



## CODE OF CONDUCT ON THE PREVENTION OF SEXUAL EXPLOITATION AND ABUSE

**WHEREAS** Lawyers Without Borders Canada (LWBC) is a non-governmental international cooperation organization whose mission involves supporting global efforts to enforce the human rights of the most vulnerable by strengthening access to justice and legal representation. LWBC purports to contribute to defending and promoting human rights and the rule of law, fighting impunity, strengthening the safety and independence of human rights lawyers, facilitating fair trials, and ensuring continuous training for justice actors and members of civil society;

**HAVING REGARD** to, among others, the *Secretary-General's Bulletin on special measures for protection from sexual exploitation and sexual abuse*, the *Whistler Declaration on Protection from Sexual Exploitation and Abuse in International Assistance*, the *OECD Development Assistance Committee's Recommendation on Ending Sexual Exploitation, Abuse, and Harassment in Development Co-operation and Humanitarian Assistance*, and *Cooperation Canada's Leaders' Pledge on Preventing and Addressing Sexual Misconduct* to which LWBC has adhered to;

**WHEREAS** LWBC purports to carry out all its activities in compliance with strict high-level ethical standards given the nature of its mission, vision, Charter, values and principles of action;

**REAFFIRMING** the general obligations provided in LWBC's *Code of Ethics and Professional Standards*, policy on psychological and sexual harassment in the workplace, and *Policy of Equality Between Men and Women*;

**WHEREAS** this document is the result of a far-reaching collective effort;

**CONSEQUENTLY**, LWBC adopts the following Code of Conduct on the Prevention of Sexual Exploitation and Abuse (hereinafter referred to as "**the Code**"):

### 1. DEFINITIONS

- 1.1. LWBC understands the phrase "sexual exploitation" under the meaning set out by the *Secretary-General's Bulletin on special measures for protection from sexual exploitation and sexual abuse*, 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.

- 1.2. LWBC understands the phrase “sexual exploitation” under the meaning set out by the *Secretary-General’s Bulletin on special measures for protection from sexual exploitation and sexual abuse*, i.e. the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
- 1.3. The term “**beneficiaries**” refers to the persons who benefit directly or indirectly from an international cooperation project or any activity implemented by LWBC
- 1.4. The term “**manager**” refers to a person who performs leadership, coordination, or officer duties, or any other function designated as such in the employee handbook (*Manuel de l’employé*).
- 1.5. The term “**partner organization**” refers to any organization that participates in the implementation of an international cooperation project or any LWBC activity under a contractual agreement with LWBC.
- 1.6. The term “**reporting**” refers to the actions undertaken to expose any suspected or proven incidents of sexual exploitation or abuse.
- 1.7. The term “**representative**” refers to an organization’s members, administrators, volunteers, volunteer cooperation participants, interns, employees, and consultants.

## 2. PURPOSE AND SCOPE

- 2.1. This Code serves to reaffirm LWBC’s commitment to combating sexual exploitation and abuse in the performance of its mission and activities.
- 2.2. It establishes the standards of conduct, outlines the reporting mechanism and principles of intervention that apply to sexual exploitation and abuse.
- 2.3. This Code applies at all times and under all circumstances to LWBC representatives as well as representatives of partner organizations in the performance of all their duties related to LWBC activities and programs.

## 3. INSTITUTIONAL COMMITMENTS

- 3.1. LWBC is committed to maintaining a culture of zero tolerance for sexual exploitation and abuse within its organization and in all activities carried out in pursuit of its mission.



- 3.2. LWBC is committed to bringing this Code to the knowledge of all LWBC representatives and to ensuring each representative signs the Accession Declaration in Annex 3.2.
- 3.3. LWBC is committed to bringing this Code to the knowledge of partner organizations.
- 3.4. LWBC shall ensure that partner organizations are committed to meeting the obligations set out in this Code, or that partner organizations have established adequate policies and procedures to prevent, address, and sanction incidents of sexual exploitation and abuse.
- 3.5. In its contractual agreements with partner organizations, LWBC provides that failure by partner organizations to meet the obligations set out in this Code or to establish adequate policies and procedures to prevent, address, and sanction incidents of sexual exploitation and abuse may result in the termination of the contractual agreement.
- 3.6. LWBC is committed to taking appropriate steps to protect the integrity of individuals and to prevent and put an end to sexual exploitation and abuse, including by establishing:
  - 3.6.1. An organizational culture that promotes prevention, accountability and transparency with regard to sexual exploitation and abuse, including through the allocation of adequate resources for the implementation of the standards and obligations established by this Code;
  - 3.6.2. Collaborations with partner organizations, donors, or other stakeholders to facilitate the integrate and sharing of best practices with regard to preventing, addressing, and sanctioning incidents of sexual exploitation and abuse;
  - 3.6.3. Training on the prevention of sexual exploitation and abuse, including specific training for those in charge of receiving reports;
  - 3.6.4. Recruitment and referral practices aimed at preventing the perpetuation of sexual exploitation and abuse;
  - 3.6.5. An accountability process, including with regard to the roles and responsibilities specified in Section 8;
  - 3.6.6. Anonymous and confidential reporting mechanisms which include effective, accessible and appropriately advertised reporting channels;



- 3.6.7. Fair and confidential investigation procedures to ensure that all allegations of sexual exploitation and abuse are addressed and followed up;
- 3.6.8. Support measures for any person who falls under this Code who is or has been a victim of sexual exploitation or abuse, or any person who makes a report and requests or needs such support, with due observance of confidentiality and safety requirements;
- 3.6.9. Appropriate corrective measures in light of the circumstances in order to provide an adequate response to proven cases of sexual exploitation or abuse; and
- 3.6.10. Appropriate sanctions in cases of sexual exploitation or abuse.

#### **4. TRANSPARENCY**

- 4.1. LWBC shall make this Code and the reporting mechanisms it provides publicly available and accessible.
- 4.2. Where, in an agreement with LWBC, a donor requires to be informed of allegations of sexual exploitation or abuse involving a representative of LWBC or of a partner organization in the context of the implementation of an LWBC-funded international development project, LWBC undertakes to inform the donor of such allegations in a timely manner after determining the credibility of the allegation in accordance with Section 7.3. In such cases, LWBC shall disclose the information in a manner that preserves the confidentiality of the case and the fairness of the investigation process and protects the privacy of the individuals involved. This includes refraining from disclosing any information that could identify the individuals involved.
- 4.3. Within a reasonable period of time after a final determination has been made as per Section 7.12, LWBC may, in accordance with applicable privacy legislation and any other legal obligations or constraints, disclose information strictly necessary in relation to the substantiated case of sexual exploitation or abuse, only to those persons or parties who require access to it.
- 4.4. The number of alleged and confirmed incidents of sexual exploitation and abuse and the actions taken shall be made public on an annual basis.

#### **5. STANDARDS OF CONDUCT**



- 5.1. Sexual exploitation and abuse, in all its forms, is prohibited.
- 5.2. Without limiting the generality of Section 5.1, the following provides a non-exhaustive list of behaviours that constitute sexual exploitation or abuse:
  - 5.2.1. Any sexual relationship, activity, or interaction with a person under the age of 18, regardless of the age of majority or sexual consent in the country under review; and
  - 5.2.2. Solicitation or obtaining of sexual favours or services, or any humiliating, degrading or exploitative behaviour, in exchange for money, employment, goods, services or any other form of benefit or consideration.
- 5.3. Without limiting the generality of section 5.1, a sexual relationship between a representative of LWBC and a vulnerable person who is a beneficiary of an LWBC program shall be presumed to constitute sexual exploitation or abuse.
- 5.4. Any LWBC representative involved in any type of intimate relationship with a beneficiary of an LWBC program must immediately inform their manager, Culture and Talent Management Team, or the appropriate Country Office.
- 5.5. All those who are subject to this Code have a duty to behave in such a way as to ensure a healthy, safe, respectful and professional work environment for all, in compliance with, among others, the provisions of LWBC's policy on the prevention and resolution of psychological and sexual harassment in the workplace, where applicable.
- 5.6. Any person subject to this Code who suspects a representative of LWBC or of a partner organization of being somehow involved in sexual exploitation or abuse must submit a report through the mechanisms provided in Section 6.

## **6. REPORTING**

- 6.1. All victims of sexual exploitation or abuse by a person subject to this Code may report the misconduct using any of the mechanisms set out in Section 6.3.
- 6.2. Without limiting the reporting obligation incumbent on persons subject to this Code, in accordance with Section 5.6, any person who has knowledge or is aware of any information, act, behaviour or



situation that may constitute a violation of this Code may report it using any of the mechanisms set out in Section 6.3.

- 6.3. Reports may be filed anonymously or non-anonymously, specifying, as far as is possible, the elements of information set forth in Section 6.5 by:
  - 6.3.1. Using whichever means chosen by the person submitting the report; or
  - 6.3.2. Sending an email to [signalement.asfc@asfcanada.ca](mailto:signalement.asfc@asfcanada.ca) or calling the telephone line provided to this effect; or
  - 6.3.3. Reaching out to an LWBC manager; or
  - 6.3.4. Getting in touch with LWBC's HR team.
- 6.4. Any information in the public domain may be considered by LWBC as a report.
- 6.5. The persons or people in charge of receiving reports must gather the following pieces of information:
  - 6.5.1. The name(s) of the alleged victim(s);
  - 6.5.2. The name(s) of the person(s) involved;
  - 6.5.3. The relationship between the persons involved;
  - 6.5.4. A detailed description of the events (places, times, dates, alleged behaviours and/or acts);
  - 6.5.5. The names of witnesses, if any; and
  - 6.5.6. Any other useful information for processing the report.
- 6.6. Any person who makes a report in good faith shall not be subject to sanctions or retaliation even if the report proves to be unfounded.
- 6.7. Sanctions may be considered against any person who makes a report unduly, in bad faith or without reasonable cause, or who spreads false allegations, defames or tarnishes the reputation of others.

## **7. HANDLING REPORTS**



- 7.1. All reports are handled with due care, following an approach based on human rights, non-discrimination, safety, respect and confidentiality.
- 7.2. When a report is received, the information is promptly analyzed to determine whether immediate or interim action is required, including to protect the alleged victim, the person making the report, or any other person involved, or to prevent further harm.
- 7.3. As soon as possible, LWBC must determine whether the source and nature of the report, and the information provided therein suggest that the allegation of sexual exploitation or sexual abuse is credible. If LWBC determines that the report is evidently frivolous or unsubstantiated, the person making the report will be informed that it will not be processed further.
- 7.4. Once the credibility of a report has been determined in accordance with Section 7.3, a fair and impartial report handling process and investigation into the allegations is established and communicated to all parties involved.
- 7.5. The fair and impartial approach to handling and investigating the report shall allow the alleged victim and the subject of the report to be heard and to share their side of the story at a suitable time.
- 7.6. A specialized, neutral external agent may be mandated to process the report and conduct the investigation.
- 7.7. Information relating to a report and to the conditions in which it is being processed is handled in a confidential manner by all persons who have knowledge of or access to this information.
- 7.8. All persons called upon during the report handling and/or investigating process shall be treated with humanity, fairness, dignity and objectivity.
- 7.9. Special measures may be taken to protect and provide support for those who submit a report, alleged victims, witnesses, and subjects of reports.
- 7.10. Without limiting the generality of Section 7.1, the process for receiving reports, as provided by Section 6, and support for alleged or actual victims of sexual exploitation or abuse shall follow a victim-centred approach which shall be implemented according to the Do No Harm principle and shall take into account the specific rights and needs of the victims, as well as their individual circumstances, especially insofar as the victims are vulnerable individuals or affected by power imbalances, or



exposed to discrimination as a result, for example, of disability, sexual orientation, gender identity, race or ethnicity, age, or religion.

- 7.11. The person making the report, the alleged victim, and the subject of the report shall be informed of any updates relating to the handling process and the investigation, with due care and wherever appropriate or necessary.
- 7.12. All reports that progress to the stage set out in Section 7.4 shall be subject to a final determination within a reasonable timeframe. The final determination shall be shared with the alleged or actual victim and the subject of the report.
- 7.13. Any person whom LWBC considers has violated this Code may be subject to a sanction, including in the form of disciplinary action depending on the seriousness of the violation, and may lead to termination of employment.
- 7.14. If a violation of this Code is established as per Section 7.12, LWBC will deploy its best efforts to continue to support the victim of sexual exploitation or abuse in accordance with the approach outlined in Section 7.10.
- 7.15. Should a report implicate a person to whom this Code applies but is not an LWBC representative, LWBC shall share the report with the relevant partner organization in a timely manner. LWBC shall ensure that:
  - 7.15.1. The partner organization processes the report in accordance with its relevant policies and procedures, as per Section 3.4;
  - 7.15.2. The partner organization complies with its obligations in accordance with Sections 8.18 to 8.23;
  - 7.15.3. It follows up on how the report is being handled, on whether or not the report was well founded, and on what action and/or sanction was taken, if any; in a manner that is consistent with the independence and procedural fairness provided by the partner organization's handling process and with the legal obligations and constraints the partner organization is bound by; and that
  - 7.15.4. It provides support to the partner organization, and assists with report handling process and investigation as required.
- 7.16. At any time following receipt of a report, LWBC may make file a police report or file a case with the relevant judicial authorities





if it believes that a criminal offence may have been committed.

## **8. ROLES AND RESPONSIBILITIES**

In addition to their obligations under the other provisions of this Code, where applicable, the persons and entities mentioned below undertake to:

### *Board of Directors*

- 8.1. Develop and strengthen a culture of zero tolerance, prevention, accountability, and transparency in relation to incidents of sexual exploitation and abuse.

### *Human Resources Department*

- 8.2. Take steps to raise awareness of this Code and strengthen practices and actions to support a culture of zero tolerance, prevention, accountability, and transparency in relation to incidents of sexual exploitation and abuse;
- 8.3. Establish recruitment practices aimed at preventing the perpetuation of sexual exploitation and abuse;
- 8.4. Support and advise managers on all matters related to this Code and how it applies in the workplace;
- 8.5. Conduct ongoing training and awareness activities to prevent sexual exploitation and abuse;
- 8.6. Receive and process reports in accordance with this Code;
- 8.7. Ensure that LWBC complies with its obligations in relation to transparency in accordance with Section 4 and monitoring and evaluation activities in accordance with Section 9;
- 8.8. Ensure that the person who reported an incident, the alleged or actual victim, any witnesses, and the person who is the subject of the report receive adequate support; and
- 8.9. Conduct regular reviews of this Code and its application.

### *Managers*



- 8.10. Contribute to and support a culture of zero tolerance, prevention, accountability, and transparency in relation to sexual exploitation and abuse, and adopt best practices and behaviours accordingly;
- 8.11. Model and promote respect for individuals and educate teams on their role and responsibilities in maintaining a healthy, safe, respectful environment free from sexual exploitation and abuse;
- 8.12. Educate partner organizations on upholding a culture of zero tolerance, prevention, accountability, and transparency in relation to sexual exploitation and abuse and their responsibilities in this regard;
- 8.13. Collaborate with partner organizations, donors, or other stakeholders to facilitate the integration and sharing of best practices with regard to preventing, addressing, and sanctioning incidents of sexual exploitation and abuse;
- 8.14. Provide a prompt response to any acts, actions, behaviour or situations that may constitute a violation of this Code and report it to the HR department;
- 8.15. Receive and forward reports to the HR department in accordance with Section 6.3.3;
- 8.16. Help with report handling and investigation as requested following a report; and
- 8.17. Contribute to respect for and enforcement of this Code everywhere LWBC operates.

#### *Partner organizations*

- 8.18. Contribute to establishing a culture of zero tolerance, prevention, accountability, and transparency in relation to incidents of sexual exploitation and abuse;
- 8.19. Collaborate with LWBC to enable the integration and sharing of best practices with regard to preventing, addressing, and sanctioning incidents of sexual exploitation and abuse;
- 8.20. Meet all obligations set out in this Code, or have established adequate policies and procedures to prevent, address, and sanction incidents of sexual exploitation and abuse;



- 8.21. Appropriately address any incident of sexual exploitation and abuse that comes to their attention and refer it to the appropriate parties through relevant mechanisms, including those described in this Code;
- 8.22. Cooperate in any investigation following allegations of sexual exploitation and abuse involving an LWBC representative;
- 8.23. Maintain the confidentiality of all incidents and information brought to their attention in relation to this Code; and
- 8.24. Provide training and raise awareness among their organization's representatives on the prevention of sexual exploitation and abuse.

## **9. MONITORING AND EVALUATION**

- 9.1. The HR department shall maintain a register for keeping a record of reports, investigations, sanctions, and support measures.
- 9.2. Executive Management shall report annually to the Board of Directors on:
  - 9.2.1. The application of this Code;
  - 9.2.2. Each report, how it was or is being handled, the determination made by LWBC, sanctions taken, if any, and the support provided to the victim; in full compliance of applicable confidentiality obligations; and
  - 9.2.3. Proposals for amendments or improvements to this Code, if any.



## **ANNEX 3.2: ACCESSION DECLARATION**

### **CODE OF CONDUCT ON THE PREVENTION OF SEXUAL EXPLOITATION AND ABUSE**

I hereby confirm that I have read this *Code of Conduct on the Prevention of Sexual Exploitation and Abuse*, understand its contents, and know what is expected of me.

I understand that my behaviour must be consistent with LWBC's culture of zero tolerance, prevention, accountability, and transparency in relation to sexual exploitation and abuse.

I undertake to comply with all the provisions set out in this Code. I understand that any violation of this Code may result in disciplinary action potentially leading to the termination of my contract with LWBC, as applicable.

I also understand that violations of the law may lead to civil and/or criminal prosecution.



LWBC representative (name):

Signature:

Date: