

Policy on Safeguarding against Sexualised Violence, Exploitation, Harassment and Harm

06.12.2022

1. Objective of the policy on safeguarding against sexualised violence, exploitation, harassment and harm

Any form of abuse of power, violence, coercion, exploitation, harassment and/or bullying is a violation of human dignity. Tolerating any form of violence is contrary to our fundamental principles as an international children's rights organisation.

terre des hommes Deutschland e.V. (tdh) therefore pursues a zero tolerance policy towards any form of violence. In order to maintain our credibility and integrity, we take preventive action and resolutely counteract it with appropriate protective mechanisms and measures. This policy makes it possible to ensure the highest possible standard of transparency and trust towards donors and beneficiaries and to successfully work towards the vision of a more peaceful and just world for children.

2. Scope and area of application

a. Scope

The provisions of this policy apply to all employees and Executive Board members of tdh.

All tdh employees are bound to comply with this policy by the Works Council Agreement on Compliance.

In order not to undermine the credibility and integrity of tdh, tdh expects all the above-mentioned actors to respect the behaviour underlying this policy outside of work, as well.

b. Extended area of application

The content of this policy also applies to all employees in the regional and country offices and is made available there as a binding policy.

The content of this policy must also be included in all contracts with external partners and companies, contractors, consultants and other professionals who work for tdh on a contractual basis. The partners shall require individual employees of these companies to conscientiously fulfil their obligations arising from the contract. The aforementioned partners must be provided with a copy of the applicable regulations on protection against sexualised violence, exploitation, harassment and harm before entering into business relationships.

Principles for safeguarding against sexualised violence, exploitation, harassment and harm must be contractually agreed with institutional funding recipients abroad.

3. Definition

Violence within the meaning of this policy includes any form of abuse of power, violence, coercion, exploitation, harassment and/or bullying.

This policy¹ provides rules for the prevention of and response to incidents of any form of violence against adults in tdh workplaces, partner organisations, beneficiaries or their environment. Safeguarding from violence against minors with whom tdh works directly or indirectly is covered in tdh's Child Safeguarding Policy.

tdh uses the following definitions:

Sexual violence

Sexual violence is defined as any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or otherwise directed against a person's sexual autonomy using coercion, carried out by any person regardless of their relationship to the affected person, in any setting, including but not limited to home and work, by force or coercion. It may also occur when the abused person is unable to give consent – for instance, while drunk, drugged, asleep or mentally incapable of understanding the situation.

Coercion

Coercion Includes a whole spectrum of degrees of violence, such as physical violence, psychological intimidation, blackmail or other threats, e.g. the threat of physical violence, the threat of dismissal or not getting a prospective job, as well as not getting help.

Sexual exploitation

Any actual or attempted abuse of a situation of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting financially, socially or politically from the sexual exploitation of another person.

Bullying

Bullying is defined as persistent, offensive, abusive, intimidating or insulting behaviour, a misuse of power or unfair sanctions, which make the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self-confidence and which may cause them to suffer stress. Forms of bullying may include, but not exclusively, shouting at employees, volunteers or beneficiaries in public or private, issuing threats, setting impossible deadlines, personal insults, ignoring or excluding an individual. Bullying may contain sexual elements, referred to as **sexual bullying**.

Harassment

Harassment refers to the act of annoying or worrying somebody by putting pressure on them or saying or doing unpleasant things to them. It can range from touching to serious physical assault, verbal or written harassment in the form of jokes, gossip, letters or discriminatory and racist remarks.

¹ tdh refers to the minimum requirements for protection against sexual exploitation and abuse for UN and non-UN staff of the Inter-Agency Standing Committee (IASC) as well as those of the Core Humanitarian Standards Alliance.

Sexual harassment

Sexual harassment is any form of unwanted verbal, non-verbal, or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating, or offensive environment.

Abuse of power

A misuse of power by someone in a position of authority who can use the influence they have to oppress persons in an inferior position or to induce them to commit a wrongful act.

4. Contribution and commitment of all stakeholders to preventing and eliminating the use of violence

In order to prevent and eliminate any form of violence, the persons covered by this policy undertake to comply with, for example, the following requirements:

- The working structure and working relationships at tdh involve unequal power relations between the persons and (partner) organisations concerned, as well as their environment. tdh therefore expects a conscious approach to the existing inequalities and each individual's own role and position within the structure.
- In particular, no one shall exploit their positions and functions towards staff and colleagues, partner organisations and persons involved in project interventions and/or persons from their environment for purposes that could harm them.
- Any kind of violence and any actions involving sexual violence and exploitation, coercion, mobbing and/or (sexual) harassment must be stopped.
- Persons benefiting from project interventions and their environment shall be made aware that no favours are expected in return for assistance and that they must be refused, e.g. sexual services.
- Intimate relationships with project beneficiaries, even if they are over 18 years of age, are prohibited.
- Intimate relationships with persons by their instructor or supervisor are prohibited.
- Intimate relationships with employees of terre des hommes partner organisations or donors:
 - must be based on mutual respect and not on abuse of power
 - must not affect the work of tdh
 - must not lead to fraudulent or corrupt behaviour
 - must not influence work decisions
 - must be disclosed directly to the supervisor or the Presidium in order to avoid misunderstandings.
- As human rights violations often occur in the context of sex work, it is recommended to refrain from sexual services in order not to undermine the credibility and integrity of tdh. This applies even in countries where sex work or the use of sexual services is not a criminal offence.
- Intimate relationships between tdh staff members arising outside unequal power relations must be disclosed to the supervisor or HR department to avoid misunderstandings.

- Employment relationships in which close friends or relatives are in a direct relationship involving the right to give instructions are prohibited, with justified exceptions such as internships and temporary jobs.

5. Contribution and commitment of the organisation to preventing and eliminating the use of violence

a. Requirements and measures

The responsible persons at tdh shall undertake to comply with the following requirements and measures:

Internally

- The Executive Board shall be responsible for implementing the standards and procedures set out in this policy, taking ownership of them, providing the necessary resources and actively supporting all levels in their implementation.
- The regional coordinators shall ensure that the standards are applied and monitored in the respective region and that incidents and violations reported are dealt with appropriately.
- The management levels shall act as role models, actively promote awareness of the problem, ensure that all staff in Germany, as well as in the regional and country offices, are familiar with the policy, and raise awareness of relevant situations.
- The human resources department of the head office and the regional coordinators shall ensure that all necessary steps are taken in accordance with the tdh policy when recruiting new staff and shall hand out the policy. The checking of documents, obtaining of references and requesting of the police clearance certificate will be implemented in the best possible way. Attitudes towards selected contents of this policy shall be identified in the recruitment process.
- Employees are encouraged to report violations and concerns as early as possible. For this purpose, accessible and confidential grievance mechanisms are in place in accordance with 7a.

Externally

- tdh shall ensure that the content of this policy is a mandatory part of all cooperation agreements with partner organisations.
- tdh shall ensure that each partner organisation has an appropriate prevention policy and reports any incident occurring through a contracted person. Partner organisations shall be supported in developing and implementing similar policies, where appropriate.
- Regular risk assessments shall be used to prevent and minimise the risk of sexualised violence, exploitation and harassment when working with partner organisations and in local communities.
- When working with young adults in local communities, tdh will make it clear that they have a right to unconditional assistance and should refuse any request for sexual favours or the like.

tdh will inform them of their rights and encourage them to report any misconduct through appropriate complaint mechanisms.

b. Sanctions

All reported concerns, suspicions and violations will be investigated. Employees or others involved will be relieved of their duties for the duration of the investigation.

Violations that are proven will be subject to disciplinary or contractual sanctions.

If a partner organisation fails to implement standards or is guilty of gross misconduct, payments to partner organisations will be suspended and, as a possible next step, the cooperation agreement will be terminated.

Violation of this policy, failure to report or deliberately false allegations of incidents will be subject to disciplinary or contractual sanctions.

6. Contact person and Violence Prevention Committee

a. Safeguarding focal point

In the overall safeguarding policy, a contact person in the office must be appointed by the Executive Board as safeguarding focal point, who is also responsible for child safeguarding. Furthermore, each regional coordinator must appoint a responsible person for the respective region together with the Executive Board member responsible for Programmes.

The respective safeguarding focal points are responsible within their organisation for coordinating the issue with the following tasks:

- Advising and briefing all groups of people covered by this policy.
- Contributing to the organisation and implementation of appropriate training courses
- Supporting the management in ensuring the implementation of the policy in the organisational structure and work processes and continually revising it.
- Reporting the number of complaints for anonymous listing in the annual report.

The safeguarding focal point shall report regularly at least twice a year to his/her respective supervisor and to the responsible committee in the office.

b. Committee

A committee will be set up at the head office and in each project region to carry out the following tasks:

- Implementing the policy, including proposals for further training
- Monitoring compliance with the policy
- Advising on reported violations

The committee shall consist of a specialist desk officer according to the job description, a member of the management and an elected person from the staff according to the tdh rules of procedure.

7. Conduct in case of complaints and handling of suspicious reports

a. Notification

In the event of suspicion, concern or knowledge of a breach of this policy, all persons covered by this policy are required to report it immediately to one of the following: supervisor, Executive Board, human resources department, ombudsperson (see principles on the ombudsperson's position and activities). Following this, the committee and the safeguarding focal point will be informed immediately.

The group of persons involved in checking a report must be kept as small as possible.

Case management and initiating the steps necessary to clarify the facts, if necessary with the help of external expertise, are the responsibility of the relevant bodies.

b. Confidentiality

All information about breaches of this policy will be treated in strict confidence. tdh will act in accordance with the German Whistleblower Protection Act and the EU's General Data Protection Regulation.

No disadvantage will be caused to anyone who reports incidents, concerns or suspicions in good faith. The personal circumstances of employees that have become known must be kept confidential; this does not apply to public bodies, management and personnel administration, insofar as disclosure is required in the proceedings. Personal data shall be handled in accordance with the principles of privacy.

Adopted by the Executive Board on 30.11.2022

This policy will be reviewed annually to determine whether it needs to be updated and, if necessary, adapted in the light of feedback and experience.