

CARE International Policy on Prevention and Response to Sexual Exploitation and Abuse¹

(Final version as approved by the CI Board Executive Committee in September 09.)

CARE International places human dignity at the centre of its relief and development work. CI takes seriously all concerns about sexual exploitation and abuse¹ and complaints about them brought to our attention. CI initiates rigorous investigation of complaints that indicate a possible violation of this Policy on Prevention and Response to Sexual Exploitation and Abuse (“PSEA Policy” or Policy”) and takes appropriate disciplinary action, as warranted. This policy applies to complaints of sexual exploitation and abuse involving CARE Employees and Related-Personnel.²

Background

We publicly affirmed the determination of all members of the CARE family (CARE International and all members or affiliates of the CI Federation and their country offices, collectively referred to as “CARE”) to prevent acts of sexual exploitation and abuse by CARE Employees and Related-Personnel when we signed the Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN personnel in December 2006. On the same occasion, we reaffirmed our goal of achieving full implementation of the six core principles adopted in 2002 by the Inter-Agency Standing Committee Task Force on Prevention and Response to Sexual Exploitation and Abuse.

Core Principles

The Core Principles provide that:

- *Sexual exploitation and abuse by humanitarian workers are acts of gross misconduct and are therefore grounds for termination of employment.*
- *Sexual activity with children (persons under the age of 18) is prohibited regardless of the local age of consent, i.e. the local or national laws of the country you are working in. Ignorance or mistaken belief in the age of the child is not a defence.*
- *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 participants.*
- *Sexual relationships between CARE employees and participants of CARE’s programs 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.*
- *When a CARE employee develops concerns or suspicions regarding sexual exploitation or abuse by a CARE Employee or Related-Personnel s/he must report such concerns via the established reporting procedures of the appropriate CARE entity.*
- *CARE employees are obliged to create and maintain an environment that prevents sexual exploitation and abuse and promotes the implementation of this Policy. CARE Managers at all levels have particular responsibilities to support and develop systems that maintain this environment.*

¹ As per the UN Secretary General’s bulletin (ST/SGB/2003/13), **Sexual Exploitation** is defined as the abuse of a position of vulnerability, differential power, or trust for sexual purposes; this includes profiting monetarily, socially or politically from the sexual exploitation of another. **Sexual abuse** is defined as the actual or threatened physical intrusion of a sexual nature, including inappropriate touching, by force or under unequal or coercive conditions.

² We define “CARE Employees and Related Personnel” broadly to include all employees of CI, CI Members or affiliates and their country offices, and board members, volunteers, interns, international and local consultants as well as individual and corporate contractors of these entities and related personnel, such as non-CARE entities, and their employees, and individuals who have entered into partnership, subgrant or subrecipient agreements with CARE.

Commitments

Managers and supervisors must ensure that all CARE Employees and Related-Personnel understand and comply with this Policy and its Core Principles. To aid in implementing this Policy and in educating CARE Employees and Related-Personnel, CARE International and its managers and supervisors commit to:

1. Develop organization-specific strategies to prevent and respond to sexual exploitation and abuse.
2. Incorporate our standards on sexual exploitation and abuse in induction materials and training courses for our employees and in other relevant organizational codes of conduct.
3. Incorporate appropriate job responsibilities (such as staff training, complaints and response mechanisms, coordinating high-level oversight and progress reports) in specific staff positions to support and ensure effective implementation of organizational strategies to prevent and respond to sexual exploitation and abuse.
4. In compliance with applicable laws and to the best of our abilities, prevent perpetrators of sexual exploitation and abuse from being rehired or redeployed by CARE. This could include use of background and criminal reference checks.
5. Establish and ensure that complaint mechanisms for reporting sexual exploitation and abuse are accessible, particularly to participants of CARE programs, and that CARE focal points for receiving complaints understand how to discharge their duties.
6. Take appropriate action to the best of our abilities to protect persons from retaliation when allegations of sexual exploitation and abuse are made in good faith.
7. Investigate allegations of sexual exploitation and abuse involving CARE Employees in a timely and professional manner, and to the best of our ability encourage Related Personnel to do the same. This includes the use of appropriate interviewing practices with complainants and witnesses, particularly with children. Engage professional investigators or secure investigative expertise as appropriate.
8. Take swift and appropriate action, including legal action when required, against CARE Employees and Related-Personnel who commit sexual exploitation and 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.
9. Provide basic emergency assistance (medical, legal) and basic psychosocial support as appropriate and feasible to complainants of sexual exploitation and abuse.
10. Create and maintain mechanisms to systematically educate CARE Employees and Related-Personnel and the communities we serve on measures taken to prevent and respond to sexual exploitation and abuse.
11. Ensure that when engaging in partnership, subgrant or subrecipient 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 comply with 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, to investigate allegations thereof, or to take corrective actions when sexual exploitation or abuse has occurred, shall constitute grounds for CARE to terminate such agreements.
12. Ensure high level oversight and information systems on SEA reports received and actions taken in order to monitor effectiveness, report progress and improve efforts to prevent and respond to sexual exploitation and abuse.
13. Engage the support of communities and governments to prevent and respond to sexual exploitation and abuse.
14. Undertake a review of CARE International's policy to prevent and respond to sexual exploitation and abuse at least every five years.

Employee Standards

CARE International's capacity to achieve its vision and mission depends upon each and every one of us in the CARE family, individually and collectively. To this end, all employees of CARE must uphold and promote the highest standards of ethical and professional conduct and abide by CARE's policies. This PSEA Policy sets the minimum standards to be followed by all CARE employees. Each CI member or affiliate is encouraged to strive for more effective standards and define their own strategies and procedures to uphold this PSEA Policy and the Core Principles on which it is based.

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

These Standards apply to all CARE Employees and are intended to provide an illustrative guide for employees to make ethical decisions in their professional and personal lives. Any violation of these Standards is serious a 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.

1. Employees 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 relationships.
2. Employees 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 may not engage the services of sex workers while on CARE business, including on CARE premises or accommodation, or while travelling to/from or attending workshops, meetings and trainings, regardless of the local or national law concerning sex work or prostitution in the country.
3. Employees 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.
4. Employees 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 defense. Failure to report such a relationship may lead to disciplinary action pursuant to CARE's policies and procedures.
5. Employees 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.
6. Employees must report any concerns or suspicions they have regarding possible violations of this SEA Policy via CARE's reporting mechanism.³ Employees must report any such concerns via CARE established reporting procedures even when the person who may be in violation of this Policy is Related Personnel, as previously defined, and not a CARE employee.
7. Sensitive information related to incidents of sexual exploitation and 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.
8. Employees must undertake to create and maintain an environment that promotes implementation of this Policy.
9. 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 exploitation and abuse.

³ Every office of CARE International is required to establish appropriate reporting mechanisms and disseminate the same to its entire staff. For example, CARE USA encourages its employees to report wrongful conduct of an employee to a supervisor, manager at a higher level, Internal Audit, or the Office of General Counsel. In addition to that, CARE USA has established an additional reporting mechanism for employees called the reporting hotline.