

405 TFDE Prevention of Sexual Exploitation and Abuse (PSEA) Policy

Organizational Scope

This policy applies to all Tearfund Germany (TFDE) staff, volunteers, consultants and contractors. The purpose of this policy is to provide a safe environment free of sexual exploitation and abuse in all locations TFDE implements programs. TFDE recognizes that sexual exploitation and abuse harms the very people we are mandated to protect and is one of the most serious breaches of accountability. TFDE staff shall seek to live a life according to Christian values.

Principles (Inter-Agency Standing Committee (IASC) Core Principles

TFDE sets forth the Principles (Inter-Agency Standing Committee (IASC) Core Principles) below. TFDE requires that its personnel comply with these Principles. In some instances, TFDE's policies are more stringent and are set forth herein if such cases.

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 age of consent locally. 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 as they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work. [TFDE, however, as a matter of policy, prohibits sexual relationships between humanitarian aid workers and beneficiaries].
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 within Policy

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 abuse—actual or threatened physical intrusion of a sexual nature, whether by force, coercion or under unequal conditions.

Humanitarian worker— all workers engaged by humanitarian agencies, whether internationally or nationally recruited or formally or informally retained from the beneficiary community, to conduct the activities of that agency.

Personnel— all humanitarian workers carrying out TFDE business, volunteering with TFDE, or obligated to fulfill duties for which TFDE has contracted. This includes TFDE employees, volunteers, consultants, secondees, visitors, Board Members and members of organizations which are partnering with TFDE on programs or projects. Definition as “personnel” herein is not an admission that a person is an employee of TFDE.

Policy Content and Guidelines

TFDE is committed to the protection and welfare of those we serve, and we uphold the Resolution adopted by the General Assembly 63/214 of the United Nations and the IASC principles defined above. TFDE has an obligation and duty of care for the men, children, and women involved in our programs and will not tolerate sexually abusive or exploitative acts by any associated personnel.

All personnel are required to uphold this policy and to immediately report any violations of it. TFDE has a duty to ensure that allegations of sexual exploitation and abuse are investigated and that appropriate disciplinary measures are taken. Acts of sexual exploitation and abuse will result in disciplinary action, including dismissal from employment if the personnel is an employee and removal from duties and dismissal from one’s humanitarian worker role with TFDE if personnel is other than an employee.

With a zero-tolerance policy for exploitative and abusive relationships, TFDE personnel are strictly prohibited from engaging in:

- Any act of sexual abuse and exploitation, or other form of sexually humiliating, degrading or exploitative behaviour.
- Any type of sexual contact with children under the age of 18 (mistaken belief of age being is not a legitimate defense) – please see *Child Protection Policy*.
- Use of children or adults to procure sexual services for others.
- Exchange of money, employment, goods, or services for sex with prostitutes or others.
- Any sexual favour in exchange of assistance provided to beneficiaries of such assistance, such as food, access to services, or other items provided to beneficiaries.
- Visits to places of prostitution or places which are declared off-limits.
- Any sexual contact with or intimate relationships with TFDE beneficiaries.

Commitments

Managers and supervisors must ensure that all TFDE personnel understand and comply with this policy and the Core Principles, as well as the related standards of conduct and supporting policies. To implement this policy and ensure the protection and welfare of those we serve, TFDE and its managers and supervisors commit to:

1. Develop organization-specific strategies **to prevent** sexual exploitation and abuse.
 - a. Incorporating PSEA training in induction materials for new personnel within the first two months of start date.
 - b. Conducting criminal background checks on all new personnel.
 - c. Conducting yearly PSEA refresher training for all personnel and report documentation of annual training programs for all program staff by Country Representatives.
 - d. Conducting regular awareness sessions for project beneficiaries regarding PSEA, that services provided by TFDE are free, and to clearly communicate reporting mechanisms.
 - e. Incorporating responsibilities to ensure effective implementation of PSEA strategies in specific personnel roles (such as staff training, coordinating yearly high-level review and progress report of PSEA strategies).
 - f. Conducting managerial level oversight of Sexual Abuse Reports received and actions taken to monitor effectiveness, report progress, and improve efforts to prevent and respond to sexual exploitation and abuse.
 - g. Reviewing and revising as necessary TFDE's PSEA policies every five years.

2. Develop organization-specific strategies to **respond** to incidences of sexual exploitation and abuse. This includes:
 - o Establishing clear complaint and response mechanisms in all program locations with designated focal point. TFDE has provided such mechanisms through its Whistle-Blower Policy and Child Protection Policy.
 - o Conducting yearly refresher PSEA training for focal points.
 - o Taking immediate and appropriate action to protect persons who report violations of sexual exploitation and abuse.
 - o Providing necessary and appropriate assistance to all victims, in accordance with their wishes and the recommendations of trained professionals. Taking action to protect persons from retaliation when allegations of sexual exploitation and abuse are made in good faith.
 - o Investigating allegations of sexual exploitation and abuse involving TFDE personnel in a timely and professional manner. This includes the use of confidential, safe and appropriate interviewing practices with complainants and witnesses, especially children, and engaging professional investigators or external expertise when necessary.

3. 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 TFDE.

4. Ensure all partnership agreements:
 - a. incorporate this Policy as an attachment or provide proof of their own PSEA policy;
 - b. include the appropriate language requiring 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 TFDE to terminate such agreements.

5. Engage the support of communities and governments to prevent and respond to sexual exploitation and abuse.

Personnel Standards

TFDE affirms that the capacity to achieve our vision and mission depends upon each of us, individually and collectively. To this end, all TFDE personnel must uphold and promote the highest standards of ethical and professional conduct and abide by TFDE’s policies. At all times, TFDE personnel must treat the local communities, staff of partner organizations and their colleagues with respect and dignity.

The need for this Policy flows from a recognition that our work often puts TFDE personnel 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 TFDE works.

This policy establishes the standards to be followed by all TFDE personnel. Any violation of this policy is serious misconduct and may result in disciplinary action, up to and including dismissal from employment/duties, in accordance with disciplinary procedures of TFDE, or its partners or affiliates, and applicable laws.

References (if used)

Policy adapted from TFUS.

Approval Dates

This policy was updated / approved on: 12 May 2020
 This policy was updated / approved on: 07 July 2017
 This policy will be reevaluated on: Q4 2022

Policy Contact Person

Contact the HR manager at personnel@tearfund.de

Revision Log	
Date	Description
12 May 2020	Update due to name change, policy remains effective without changes
07 July 2017	Policy updated to include information from WR US PSEA policy
01 October 2014	Policy updated to include WRG logo and name
04 July 2012	Policy created and approved