuse and child abuse, including incorporating appropriate job responsibilities (such as staff training, complaints and response mechanisms, and coordinating high-level oversight and progress reports by directors) in specific staff positions to support and ensure effective implementation of organization strategies to prevent and respond to sexual exploitation and abuse.
- 6.2** Undertake risk assessments to identify areas of risks and document steps that are being taken to remove or reduce these risks.
- 6.3** Incorporate CARE's standards on sexual exploitation and abuse and child protection in relevant codes of conduct and in induction materials and training courses for CARE Employees and Related Personnel, including specific provisions for child sexual exploitation and abuse.
- 6.4** Ensure that when engaging in partnerships, sub-grant or sub-recipient agreements, these agreements a) incorporate this Policy as an attachment; b) include the appropriate language requiring such contracting entities and individuals, and their employees and volunteers to abide with a Code of Conduct that is pursuant to the standards of this Policy; and c) expressly state that the failure of those entities or individuals, as appropriate, to take preventive measures against sexual exploitation and abuse and child abuse, to investigate and report allegations thereof, or to take corrective actions when sexual exploitation or abuse or child abuse has occurred, shall constitute grounds for CARE to terminate such agreements.
- 6.5** Regularly inform CARE Employees and Related Personnel and communities on measures taken to prevent and respond to sexual exploitation and abuse and child abuse. Such information should be developed and disseminated in-country in cooperation with other relevant agencies and should include details on complaint mechanisms, the status and outcome of investigations in general terms, feedback on actions taken against perpetrators, and follow-up measures taken as well as assistance available to complainants and survivors. Any information that is not of a general nature and concerns specific cases must respect confidentiality for all parties involved, including the survivor and family, employee or related personnel, and the ongoing investigation process, particularly where there are legal implications.

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<sup>4</sup> The established complaints mechanism may at times be an internal CARE mechanism however CARE is also committed to participating in inter-agency community based complaints mechanisms in humanitarian contexts and therefore inter-agency complaints mechanisms may be the established system in some contexts.

<sup>5</sup> The Commitments are based on the Statement of Commitment Relating to Sexual Exploitation and Abuse by UN and non-UN Personnel, August 2008.

- 6.6 Engage the support of communities and governments to prevent and respond to sexual exploitation and abuse and child abuse by CARE Employees and Related Personnel.
- 6.7 Ensure that complaint mechanisms for reporting sexual exploitation and abuse and child abuse are accessible and that CARE focal points for receiving complaints understand how to discharge their duties. This should include a documented reporting procedure in a relevant local language for sexual exploitation and abuse and child abuse allegations and policy for non-compliance in, including available sanctions for breaches.
- 6.8 Provide support and assistance to complainants of sexual exploitation and abuse or child abuse. This may include medical treatment, legal assistance and psychosocial support as appropriate and according to the wants and needs of the survivor whilst also taking account of confidentiality, cultural sensitivities and survivor safety.
- 6.9 In compliance with applicable laws, prevent perpetrators of sexual exploitation and abuse and child abuse from being (re)hired or (re)deployed. Managers and Human Resource teams must ensure robust recruitment screening processes for all personnel, *particularly for personnel who will have any direct or indirect contact with children*. This could include use of background and criminal reference/ record checks, verbal referee checks, and interview plans that incorporate behavioural-based interview questions.
- 6.10 Investigate allegations of sexual exploitation and abuse and child abuse in a timely and professional manner. This includes the use of appropriate interviewing practices with complainants and witnesses, particularly with children. Engage professional investigators or secure investigative expertise as appropriate.
- 6.11 Take swift and appropriate action, including legal action when required, against CARE Employees and Related-Personnel who commit sexual exploitation and abuse and child abuse. This may include administrative or disciplinary action, and/or referral to the relevant authorities for appropriate action, including criminal prosecution, in the abuser's country of origin as well as the host country.
- 6.12 Take appropriate actions to the best of CARE's abilities to protect persons from retaliation where allegations of sexual exploitation and abuse or child abuse are reported involving CARE Employees or Related Personnel.
- 6.13 Ensure high-level oversight and information systems on sexual exploitation and abuse and child abuse reports received and actions taken, in order to monitor effectiveness, report progress and improve efforts to prevent and respond to sexual exploitation and abuse and child abuse.

## **7. CARE Employee and Related Personnel Standards**

CARE International's capacity to achieve its vision and mission depends upon the individual and collaborative efforts of all CARE Employees and Related Personnel. To this end, all CARE Employees and Related Personnel must uphold and promote the highest standards of ethical and professional conduct and abide by CARE's policies. This policy sets the minimum standards to be followed by all CARE Employees and Related Personnel to protect programme participants and communities from sexual exploitation and abuse and child abuse by CARE Employees and Related Personnel.

The need for this policy flows from a recognition that our work often puts CARE Employees and Related Personnel in positions of power in relation to the communities we work with, especially vulnerable adults and children. CARE Employees and Related Personnel have an obligation to use their power respectfully and must not abuse the power and influence they have over the lives and well-being of the participants of CARE programs and others in the communities where CARE works.

These Standards apply to all CARE Employees and Related Personnel and are intended to provide an illustrative guide for employees and related personnel to make decisions that exemplify CARE's Code of Conduct and core values in their professional and personal lives. Any violation of these Standards is a serious concern and may result in disciplinary action, up to and including dismissal, in accordance with disciplinary procedures of each CARE International Member or Affiliate and applicable laws. All CARE Employees and Related Personnel must sign these standards. Employees and individuals of non-CARE entities that have entered into partnership, sub-grant or sub-recipient agreements with CARE may instead sign their employer's code of conduct and standards if they are consistent with these standards.

- 7.1** CARE Employees and Related Personnel will not request any service or sexual favour from participants of CARE programs, children or others in the communities in which CARE works, in return for protection or assistance, and will not engage in sexually exploitative or abusive relationships.
- 7.2** CARE Employees and Related Personnel will not exchange money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour. This prohibition against exchange of money for sex means CARE Employees and Related Personnel may not engage the services of sex workers.
- 7.3** CARE Employees and Related Personnel are strongly discouraged from having sex or engaging in sexual activities with program participants because there is an inherent conflict of interest and potential for abuse of power in such a relationship. If an employee engages in sex or sexual activities with a program participant, the employee must disclose this conduct to his /her supervisor for appropriate guidance. Failure to report such conduct may lead to disciplinary action pursuant to CARE's policies and procedures.
- 7.4** CARE Employees and Related Personnel must refrain from sexual activity with any person under the age of 18, regardless of the local age of consent, i.e. the local or national laws of the country in which the employee works. Ignorance or mistaken belief of the child's age is not a defence. Failure to report such a relationship may lead to disciplinary action pursuant to CARE's policies and procedures.
- 7.5** CARE Employees and Related Personnel will not support or take part in any form of sexual exploitative or abusive activities, including, for example, child pornography or trafficking of human beings.
- 7.6** CARE Employees and Related Personnel will treat all children with respect and not use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- 7.7** CARE Employees and Related Personnel will not hire children for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities or which places them at significant risk of injury.

- 7.8** CARE Employees and Related Personnel will protect, manage and utilise CARE human, financial and material resources appropriately and will never use CARE resources, including the use of computers, cameras, mobile phones or social media, to exploit or harass participants of CARE programs, children or others in the communities in which CARE works.
- 7.9** When photographing or filming a child for work-related purposes, CARE Employees and Related Personnel will:
- comply with local traditions or restrictions for reproducing personal images,
  - obtain informed consent from the parent or guardian of the child, before photographing or filming a child, explaining how the photograph or film will be used,
  - ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner,
  - ensure children are adequately clothed and not in poses that could be seen as sexually suggestive,
  - ensure images are honest representations of the context and the facts, and
  - ensure file labels do not reveal identifying information about a child.
- 7.10** CARE Employees and Related Personnel must immediately report any concerns or suspicions they have regarding possible violations of this Policy by a CARE Employee or Related Personnel via CARE's reporting mechanism. Employees and Related Personnel must report any such concerns even when the person who may be in violation of this Policy is Related Personnel, as previously defined, and not a CARE Employee.
- 7.11** CARE Employees and Related Personnel will prevent, oppose and combat all exploitation and abuse of children.
- 7.12** Wherever possible, CARE Employees and Related Personnel should work with another adult present when working with children.
- 7.13** CARE Employees and Related Personnel must immediately disclose charges, convictions and other outcomes of an offence that relates to child exploitation and abuse including those under traditional law.
- 7.14** Sensitive information related to incidents of sexual exploitation and abuse or child abuse whether involving colleagues, program participants or others in the communities in which CARE works shall be shared only with enforcement authorities and CARE agents and employees of the appropriate seniority or function who have a need to know such information. Breach of this policy may put others at risk and will therefore result in disciplinary procedures.
- 7.15** CARE Employees and Related Personnel must undertake to create and maintain an environment that promotes implementation of this policy.
- 7.16** Directors, managers and supervisors at all levels have particular responsibilities to support and develop systems that maintain an environment that facilitates implementation of this policy and which is free of sexual exploitation and abuse and child abuse.

## **8. Responsibilities**

### **8.1. All CARE Employees and Related Personnel**

All CARE Employees and Related Personnel share an obligation to prevent and respond to sexual exploitation and abuse and child abuse. It is the responsibility of all CARE Employees and Related Personnel to uphold the Core Principles and Commitments of this policy along with the Standards for CARE Employees and Related Personnel. All CARE Employees and Related Personnel must sign the Standards. CARE Employees and Related Personnel, who work with communities concerned, will also contribute to regular monitoring by seeking feedback from programme participants.

### **8.2. Senior Managers, Supervisors and Human Resource Managers**

Senior Managers, Supervisors and Human Resource Managers must ensure that all CARE Employees and Related Personnel understand and comply with this policy and sign the Standards for CARE Employees and Related Personnel. Human Resource Managers are also responsible for robust recruitment, induction and training, whilst Senior Managers and Supervisors are responsible for performance management to prevent sexual exploitation and abuse and child abuse.

### **8.3. Country Directors/Representatives/CARE senior leadership in any country/region**

Country Directors or representatives must provide clear guidance and demonstrate how the organisation, across its operations, will ensure that vulnerable adults and children are protected from sexual exploitation and abuse in the delivery of projects and programmes in-country. Country Directors must ensure that culturally appropriate community-based complaint mechanisms are developed, implemented, and monitored and reviewed for effectiveness. This includes awareness-raising with program participants and CARE Employees and Related Personnel about protection from sexual exploitation and abuse and child abuse and how to use the complaints mechanism. Country Directors will also ensure that complaints handling and investigation procedures are enacted, along with appropriate employee disciplinary procedures as necessary. Country Directors are responsible for the provision of appropriate survivor assistance.

### **8.4. CARE International Members and Affiliates**

CARE Members and Affiliates will ensure this policy is reflected in their own codes of conduct.

CARE Members and Affiliates are responsible for defining workplans and procedures to uphold and operationalize this policy. Members and Affiliates must have in place complaints and investigation procedures and employee disciplinary procedures which complement and support Country Office procedures.

CARE Lead Members will provide the necessary support to Country Offices to ensure Country Offices have in place complaints mechanisms, investigations procedures, survivor assistance support, and guidelines for monitoring, review and reporting against this policy.



## **8.5. CARE International Secretariat**

The CARE International Secretariat will coordinate oversight of this policy in collaboration with CARE Member focal points, and review and update according to the timeframe specified in the policy. The CARE International Secretariat will monitor and report against this policy utilising standardised data for global accountability.

## **9. Associated Policies**

This policy is complementary to the set of standards of behaviour that all CARE employees are required to adhere to in the CARE International Code of Conduct and Code of Ethics and any further codes or related policies defined by CARE Members, Affiliates and Country Offices.

This Policy is also a response to CARE's accountability to the communities it works with and is therefore to be operationalized as part of the broader CARE International Accountability Framework.