



## ITDP Protection from Sexual Exploitation, Abuse and Harassment (PSEAH) Policy

ITDP has zero tolerance for all forms of sexual exploitation, abuse and harassment. Any form of sexual exploitation, abuse or harassment is prohibited, constitutes misconduct and will be addressed as a matter of priority by ITDP.

### 1. Purpose

These Guidelines provide further information and interpretation for the implementation of the Policy with regards to preventing and effectively responding to sexual exploitation, abuse and harassment (SEAH) of beneficiaries and vulnerable members of the community in the delivery of humanitarian and development projects by ITDP and between Representatives of ITDP at work and outside of work.

### 2. Applicability

These Guidelines are applicable globally to all ITDP operations and all Representatives of ITDP. They also apply to joint ventures where ITDP has a controlling interest. Any deviation from these Guidelines requires the approval of the Responsible Official. The Responsible Official, with input from the business as appropriate, is responsible for preparing and implementing these Guidelines.

### 3. Definitions

“Beneficiary” is a term used to describe a person who receives assistance as part of humanitarian relief or development programs.

“Bullying” means repeated unreasonable behavior over time, where the behavior causes or has the potential to cause harm to another person or persons. Such behavior can be defined as any unsolicited or unwelcome act that humiliates, intimidates or undermines the individual involved and includes cyber-bullying. Bullying is a form of abuse, which can come from staff or peer behavior.

“Business Process” means a sequence of linked tasks and related decisions that result in or contribute to the delivery of a product or service.



“Child” or “Children” means a person or persons who is or are below the age of 18, regardless of the age of majority/consent in the relevant country. Where the age of majority/consent in the relevant country is anyone aged 18 or above 18 then that higher age limit shall apply and take precedence.

“Commercial Sex Act” means any sex act on account of which anything of value is given or received. Those exchanging sex may have any sex, gender, or sexual orientation.

“Complainant” is the person reporting (or “making a complaint” about) SEAH. This could be the survivor or another person who becomes aware of the alleged wrongdoing.

“Complaints Procedure” is a framework that describes the course of action for receiving and processing allegations of SEAH. This includes systems for processing complaints within an organization, as well as procedures for beneficiaries to bring complaints forward.

“Duty of Care” refers to the obligation of ITDP to take reasonable care to prevent foreseeable harm to any Representative or Beneficiary and provide a safe system of work.

“Employee” means any person who has a part-time, full-time, intermittent, continuous or fixed-term employment relationship with ITDP.

“Gender-Based Violence (GBV)” is an umbrella term for any harmful act that is perpetrated against a person’s will and that is based on socially-ascribed (gender) differences between males and females. It includes sexual, physical, and psychological abuse; threats; coercion; arbitrary deprivation of liberty; and economic deprivation, whether in public or private life.

“Guidelines” means the written elaborations on ITDP policy that provide further information and interpretation for the implementation of policy.



“Implementing Partner” means an organization executing a project or undertaking work in the name of another organization.

“Incident” is defined as a work-related health, safety, security or environmental event which results in, or has the potential to result in, an undesired outcome.

“Investigation Procedure” means a framework that describes the course of action to be taken when conducting SEAH investigations.

“Representative” means an Employee or any person who has an independent individual contractual relationship with ITDP, whether a contractor, consultant, or agent of ITDP. This includes non-executive directors of the board.

“Safeguarding Focal Person” means the project Representative responsible for coordinating Safeguarding measures and acting as an escalation point for local issues.

“Sexual Abuse” is a term used to describe any actual or threatened physical intrusion that is of a sexual nature, whether by force or under unequal or coercive conditions regardless of an individual’s age, sex, or sexual orientation. It covers sexual offences including but not limited to: attempted rape (which includes attempts to force someone to perform oral sex); and sexual assault (which includes non-consensual kissing and touching).

“Sexual Exploitation” is a term used to describe 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. This definition includes trafficking in persons and online acts, or threatened acts, of: intimidation, sharing illicit images or graphic depictions, and threats to physical safety and wellbeing.

“Sexual Harassment” includes but is not limited to, unwanted sexual advances, sexual jokes, subtle or overt pressure, or unwelcome requests for sexual favors, sexual innuendoes and offensive propositions or other unwelcome verbal or physical conduct, behavior or gesture of a sexual nature, regardless of a person’s sex, gender or sexual orientation. A person sexually harasses another person with the before mentioned actions in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated. Any gender can be either a victim or offender.

“Survivor” refers to the person who has been abused or exploited. The term ‘survivor’ is often used in preference to ‘victim’ as it implies strength, resilience and the capacity to survive, however it is the individual’s choice how they wish to identify themselves.

“Witness” is a person who gives testimony or evidence in a SEAH investigation. A witness may be the survivor, the complainant, a beneficiary, a staff member of any project contractor, the subject of the complaint, or a Representative.

## 4. Guidelines

### 4.1. Scope

Breaching this policy is considered a serious offense and carries with it disciplinary action, up to and including dismissal and/or termination of contract. Where safe to do so, and when in accordance with the wishes of the victims, survivors and whistleblowers, all alleged SEAH incidents that involve a criminal aspect should be reported through the correct local law enforcement channels.

### 4.2. Principles

The below principles are clearly set out and underpin the ITDP’s intent to do no harm, safeguard the vulnerable and respect the communities we support and serve, and to protect the reputation of ITDP and its clients.

- Prevention: ITDP considers that it is best to act before harm occurs.

- **Proportionality:** The least intrusive response appropriate to the risk presented.
- **Protection:** Support and representation for those in greatest need, protection of survivors of sexual exploitation and abuse, and protection of those reporting concerns.
- **Partnership:** Acknowledging communities have an important part to play in preventing, detecting and reporting abuse.
- **Accountability:** Accountability and transparency in delivering project outcomes and supporting communities.
- **Zero tolerance of inaction:** Sexual exploitation, abuse and harassment are never acceptable. ITDP recognizes that achieving a significant reduction in SEAH is a long-term endeavor. Zero tolerance is not the same as zero incidents. Reports of incidents may increase as organizations improve safeguards. Increasing reports may indicate growing awareness of SEAH and changing attitudes, with victims/survivors feeling more comfortable to report and organizations more likely to take action. The reporting of incidents and responses is an indicator that the risk of SEAH is being managed appropriately. For this Policy, ITDP defines zero tolerance as acting on every allegation in a fair and reasonable way with due regard for procedural fairness.

#### 4.3. ITDP Commitment

ITDP believes that everyone we come into contact with, regardless of age, sex, disability, sexual orientation, religion, ethnic origin or any other legally protected characteristic has the right to be protected from all forms of harm, abuse, neglect and exploitation. ITDP will not tolerate abuse and exploitation by Representatives or their personnel. ITDP commits to addressing SEAH throughout its work, through the three pillars of prevention, reporting and response.

These Guidelines are aligned with the United Nations Inter-Agency Standing Committee (IASC) summary of good practice in [Preventing Sexual Exploitation and Abuse and Sexual Harassment and Abuse of Aid Workers published 15 May 2019](#).

Additional reference documentation includes:

- [CHS Alliance PSEA Handbook \(2020\)](#)
- [IASC Global Review of Protection from SEA \(2010\)](#)

#### 4.4. Key clarifications and aligned policy reference(s)

##### 4.4.1. What is Safeguarding?

ITDP defines Safeguarding as “the preventative action taken by ITDP to protect our people, clients and the communities we work with from harm”. Other definitions of ITDP’s clients can be found in the region-specific annexes.

At ITDP the term Safeguarding is used to include (but not limited to):

- Preventing and responding to bullying, harassment, abuse and discrimination within the workplace
- Protecting children, vulnerable people and communities and people at risk from any negative impacts from the ITDP’s programming, including responding appropriately to any safeguarding concerns
- Ensuring our activities do not contribute to modern slavery (including human trafficking)
- Preventing sexual exploitation and abuse (PSEA) of beneficiaries and within communities
- Putting in place systems, processes and procedures which will protect our clients and all other stakeholders from risk or impropriety

ITDP will respond appropriately to any safeguarding concerns relating to children, vulnerable people and people at risk. ITDP will take a zero tolerance approach to behaviors which are not aligned with its guiding principles and has confidential, clear and transparent, inclusive and accessible prevention, protection and support systems in place. At ITDP safeguarding is everybody’s responsibility.

##### 4.4.2. What is Sexual Exploitation and Abuse?

Sexual Exploitation and Abuse (SEA) refers specifically to acts committed against children and adults. Further, SEA has two key components:

- **Sexual Exploitation:** 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.
- **Sexual Abuse:** The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. It covers sexual offenses including but not limited to: attempted rape (which includes attempts to force someone to perform oral sex); and sexual assault (which includes non-consensual kissing and touching).

#### **4.4.3. What is Sexual Harassment?**

Sexual harassment can be perpetrated against beneficiaries, community members, citizens, as well as staff and personnel. It can occur against a beneficiary or vulnerable member of the community or between ITDP Representatives, for instance, when power differentials are abused. Any gender can be either a victim or offender. Sexual harassment is usually used to describe unwelcome sexual advances, requests for sexual favors, verbal or physical conduct or gestures of a sexual nature, or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation to another.

If a Representative is concerned with any single or ongoing interaction between ITDP Representatives, beneficiaries, community members or citizens, please reference the ITDP Whistleblowing Policy.

#### **4.4.4. What is the difference between SEAH and Gender-Based Violence (GBV)?**

GBV is violence that is perpetrated against someone because of their gender. Thus, SEAH is viewed as a form of GBV, as survivors of SEAH are often abused on the basis of their gender or because of their vulnerable status. This can include women and girls, men and boys, regardless of their sex, gender, gender identity or sexual orientation.

#### **4.4.5. What is the difference between SEAH and Child Exploitation and Abuse?**

Child Exploitation and Abuse means one or more of the following: committing or coercing another person to commit an act or acts of abuse against a Child; possessing, controlling, producing, distributing, obtaining or transmitting child exploitation material; committing or coercing another person to commit an act or acts of grooming or online grooming. Acts of abuse against a child encompass all forms of physical abuse, emotional ill-treatment, sexual abuse and exploitation, neglect or negligent treatment, commercial (e.g. for financial gain) or other forms of exploitation of a child. Therefore, Child Protection means the responsibilities and activities undertaken to prevent children being harmed through abuse, exploitation, violence and neglect. While there are common issues connecting SEAH and child exploitation and abuse, a separate categorization and organizational response is considered important as children are particularly vulnerable and issues require tailored responses.

#### **4.5. Prevention of Sexual Exploitation, Abuse and Harassment risks**

##### **4.5.1. ITDP Responsibilities**

Representatives are required to consider SEAH risks and develop plans to manage them within projects as part of a comprehensive approach to Safeguarding. The project Safeguarding plan should cover responsibilities, recruitment, partner due diligence, program interventions and consider whether these can be managed with existing controls or whether additional activities are required.

In these efforts ITDP will:

- Ensure all Representatives are familiar with and know their responsibilities.
- Design and undertake all its projects and activities in a way that protects people from risk of harm that may arise from their interactions with ITDP. This includes the way in which information about individuals in our programs is gathered and communicated.
- Implement stringent Safeguarding procedures when recruiting, managing and deploying Representatives.
- Ensure Representatives receive training on Safeguarding at a level commensurate with their role in the organization.



- Follow up on reports of Safeguarding concerns promptly and according to due process.

#### 4.5.2. **Representative responsibilities**

Representatives must not:

- Exchange money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior. This includes exchange of assistance that is due to beneficiaries of assistance.
- Engage in sexual activity with Children. The mistaken belief regarding the age of a person is not a defense.

Additionally, Representatives must commit to:

- Contributing to creating and maintaining an environment that prevents Safeguarding violations and promotes the implementation of the Safeguarding Policy.
- Reporting any concerns or suspicions regarding Safeguarding violations by a Representative.

In addition:

- Sexual relationships between Representatives and beneficiaries are strongly discouraged since they may be based on inherently unequal power dynamics. Where this becomes an issue for a Representative, it should be discussed with the Representative's line manager or main ITDP Contact.

#### 4.5.3. **Recruitment**

ITDP believes that the key to prevention of SEAH is a high standard of management practice and quality control consistently applied to Representatives at recruitment and selection and subsequently through induction, performance management and review, support, supervision and monitoring.

As part of recruitment and personnel management processes, ITDP:

- Ensures all potential applicants are aware of our Safeguarding commitments via the job advert pages on our website.

- Adheres to recruitment and selection processes which ensure employment and due diligence checks are completed and references obtained before an individual employed by ITDP has any contact with external stakeholders, this includes client or market specific checks for Employees recruited by ITDP, such as background and/or police checks. Gaps in work or employment history should be questioned.
- Ensures all Representatives read and acknowledge the Employee Handbook and associated policies, including PSEAH Policy and Whistleblowing Policy. Provides Safeguarding related and Diversity and Inclusion training on induction.
- Reviews performance of Representatives throughout their employment or period of contracting with ITDP including, as appropriate, probation reviews.

#### 4.5.4. Awareness raising and training

The Chief Operating Officer, with Board oversight, is accountable for providing appropriate training and for supporting the operationalization of, and compliance with, the PSEAH policy and associated guidelines across projects and at corporate level.

ITDP ensures all supporters, donors, sponsors and media representatives involved with ITDP work have access to the ITDP Protection from Sexual Exploitation, Abuse and Harassment Policy and will take appropriate steps to communicate that availability.

#### 4.5.5. Project Risk Assessment

Project Directors are responsible for ensuring that PSEAH risks are assessed on an annual basis as part of a project level Safeguarding risk assessment and that risks identified are addressed as part of project design activities. The assessment should be updated as part of annual ongoing project risk management activities and where significant adjustments to project activities are planned.

In order to support Safeguarding risk assessment, Representatives are instructed to refer to the following Safeguarding Risk Assessment Tool.



## 4.6. Reporting

### 4.6.1. Community complaint mechanisms

There has been recognition that there is chronic under-reporting of incidences of SEAH. To address this shortfall, projects that work directly with communities, or whose downstream partners work directly with communities, may be required to put in place appropriate and accessible reporting mechanisms.

### 4.6.2. Incident reporting

A Safeguarding complaint can be made by:

- A Representative,
- Partner organization or subcontractor,
- Community or individual with whom we work, or
- Any member of the public whether an individual, ITDP or other entity

All Representatives must report internally any concerns, including both specific complaints and rumors, regarding possible sexual exploitation, abuse or harassment by a ITDP Representative or any other person involved in or connected with the project or its activities. Victims' and survivors' safety and wellbeing must be paramount to reporting and their information treated confidentially. Whistleblowers must similarly feel safe and protected during the reporting process.

Reports can be made to the Chief Operating Officer ("COO") or the Human Resources Manager ("HRM"). The person reporting a complaint may have the choice to remain anonymous, depending on the circumstances and the needs of the investigation, in the discretion of ITDP. The information is passed to the most appropriate party for investigation and action.

If a Representative does not feel comfortable reporting to the Chief Operating Officer ("COO") or the Human Resources Manager ("HRM"), they may inform any other appropriate ITDP Representative. For example, this could be the Project Director a senior manager.

All Representatives who witness behaviors of possible sexual exploitation, abuse or harassment are required to report this information. Failure to do so could result in disciplinary action, up to and including termination.

Complaints should be reported even when the institutional affiliation of the perpetrator is unknown.

Concerns that must be reported include, but are not limited to:

- A practice or behavior suggesting that a Representative or any other person involved in or connected with the project or its activities has abused the power invested in them, by virtue of their post, to sexually exploit or abuse a community member / beneficiary or any other individual.
- An allegation that a Representative or other person (as above) has breached ITDP's policy and rules regarding sexual exploitation and abuse within or outside the work environment (e.g. by engaging in a sexual relationship with a child or procuring a sex act in the country/community where they are working).
- Concerns regarding the current or past behavior of a Representative or other person (as above).
- Concerns expressed by a government partner, UN agency, NGO or INGO about the behavior of a Representative or other person (as above).

Reporting and investigation processes must include engagement of and reporting to Audit Committee of the ITDP Board of Directors, and to the client in line with client specifications.

#### 4.6.3. Investigation

ITDP will follow up reports and concerns of incidences of SEAH according to policy and procedure, and legal and statutory obligations. ITDP will apply appropriate disciplinary measures to Representatives found in breach of policy. Disciplinary measures may include dismissal, termination of contract and, in the case of criminal action, reporting to local authorities.

ITDP will offer support to victims/survivors of harm caused by Representatives or other persons (as above), regardless of whether a formal internal response is carried out (such as an internal investigation).



Decisions regarding support will always be led by the survivor, in line with survivor led approaches to SEAH.

#### **4.6.4. Promoting Compliance, and Remedies for non-Compliance**

When implementing these PSEAH guidelines, ITDP is committed to pre-empting non-compliance. In this context, ITDP will:

- Inform all employees of the global PSEAH policy and confirm their understanding by acknowledgement of receipt and signature
- Document all investigations and make them fair
- If a dismissal is the result of the investigation for cause or after failure at probation (if any), ITDP will make a record of “will not rehire”. This must be made clear to all employees and possibly consented to upfront when disseminating these procedures. Additionally, if a person resigns without allowing ITDP to complete the investigation, a record of “will not rehire’ may also be made.

#### **4.7. Confidentiality**

It is essential that appropriate confidentiality is maintained at all stages of the process when dealing with SEAH concerns. Information relating to the concern and subsequent case management is kept secure at all times and shared on a need to know basis only.

#### **4.8. Periodic review**

These Guidelines will be reviewed every five years, or more frequently if required.

### **5. Compliance**

It is the responsibility of each Representative of ITDP to fully comply with this Policy. Failure to comply may be subject to disciplinary action including contract termination, contract non-renewal or other appropriate action.

A copy of this policy shall be distributed to all directors, officers and employees of ITDP and to all volunteers or other persons who provide substantial services to ITDP.

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