



misean cara
Mission Support from Ireland

Prevention of Sexual Exploitation, Abuse & Harassment Policy

February 2021

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1. POLICY MANAGEMENT

Audience:	All Mísean Cara Employees and Related Personnel (Staff, Board of Directors, Committee Members, Mentors, Interns, Volunteers, Consultants, and Contractors).
Title:	Mísean Cara Protection from Sexual Exploitation, Abuse & Harassment (PSEAH) Policy
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2. INTRODUCTION

Misean Cara (MC) is a faith-based development organisation of 88 Irish religious congregations and lay missionary organisations working in over 50 countries. Our Members live and work long-term with marginalised and vulnerable local communities in some of the world's most impoverished and disadvantaged regions in the areas of education, health including HIV/AIDS, income generation, environmental sustainability, and human rights.

MC provides a range of supports for the international development work of our Members. We access and distribute funding for high quality development initiatives, providing oversight through monitoring, evaluation, and audit. We support the enhancement of member capacity to deliver significant results through mentorship, research, learning and development activities and quality support.

Our Members' holistic approach to eliminating poverty targets the root causes of social inequalities through locally appropriate and context specific responses. In partnership with local communities, and other international and national agencies, this work continues to make a difference to the lives of the poorest. Misean Cara is governed by a Board of Directors elected by our Members and is committed to implementing sector best practice to ensure that our processes and work are safe, effective, robust, and transparent.

3. SCOPE & PURPOSE

Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH) is a term used by the international humanitarian and development sector to refer to measures taken to protect the people and communities we support from sexual exploitation, abuse and harassment perpetrated by our own Employees and Related Personnel. A list of definitions relating to PSEAH is provided in **Annex A**.

Whilst Misean Cara supports its Employees and Related Personnel's right to a private life outside of their working responsibilities, it is also important to recognise that there are ways in which conduct outside of work can severely impact the integrity and reputation of the organisation. For this reason, the requirements set out in this policy apply at all times, including when representing Misean Cara either within Ireland or internationally.

This policy applies to conduct by Misean Cara Employees and Related Personnel in relation to the people with whom Misean Cara interacts, especially project participants and communities we support.

This policy does not cover sexual exploitation, abuse, harassment or bullying in the workplace between Misean Cara Employees or Related Personnel. For these, please refer to Misean Cara's Employee Handbook (see 'Associated Policies' section, page 6 for specific policies).

Our commitments relating to the safeguarding of children (under the age of 18) and vulnerable adults are documented in our Child and Vulnerable Adults Policy¹.

This policy includes:

1. Our commitment to preventing SEAH and to ensure effective action is taken when issues arise, or incidents occur.

¹ Available at: <https://www.miseancara.ie/safeguarding/>

2. Principles upon which we will base our decision making and actions.
3. Our expectations of Mísean Cara Employees and Related Personnel.

This policy adheres to international best practice and encompasses the following:

- ⇒ Inter-Agency Standing Committee Task Force on Prevention and Response to Sexual Exploitation and Abuse (2002)².
- ⇒ United Nations Secretary General’s Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse [ST/SGB/2003/13]³.
- ⇒ United Nations Secretary-General’s Bulletin Addressing Discrimination, Harassment, including Sexual Harassment, and Abuse of authority [ST/SGB/2019/8]⁴.
- ⇒ OECD DAC Recommendation on Ending Sexual Exploitation, Abuse, and Harassment in Development Co-operation and Humanitarian Assistance: Key Pillars of Prevention and Response (2019)⁵.

Mísean Cara is a signatory to the Dóchas Safeguarding Code⁶ and Dóchas Code of Conduct for Non-Governmental Development Organisations on Images and Messages⁷.

This policy document will be updated and reviewed every 2 years or sooner, if necessary, to account for changes to legislation and best practice.

Members & Member Partners

Mísean Cara is committed to working with our Members to further develop a culture of safety by developing their capacity and ensuring minimum standards are met. We will do this through the provision of support (including support as required and requested in developing their own PSEAH policies), accompaniment, and training mechanisms.

4. ASSOCIATED POLICIES

This Policy forms part of a suite of internal policies and procedures which make up Mísean Cara’s overall safeguarding framework. Therefore, it is complementary to, and should be read in conjunction with, the following:

- Child and Vulnerable Adults Safeguarding Policy
- Mísean Cara Employee Handbook which includes:
 - ⇒ Standards of Conduct
 - ⇒ Dignity at Work – Anti-Harassment and Sexual Harassment Policy
 - ⇒ Protected Disclosure (Whistleblowing) Policy

² Available at: <https://interagencystandingcommittee.org/inter-agency-standing-committee/iasc-six-core-principles-relating-sexual-exploitation-and-abuse>

³ Available at: <https://www.unhcr.org/en-ie/protection/operations/405ac6614/secretary-generals-bulletin-special-measures-protection-sexual-exploitation.html>

⁴ Available at: <https://undocs.org/pdf?symbol=en/ST/SGB/2019/8>

⁵ Available at: <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-5020>

⁶ Available at: https://www.dochas.ie/assets/Files/Dochas_Safeguarding_Code-v2.pdf

⁷ Available at: https://www.dochas.ie/assets/Files/Code_of_Conduct_on_Images_and_Messages.pdf

- ⇒ Complaints, Grievance & Disputes Policy
- ⇒ Disciplinary Policy
- ⇒ Information Technology, Internet & Email Policy
- ⇒ Data Protection Policy for Employees
- Data Protection Policy for the Organisation

5. STATEMENT OF COMMITMENT

Misean Cara has a zero-tolerance⁸ policy towards sexual exploitation, abuse, and harassment. We believe that all people have a right to live their lives free from sexual violence and any abuse of power regardless of age, sex or gender, sexual orientation, disability, religion, or ethnic origin. We recognise the unequal power dynamics that exist with the delivery of humanitarian and development aid and that we face the risk of some people exploiting their position of power for personal gain. Misean Cara will not tolerate its Employees or Related Personnel carrying out any form of sexual exploitation, abuse, or harassment. Misean Cara commits to supporting victims/survivors, improving safeguarding capacity, reporting and investigation, and the ongoing monitoring of implementation.

6. CORE PRINCIPLES ON PSEAH

Principle 1: Zero Tolerance of inaction

Sexual exploitation, abuse and harassment are never acceptable. For this Policy, Misean Cara defines zero tolerance as acting on every allegation in a fair and reasonable way with due regard for procedural fairness. Zero tolerance is not the same as zero incidents. Reports of incidents may increase as improvements to safeguards are made.

Principle 2: Preventing Sexual Exploitation, Abuse and Harassment is a shared responsibility

Preventing Sexual Exploitation, Abuse and Harassment is everyone's responsibility. Misean Cara requires the support, commitment, and investment of all its Employees and Related Personnel for this policy to be effective.

Principle 3: Victim/survivor needs are prioritised

Action to address SEAH should be underpinned by a "do no harm" approach prioritising the rights, needs, and wishes of the victim/survivor, while ensuring procedural fairness to all parties. This approach:

- treats the victim/survivor with dignity and respect
- involves the victim/survivor in decision making
- provides the victim/survivor with comprehensive information
- protects privacy and confidentiality
- does not discriminate based on gender, age, race/ethnicity, ability, sexual orientation, or other characteristics
- considers the need for support e.g., counselling and health services to assist the victim/survivor with their recovery.

Principle 4: Stronger reporting will enhance accountability and transparency

Misean Cara employees and Related Personnel are not only accountable to Misean Cara but also to the individuals and communities where our Members and their partners work. Stronger reporting allows Misean

⁸ See ANNEX A for definition.

Cara to better monitor PSEAH, understand risk, improve assurance and work with Members to improve systems, and safeguard accordingly.

Principle 5: Gender inequality and other power imbalances are addressed

Gender inequality and other imbalances based on the distinctions of worker/student, ability/disability, ethnic and indigenous status, religion, gender identity and sexual orientation, age, health, and poverty can also result in sexual exploitation, abuse and harassment. The intersection of gender with other forms of inequality can further increase the likelihood of SEAH occurring. Engagement with project participants, their families and communities should be based on respect for diversity, promotion of gender equality and social inclusion, accountability and a strong “do no harm” focus.

7. DEVELOPING & MAINTAINING A SAFER CULTURE

Safer Recruitment:

Misean Cara follows legislative requirements and best practice guidance in the recruitment and selection of all Employees and Related Personnel and in assessing suitability. This includes embedding safeguarding and PSEAH measures throughout the recruitment process including planning and advertising, job description, interview, pre-appointment checks and references, declaration of suitability to work with children and vulnerable adults and criminal record checks (Garda vetting/Police Clearance) where relevant to the role.

Induction & Training:

Misean Cara Employees and Related Personnel will receive, as part of their safeguarding induction, training on PSEAH when they join the organisation, including a briefing on Misean Cara’s values and behaviours, policies, standards of conduct, information about how to report concerns, and advice about where to seek further information about safeguarding, PSEAH and safer practices across the organisation.

Misean Cara Employees and Related Personnel (excluding contractors and consultants) will receive annual training on PSEAH as part of their mandatory safeguarding training. Additional training will be provided for those with responsibility for receiving and handling complaints to ensure this is done in a safe and confidential manner.

Standards of Conduct:

Misean Cara’s PSEAH standards of conduct should be read in conjunction with Misean Cara’s Dignity at Work - Anti-Harassment and Sexual Harassment Policy. They are based upon the ‘Six Core Principles’ adopted by the Inter-Agency Standing Committee Task Force on Prevention and Response to Sexual Exploitation and Abuse (2002) and are as follows:

- 1.** Sexual exploitation and abuse by Misean Cara Employees and Related Personnel constitutes acts of gross misconduct and are, therefore, grounds for termination of employment or contract/agreement. Sexual harassment by Misean Cara Employees and Related Personnel is grounds for disciplinary action up to and including dismissal.
- 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.
- 3.** Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour by Misean Cara Employees and Related Personnel is prohibited at all times. This includes buying sex or the exchange of assistance that is due to project participants.

4. Any sexual activity between Misesan Cara Employees or Related Personnel and project participant's is forbidden. Such activity may be based on inherently unequal power dynamics and may undermine the credibility and integrity of Misesan Cara/our Members development and humanitarian work. Misesan Cara Employees and Related Personnel must declare any previously existing relationships with project participants to their line managers or HR Manager.
5. Where a Misesan Cara Employee or Related Personnel develops concerns or suspicions regarding sexual exploitation, abuse or harassment by a fellow worker, whether in Misesan Cara or not, he or she must immediately report such concerns via the established reporting mechanisms.
6. Misesan Cara Employees and Related Personnel are obliged to create and maintain an environment that prevents sexual exploitation, abuse and harassment and promotes the implementation of this Policy. Managers have responsibilities to support and develop systems which maintain this environment.

These standards of conduct are intended to provide an illustrative guide for Employees and Related Personnel to make decisions that exemplify Misesan Cara's 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 Misesan Cara disciplinary procedures and applicable legislation.

Safer Project Planning:

Misesan Cara Employees and Related Personnel are required to take proactive measures to avoid causing inadvertent harm and contribute to actively reduce existing threats. This includes ensuring that good practice and SEAH prevention measures are embedded within the project cycle including project design, risk assessment, proposals, complaints, and feedback mechanisms, and monitoring and evaluation.

Key Roles & Responsibilities:

Creating a safe working environment at Misesan Cara is **everyone's responsibility** and failure to act on concerns is not an option. The following sets out the responsibilities for Employees and Related Personnel:

- **Misesan Cara CEO and Board of Directors** hold overall accountability for this policy and its implementation. The CEO will provide necessary budget for PSEAH activities.
- **Safeguarding Advisor** holds lead responsibility for the development and delivery of the organisational safeguarding framework which includes all PSEAH activities. The Safeguarding Advisor is also responsible for reviewing and updating this policy in line with legislative and organisational developments, feedback, and lessons learned.
- **Managers** hold responsibility for promoting awareness of this policy with their teams across the organisation and for supporting the systems that create and maintain a positive and proactive PSEAH culture throughout the organisation. Managers will offer support to the Safeguarding Advisor to help implement this policy and prioritise PSEAH awareness raising for themselves and their team.
- **All Employees and Related Personnel** who work on behalf of Misesan Cara are required to report any suspicions of harm or incidences of abuse, exploitation, or harassment. Failure to report to a relevant person is a breach of this policy and could lead to disciplinary action being taken against employees and the termination of Misesan Cara's relationship with Related Personnel.

8. IMPLEMENTING THE POLICY

Risk Assessment & Management

Risk assessment assists with managing both health and safety issues, and the welfare of persons and communities with which we engage. It is important to consider potential risks and understanding how to control, manage and mitigate risk is critical. Not all risks can be avoided but with proper risk management the likelihood of harm can be significantly reduced.

Misean Cara will review implementation of its PSEAH policy and procedures annually to ensure it is being adequately implemented in 4 key areas:

- I. **Policy:** The Misean Cara PSEAH Policy is applied across the organisation and is easily accessible and fully understood by all Employees and Related Personnel.
- II. **Procedures:** Systems are in place to reduce the possibility of SEAH.
- III. **People:** Employees and Related Personnel are recruited, managed and work in an environment that addresses SEAH through support, training, information, and response.
- IV. **Accountability:** Systems are in place to receive and respond to concerns, and to recognise and limit risks.

Reporting a Complaint or Concern

Misean Cara Employees and Related Personnel have a responsibility to report any suspicion or concern of SEAH. They must raise their complaint or concern with their Line Manager or the Safeguarding Advisor at the earliest opportunity except in the case of internal complaints or concerns relating to sexual harassment between Employees and Related Personnel which should be reported to the Line Manager only (see Dignity at Work – Anti-Harassment and Sexual Harassment Policy in the Employee Handbook). Misean Cara Employees and Related Personnel must not investigate allegations or suspicions themselves.

Members should use the Misean Cara Incident Reporting Form⁹ when reporting a SEAH incident and this must be emailed to safeguarding@miseancara.ie.

Any individual (including any individual or community engaged in a Misean Cara funded project can also raise a concern by emailing safeguarding@miseancara.ie without fear of retribution.

Referral pathways for statutory and support services are outlined in Misean Cara's Child and Vulnerable Adult Safeguarding Policy¹⁰.

Retaliation against Complainants, Survivors and Witnesses

Misean Cara will take action against anyone, whether they are the subject of a complaint or not, who seek or carry out retaliatory action against complainants, victims/survivors or other witnesses. Employees may be subject to disciplinary action, up to and including termination of employment. Others who work with Misean Cara may have their relationship with Misean Cara terminated.

Complaints about Misean Cara Members & Member Partners

Where Misean Cara receives a SEAH complaint about a Member organisation or Member partner Misean Cara expects the Member to respond safely, quickly, and appropriately. Misean Cara will support the Member to

⁹ Available in the safeguarding section of the Members hub.

¹⁰ Available at: <https://www.miseancara.ie/safeguarding/>

ascertain its reporting obligations and where appropriate work with the Member to address the issue through an appropriate independent investigation. If the complaint or concern is substantiated, ongoing work with the Member cannot involve the individual(s) concerned. If there is reason to believe that an allegation of exploitation, abuse or harassment has been dealt with inappropriately by a Member, Misean Cara will follow the fundamental principle of fairness and due process however may seek to terminate the project contract, withdraw funding, request repayment as set out in Misean Cara funding contracts.

Receiving Complaints about External Organisations/Bodies

Safeguarding and SEAH concerns raised with Misean Cara about other organisations/bodies will be referred to the relevant organisations and authorities where safe to do so. Misean Cara will not investigate cases related to other organisations but does have an obligation to report.

Confidentiality

Information that identifies individuals involved in a complaint will be limited to essential personnel and will not be shared further without obtaining the informed consent of those involved, except if someone's life is at risk, a child is at risk, or as required by law in consultation with legal counsel and where safe to do so.

Information concerning children at risk who reside in the Irish State will be shared with the statutory authorities i.e., An Garda Siochana and Tusla as per legal requirements. Information concerning children at risk who reside outside the Irish State will be assessed and shared with local authorities where it is safe to do so and deemed to be in the child's best interests. Information may also be shared with An Garda Siochana for the purposes of combating online child sexual abuse, exploitation and trafficking.

All adults have a right to autonomy and self-determination, including the right to make decisions for themselves. Any intervention must consider a person's decision-making capacity and balance the person's inherent right to independence (where possible) and their right to protection. As such, information will not be shared without consent unless it is determined that the person lacks sufficient decision-making capacity to make that decision for themselves e.g., due to intellectual disability, mental illness etc¹¹.

Non-identifying information will be shared as per reporting requirements to donors.

Staff involved in the complaints process will be made aware of the importance of maintaining confidentiality and employees who breach confidentiality may be subject to disciplinary action up to and including termination of employment. Related Personnel who work with Misean Cara may have their relationship with Misean Cara terminated. In some cases, such breaches may constitute breaking the law.

¹¹ See definition of 'Vulnerable Adult' outlined on page 5 of Misean Cara's Child and Vulnerable Adult Policy

ANNEX A

Definition of Terms

Child	A person under the age of 18, regardless of the age of majority or age of consent locally.
Complainant	A person who brings an allegation of SEAH to the attention of Misesan Cara in accordance with established procedures. This person may be a SEAH survivor or another person who is aware of the wrongdoing.
Exploitative Relationship	A relationship that constitutes sexual exploitation, i.e., 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.
Gender- Based Violence	An umbrella term for violence directed toward or disproportionately affecting someone because of their actual or perceived gender identity. The term ‘gender-based violence’ is primarily used to underscore the fact that structural, gender-based power differentials around the world place women and girls at risk for multiple forms of violence. This includes acts that inflict physical, sexual, or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty, whether occurring in public or in private life. While women and girls suffer disproportionately from GBV, men and boys can also be targeted. The term is also used by some actors to describe targeted violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) populations, in these cases when referencing violence related to norms of masculinity/femininity and/or gender norms.
Grooming	Grooming is the process by which an adult establishes or builds a relationship with a child, either in-person or through the use of the Internet and related technologies, to facilitate online or offline sexual contact with the child.
Human Rights	Universal legal guarantees protecting individuals and groups against actions and omissions that interfere with fundamental freedoms, entitlements, and human dignity. They are inherent to all human beings and are founded on respect for the dignity and worth of each person. Human rights are expressed, promoted, and guaranteed by law, specifically through national laws, bilateral, regional, and international treaties, norms and standards, customary international law, general principles of law and other sources of international law.
Members and Member Partners	Members (as set out in Misesan Cara’s Constitution). In addition, their personnel which includes all employees, Board of Directors, volunteers, interns, consultants and contractors and any entities who have entered into partnership agreement (sub-granting) with a Member.
Misesan Cara Employees and Related Personnel	This includes all employees of Misesan Cara, Board of Directors, committee members, mentors, volunteers, interns, consultants, and contractors.
Perpetrator	A person (or group of persons) who commits an act of SEAH or other type of crime or offence.
Sex with a Minor	Sexual penetration of a person younger than 18. Sexual penetration includes the penetration of the vagina, anus, or mouth by the penis or

	other body part, and also includes the penetration of the vagina or anus by an object. Sexual penetration of a child is prohibited regardless of the age of majority or consent locally and is considered as sexual abuse. Mistaken belief in the age of a child is not a defence.
Sexual Abuse	Actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
Sexual Activity with a Minor	Sexual activity with a person younger than 18. All sexual activity with a child is prohibited regardless of the age of majority or consent locally and is considered as sexual abuse. Mistaken belief in the age of a child is not a defence.
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 Harassment	Any unwelcome conduct of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation, when such conduct interferes with work, is made a condition of employment, or creates an intimidating, hostile or offensive work environment. Sexual harassment may occur in the workplace or in connection with work. While typically involving a pattern of conduct, sexual harassment may take the form of a single incident. In assessing the reasonableness of expectations or perceptions, the perspective of the person who is the target of the conduct shall be considered.
Sexual Violence	Acts of a sexual nature against one or more persons or that cause such person or persons to engage in an act of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression, or abuse of power, or by taking advantage of a coercive environment or such person's or persons' incapacity to give genuine consent. Forms of sexual violence include rape, attempted rape, forced prostitution, sexual exploitation, and abuse, trafficking for the purpose of sexual exploitation, child pornography, child prostitution, sexual slavery, forced marriage, forced pregnancy, forced public nudity, forced virginity testing, etc.
Solicitation of Transactional Sex	Requesting transactional sex.
Subject (of an investigation)	A person or entity who/that is the focus of an investigation.
Survivor	Reference is made to the term "victim" above. 'Victim' is a term often used in the legal and medical sectors, while the term 'survivor' is generally preferred in the psychological and social support sectors to a person who has experienced sexual or gender-based violence because it implies resilience.
Transactional Sex	The exchange of money, employment, goods, or services for sex, including sexual favours other forms of humiliating, degrading or exploitative behaviour. This includes any exchange of assistance that is due to project participants.
Victim	Commonly understood, a person who is, or has been, sexually exploited or abused.
Violence against Women	Any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty,

	<p>whether occurring in public or in private life. Violence against women shall be understood to encompass, but not be limited to, the following:</p> <p>(a) Physical, sexual, and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation.</p> <p>(b) Physical, sexual, and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment, and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution.</p> <p>(c) Physical, sexual, and psychological violence perpetrated or condoned by the State, wherever it occurs.</p>
<p>Whistle-Blower</p>	<p>Any Employee or Related Personnel who reports sexual exploitation or abuse.</p>
<p>Zero Tolerance</p>	<p>At Misesan Cara we are committed to creating and nurturing an organisational culture of zero tolerance for Sexual Exploitation, Abuse & Harassment. This culture is based upon accountability, where rights are recognised, promoted, and protected and where violations are actively prevented. We will hold all personnel to account against the same standards and subject them to the same processes, as everyone else regardless of their position or reputation.</p>