



POLICY AGAINST
SEXUAL EXPLOITATION
AND ABUSE

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I. INTRODUCTION

IMPACT Initiatives (hereafter referred to as 'IMPACT') is a Swiss based Association and a sister organisation of ACTED. Independent, private and non-profit, IMPACT respects a strict political and religious impartiality, and operates following principles of neutrality, non-discrimination, transparency, according to its core values: responsibility, impact, enterprising-spirit and inspiration.

IMPACT is committed to shape practices and influence policies in humanitarian and development settings in order to positively impact lives of people and their communities. IMPACT aims to enable better and more effective decision making by generating and promoting knowledge, tools and practices for humanitarian and development stakeholders.

The commitment of IMPACT is guided by four core values:

- **Responsibility:** we contribute to the efficient and responsible delivery of aid with the means and the resources that have been entrusted to us.
- **Impact:** we are committed to promoting better aid practices and policies to support the communities and the people with whom we engage.
- **Enterprising-spirit:** we are enterprising and engage in our work with a spirit that creates value and overcomes challenges.
- **Inspiration:** we strive to inspire all those around us through our vision, values, approaches, choices, practice, actions and advocacy.

Policy statement

IMPACT adopts a zero tolerance approach approach towards sexual exploitation and abuse. IMPACT is committed to the prevention of sexual exploitation and abuse both within the organisation and within the framework of IMPACT programmes and IMPACT beneficiary populations.

To this end, IMPACT's Policy Against Sexual Exploitation and Abuse:

- Encourages prevention;
- Promotes detection;
- Sets out a clear investigation procedure;
- Sets out a mechanism of sanctions

This policy is aimed at guiding IMPACT staff and partners, and must be considered together with:

- IMPACT's Code of Conduct;
- IMPACT's Child Protection Policy;
- IMPACT's Data Protection;
- IMPACT's Conflict of Interest Prevention Policy;
- IMPACT's Grievance Policy;
- IMPACT's Anti-Fraud, Bribery and Corruption Policy;
- IMPACT's Anti-Terrorism Policy;
- IMPACT's procedures, manuals and handbooks e.g. Finance, Logistics, Human Resources, Grants Management;
- IMPACT's Security and Safety Manual;
- Code of Conduct for The International Red Cross and Red Crescent Movement and NGOs in Disaster Relief, of which IMPACT is a signatory;
- U.N. Inter-Agency Standing Committee (IASC) Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises.



The original Policy Against Sexual Exploitation and Abuse is in French. Any other versions are available for translation purposes only. In case of discrepancy between the French and any other version of the policy, the French version prevails.

II. INTERPRETATION AND APPLICATION

Article 1 – Scope of application

1. The policy applies to all IMPACT staff and governance members.
2. The provisions of this policy may also be applied to any person employed by an entity that carries out missions for IMPACT.
3. In particular, this policy applies to implementing partners depending on specific clauses and conditions of the grant agreement, suppliers, sub-grantees, beneficiaries (as victims), stakeholders, consultants, and other associated entities.

Article 2 – Definitions

1. **Sexual exploitation and abuse:** for the purposes of this policy, the term “sexual exploitation and abuse” includes:
 - sexual harassment,
 - abuse of power for the purpose of obtaining sexual favours,
 - rape,
 - sexual assault,
 - sexual relations with a minor,
 - paid sexual relations,
 - human trafficking sex-related.

- i. **Sexual harassment**

“Sexual harassment” is characterised by the repeated imposition of sexual comments or behaviours on a person that:

- are degrading because of their degrading or humiliating nature,
- or create an intimidating, hostile or offensive situation for the person concerned.

Any form of serious (even non-repeated) pressure with the real or apparent aim of obtaining a sexual act for the benefit of the perpetrator or a third party is considered as sexual harassment.

It is specifically prohibited to sexually harass any IMPACT staff or other entities referred to in Article 1 of this policy during or outside working hours.

Sexual harassment includes a large number of prohibited behaviours such as:

- physical assaults of a sexual nature, such as rape or sexual assault, attempts to commit such acts or physical intent such as touching, pinching, fondling or any other gesture against the body of another individual;
- sexual advances, sexual proposals or comments with sexual connotations such as equivocal gestures, noises, remarks, jokes or comments about a person’s sexuality or sexual experiences;



- preferential treatment or promise of preferential treatment in exchange for sexual favours from a person including solicitation only, or explicit request for sexual intercourse in exchange for any reward;
- intimidation, threats or barriers to career progression because of the gender of the person concerned;
- reprisals in response to a sexual harassment complaint.

ii. **Abuse of power for the purpose of obtaining sexual favours**

The “abuse of power to obtain sexual favours” is characterised by a sexual relationship imposed by force or by a relationship of social or economic dependence or subordination.

Any relationship with a minor will be considered as sexual exploitation or abuse.

Abuse of power to obtain sexual favours also includes rape and sexual assault.

iii. **Rape**

“Rape” is defined as any act of sexual penetration, of any kind, committed against another person, whether a minor or an adult, by violence, coercion, threat or surprise. Sexual penetration includes vaginal, anus or mouth penetration through the penis or any other part of the body, including penetration with an object.

iv. **Sexual assault**

“Sexual assault” is defined as any sexual assault committed against another person, whether a minor or an adult, by violence, coercion, threat or surprise.

v. **Sexual relation with a minor**

“Sexual relation” with a minor is defined as sexual penetration (as defined in iii) Rape) or sexual assault (as defined in iv) Sexual assault) against a minor under the age of 18.

Sexual relation with a minor is considered as sexual abuse.

Any sexual activity with a child is prohibited because of the age of majority and lack of consent. A child is defined as any person under 18 years old, in accordance with the United Nations Convention on the Rights of the Child. Not knowing the person’s age is not a valid defence.

vi. **Paid sexual relations**

“Paid sexual relations” is defined as the payment of a sum of money, an offer of employment, the provision of services in exchange for a sexual relationship or sexual favours for both minors and adults.

Solicitation alone is also prohibited.

vii. **Human trafficking sex-related**

“Human trafficking of a sexual nature” or procuring is defined as the recruitment, transportation, transfer or concealment of persons by the provision of means, threat or any other form of coercion, fraud or abuse of power or by taking advantage of the sexual activity of a minor or an adult.

2. **Governance:** Under the terms of this policy, the term “governance” refers to any person elected by decision making bodies to participate in the managerial and administrative bodies of IMPACT.
3. **Associated entities:** Under the terms of this policy, “associated entities” are legal persons under private or public law who play an active role in the implementation of the project but are not responsible for managing any budget.



4. **Implementing partners:** Under the terms of this policy, an “implementing partner” is a partner to whom the implementation of one or more projects or activities has been delegated, and to whom a budget has been allocated for this purpose. In particular, this refers to international NGOs and/or national NGOs and/or public institutions.
5. **Stakeholders:** Under the terms of this policy, “stakeholders” are individuals or groups, with or without a legal personality, who directly or indirectly, voluntarily or involuntarily, contribute to, participate in or benefit, in any way, from the actions, programmes and activities of IMPACT.
6. **IMPACT staff:** Under the terms of this policy, the term “IMPACT staff” refers to any person employed by IMPACT. The interns and volunteers of IMPACT are considered to fall within this category, for the purposes of this policy.
7. **Beneficiaries:** Under the terms of this policy, the term “beneficiary” refers to any person who benefits, directly or indirectly, from the programmes of IMPACT, including persons of concern such as survey respondents.
8. **Sub-grantee:** Under the term of this policy, a “sub-grantee” is an individual or a group, with or without legal personality, who receives a budget to carry out a project or activity.
9. **Supplier:** Under the term of this policy, a “supplier” is a third party, individual or group, with or without legal personality, who directly or indirectly provides any type of goods and/or services to IMPACT, whether for a fee or not.
10. **Consultant:** Under the term of this policy, a “consultant” is a third party, individual or group, with or without legal personality, who directly or indirectly provides any type of consulting services to IMPACT, whether for a fee or not.

Article 3 – Information and adherence to the policy

1. This policy is published under the authority of IMPACT. IMPACT staff, as well as the other entities referred to in Article 1 of this policy, are required to conduct themselves in accordance with this policy and must therefore be aware and have understood of its provisions and of any changes. When they are unsure of how to proceed, they should seek the advice of a competent person, notably their line manager.
2. IMPACT staff, as well as the other entities referred to in Article 1 of this policy, who are responsible to negotiate the terms and conditions of employment of any IMPACT staff, must ensure that staff is aware of and commits to the full respect of this policy.
3. It is the responsibility of IMPACT staff with managerial responsibilities, as well as the other entities referred to in Article 1 of this policy, to ensure that staff under their supervision comply with this policy; and to take or propose appropriate disciplinary measures as sanction against any violations of its provisions.
4. This policy shall form part of the working conditions of IMPACT staff and the conditions for the performance of the missions of the other entities referred to in Article 1 of this policy from the moment they certify that they have read it.
5. IMPACT will review the provisions of this policy at regular intervals.



Article 4 – Purpose of the policy

The purpose of this policy is to:

1. Implement the prevention, reporting and sanction mechanisms necessary to comply with the rules relating to prohibited sexual behaviours and applying to IMPACT staff as well as others entities referred to in Article 1 of this policy.
2. Define the rules relating to prohibited sexual behaviours that apply to IMPACT staff as well as others entities referred to in Article 1 of this policy.
3. Inform third parties of the conduct they are entitled to expect from IMPACT staff as well as others entities referred to in Article 1 of this policy.

III. GENERAL PRINCIPLES

Article 5 – Neutrality

IMPACT staff, as well as the other entities referred to in Article 1 of this policy, must fulfil their duties in a neutral and apolitical manner, in accordance with the law, legitimate instructions and ethical rules relating to their roles.

Article 6 – Impartiality

In the context of their professional roles and/or their missions, IMPACT staff, as well as the other entities referred to in Article 1 of this policy, must act in accordance with the law and exercise their discretionary power in an impartial manner, taking into consideration only relevant circumstances.

Article 7 – Confidence of stakeholders

IMPACT staff, as well as the other entities referred to in Article 1 of this policy, have a duty to conduct themselves at all times in a way that reflects and upholds IMPACT's values of integrity, impartiality and efficiency and contribute to strengthen the confidence of all stakeholders.

Article 8 – Hierarchical responsibility

IMPACT staff report to their immediate line manager and/or the head of their functional department, unless otherwise provided for by law.

Article 9 – Confidentiality

Duly considering the stakeholders' potential right to access information, IMPACT staff, as well as the other entities referred to in Article 1 of this policy, must process all the information and all the documents acquired during or as part of the exercise of their duties with the necessary confidentiality.

Article 10 – Protection of privacy

All the necessary measures must be taken to ensure that the privacy of IMPACT staff and of the other entities referred to in Article 1 of this policy, is appropriately respected; as a result, the declarations provided for this policy must remain confidential, unless otherwise provided for by law.



Article 11 – Information held

1. Considering the general framework of international law regarding access to information held by private individuals, IMPACT staff and the other entities referred to in Article 1 of this policy should disclose information only in respect to the rules and requirements applicable to IMPACT.
2. IMPACT staff and the other entities referred to in Article 1 of this policy must take appropriate measures to guarantee the security and confidentiality of the information for which they are responsible or of which they are aware.
3. IMPACT staff and the other entities referred to in Article 1 of this policy must not seek access to information which would be inappropriate for them to have. IMPACT staff must not make inappropriate use of the information they may obtain in or as part of the exercise of their duties.
4. In the same way, IMPACT staff and the other entities referred to in Article 1 of this policy must not retain professional information that may or should be legitimately circulated, or circulate information they know, or have reasonable grounds to believe, is inaccurate or misleading.

Article 12 – Responsibility of line managers

1. IMPACT staff in charge of supervising or managing other IMPACT staff must do so in accordance with the policies and objectives of IMPACT. They are responsible for responding to acts and omissions of staff under their supervision who violate these policies and objectives, and to take due diligence measures expected from a person in their position to prevent such acts or omissions.
2. IMPACT staff tasked with supervising or managing other IMPACT staff must take the necessary measures to prevent staff under their supervision from engaging in acts likely to generate sexual exploitation or abuse. These measures may be: to draw attention to and implement the laws and regulations; to ensure adequate training related to sexual exploitation and abuse; and to set an example of integrity through their personal conduct.

IV. MECHANISMS TO FIGHT SEXUAL EXPLOITATION AND ABUSE

Article 13 – Importance of prevention

Fully aware that sexual exploitation and abuse can be most effectively avoided by creating an organizational culture which rejects and effectively acts upon any form of sexual exploitation and abuse, IMPACT has a series of awareness modules and internal trainings available aimed at preventing and identifying sexual exploitation and abuse.

In parallel, IMPACT has developed a body of legal and practical procedures, notably through its Code of Conduct, re-asserting the need to respect the dignity of individuals.

Article 14 – Prevention and identification mechanism



Although, through its international actions, IMPACT is faced with the most diverse cultures and belief systems IMPACT fully upholds principles of freedom of speech and of protection of victims of sexual abuse and exploitation. As such, IMPACT has developed mechanisms that can contribute to prevent sexual exploitation and abuse such as:

- Signing of the Code of Conduct by the staff in order to clarify unacceptable behaviour and in particular sexual exploitation and abuse;
- Provision of information to IMPACT stakeholders on relevant existing mechanisms, including the CRM mechanism¹, and to ensure that the field teams maintain a respectful dialogue with beneficiaries;
- Implementation of trainings and awareness sessions in order to train and empower the teams, particularly for staff exposed to working with minors or the most vulnerable population;
- Identify risk factors on an ongoing basis and in particular throughout the project cycle;
- Put in place evaluation procedures for IMPACT partners by carrying out due diligence, particularly with regard to their ethical commitments and past behaviours.

Article 15 – Prohibition of all sexual exploitation and abuse

1. Any direct or indirect participation in sexual exploitation and abuse as defined in this policy is prohibited for IMPACT staff and the other entities mentioned in Article 1 of this policy.
2. Under no circumstances shall IMPACT staff and the other entities mentioned in Article 1 of this policy, take undue advantage of their professional position for their personal interest or to obtain a favour of a sexual nature.

Article 16 – Action to be taken in the event of sexual exploitation and abuse

1. In the case of sexual exploitation and abuse committed as part of an employment relationship:
 - If IMPACT staff believes that he or she is a victim of or witness to any of the conduct set out in Article 2 of this policy, he or she shall have a direct contact with the perpetrator in order to end such behaviour, unless the facts are not too serious to exclude such an approach.
 - If the inappropriate behaviour does not cease or if the employee is unable to address the perpetrator directly, he or she must report the facts in accordance with Article 17 of this policy.
 - It is advisable to note the day and time as well as details related to the facts and the names of any witnesses.
 - In any case, the HQ Head of Human Resources must be informed. If appropriate, the line manager and/or IMPACT Country Focal Point must also be informed of the facts in order to take appropriate measures and to conduct an internal investigation in a timely manner.
2. In the case of sexual exploitation and abuse committed against a beneficiary of IMPACT's action:
 - If sexual exploitation and/or abuse committed against beneficiaries are noted by the person signing this Policy, the latter undertakes to report it without delay to the HQ Head of Human Resources and/or through grievance.geneva@impact-initiatives.org.
 - It is advisable to note the day and time as well as details related to the facts and the names of any witnesses.

¹ In the framework of the global partnership between ACTED and IMPACT, all beneficiaries will be directed towards ACTED's CRM mechanisms in countries where ACTED hosts IMPACT's operations. In other contexts, the deployment of CRM mechanisms will be implemented by IMPACT or its partners, as relevant.



- In any case, the HQ Head of Human Resources must be informed. If appropriate, the line manager and/or the IMPACT Country Focal Point must also be informed of the facts in order to take appropriate measures and to conduct an internal investigation in a timely manner.
3. In the case of sexual exploitation and abuse committed against an implementing partner:
- If sexual exploitation and/or abuse committed by any other individual are observed by IMPACT staff or by any other entities referred to in Article 1 of this policy, the latter undertakes to report without delay to the HQ Head of Human Resources and in any case through grievance.geneva@impact-initiatives.org.
 - It is advisable to note the day and time as well as details related to the facts and the names of any witnesses.
 - In any case, the HQ Head of Human Resources must be informed. If appropriate, the line manager and/or the IMPACT Country Focal Point must also be informed of the facts in order to take appropriate measures and to conduct an internal investigation in a timely manner.

Article 17 – Obligation to report for IMPACT staff

1. IMPACT intends to bring an appropriate response to any sexual exploitation and abuse. To contribute towards this, IMPACT has designated a focal point via a specific email address grievance.geneva@impact-initiatives.org.
2. IMPACT staff who considers to be a witness or victim of sexual exploitation and abuse which may be in violation of or contravenes to the present policy, must report it to their line manager and/or to the IMPACT Country Focal Point within IMPACT and in any case to grievance.geneva@impact-initiatives.org.
3. IMPACT staff must report to their line manager and/or IMPACT Country Focal Point and/or the HQ Head of Human Resources and in any case to grievance.geneva@impact-initiatives.org any evidence, allegation or suspicion of sexual exploitation and abuse of which they are aware as part of their work or in the course of their duties. The investigation of the reported facts is IMPACT's responsibility, in accordance with the provisions of Article 19 of this policy.
4. If reporting to the line manager or IMPACT Country Focal Point is not appropriate, IMPACT staff should report to the HQ Head of Human Resources and/or through grievance.geneva@impact-initiatives.org.
5. IMPACT staff may use the Security Incident Reporting (SIR) format and/or the grievance form to report.
6. IMPACT must ensure that IMPACT staff who reports a case as described above on the basis of reasonable suspicions and in good faith does not suffer from any harm as a result.
7. Cases of misuse of complaint mechanisms may be subject to sanctions.

Article 18 – Report for the stakeholders

1. IMPACT wishes to support people who are witnesses or victims of violations of the present policy. To this end IMPACT intends to facilitate stakeholder reporting for any violation of this policy. Thus, any



stakeholder, as defined in the present policy, who is a witness or victim of the violation of the present policy can report to IMPACT through the grievance.geneva@impact-initiatives.org.

2. IMPACT must ensure that any stakeholder who reports a case as described above on the basis of reasonable suspicions and in good faith does not suffer from any harm as a result.

Article 19 – IMPACT investigation in case of report by IMPACT staff

1. In accordance with Article 17 of this policy, IMPACT staff must inform their line manager and/or the IMPACT Country Focal Point and/or the HQ Head of Human Resources and in any case at grievance.geneva@impact-initiatives.org in case of suspicion of sexual exploitation and abuse.
2. An e-mail response is sent by grievance.geneva@impact-initiatives.org upon receipt of the complaint. This answer:
 - details the process to be followed in the event of suspicion of sexual exploitation and abuse;
 - requests, where appropriate, to provide further clarification and evaluation of the complaint.
3. The management of the complaint is done either at local, national or IMPACT headquarters level depending on the seriousness of the reported facts. This evaluation is carried out by the HQ Head of Human Resources upon receipt of the complaint on grievance.geneva@impact-initiatives.org.
4. IMPACT staff and other entities mentioned in Article 1 of this policy must:
 - cooperate in any investigation conducted by IMPACT;
 - keep all records of any suspected involvement that may be required for further investigation;
 - preserve the confidentiality of all allegations.

Article 20 – IMPACT investigation in case of report by a stakeholder

1. In accordance with article 18 of this policy, stakeholders may report any cases of suspected sexual exploitation and abuse.
2. A response will be provided upon receipt of the complaint. This response:
 - details the process to be followed in the event of suspicion of sexual exploitation and abuse;
 - requests, where appropriate, to provide further clarification and elevation of the complaint.
3. IMPACT staff and other entities referred to in Article 1 of this policy must:
 - cooperate in any investigation conducted by IMPACT;
 - keep all records of suspected involvement in such cases that may be required in case of investigation;
 - preserve the confidentiality of all allegations.

Article 21 – Investigating authority

The HQ Head of Human Resources is responsible for the independent oversight of the Policy Against Sexual Exploitation and Abuse and is in charge of its implementation within the organization. In particular, the HQ Head of Human Resources is in charge of the management of all sexual exploitation and abuse issues within IMPACT.

Article 22 – Sanctions against sexual exploitation and abuse

1. Disciplinary sanction



The violation of the present policy, which constitutes in particular a violation of IMPACT's Code of Conduct, may result in sanctions ranging from warning to termination of the employment contract for serious misconduct, with no notice and no payment of compensation.

2. **Other sanctions**

IMPACT reserves the right to use the full range of contractual sanctions, up to the termination of any contractual relationship, in the event of a breach of this policy by any entity referred to in Article 1.

3. **Reporting to competent authorities**

IMPACT has the right, depending on the seriousness of the facts found, to report to the competent prosecution authorities the facts constituting sexual exploitation and abuse.

Article 23 – Protection of victims

IMPACT undertakes to do everything possible, in agreement with the victims of prohibited practices, to protect them, in particular by:

- maintaining all required confidentiality on the handling of reports made in accordance with this policy;
- starting without delay an investigation regarding the facts reported in accordance with this policy;
- offering personalised support to victims of incidents reported in accordance with this policy;
- informing the victim of the action taken in response to the reported incidents in accordance with this policy;
- adapting the present policy, in order to allow a better understanding and adherence of IMPACT staff to these principles.

V. IMPLEMENTATION OF THE POLICY

Article 24 – Implementation date of the policy

This Policy Against Sexual Exploitation and Abuse comes into effect after approval by the Committee of IMPACT on 15th October 2018.

Article 25 – Adherence to the policy

IMPACT staff certify that they adhere to these principles by signing the IMPACT Policy Acceptance Form and/or by signing their employment contract.





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