



Annex 10

Procedure on the Prevention and Response to Sexual Violence in ACTIF

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1. Introduction

As per Equitas' <u>Policy on Preventing Sexual Violence</u>, <u>Harassment and Discrimination</u>, Equitas is committed to practices and policies that build a safe and secure environment, free from violence, intimidation, harassment and discrimination and that enables full participation for anyone who wishes to contribute to the Equitas mission. Sexual discrimination, exploitation intimidation, harassment and assault are not tolerated by Equitas.





In its Policy, Equitas commits to ensuring that appropriate procedures and mechanisms are in place to prevent and respond in a transparent and accountable manner to any incidents of sexual violence, exploitation, harassment and discrimination which may involve Equitas employees and/or programs. At this time, Equitas' Policy does not include a procedure to respond to past allegations or reports of sexual misconduct among Canadian and Southern applicants to ACTIF, nor how to respond to incidents that involve partners.

Recipients of funding from Global Affairs Canada are required to have appropriate policies or procedures in place for the prevention and response to sexual exploitation and abuse (see GAC website). Furthermore, they require of ACTIF a rigorous due-diligence screening processes of Canadian and Southern Partners relating to sexual exploitation and abuse.

This procedure's objective is to outline how Equitas can prevent and address sexual violence among applicants and partners, from a due diligence process, to orientation, training and response. Knowing that "Organizations feel more confident reporting safeguarding incidents when funders have clear protocols and procedures in place" (Funder Approaches to Safeguarding, Funder Safeguarding Collaborative), this procedure is also an important guide for partners and applicants.

This proposed procedure is informed by multiple conversations and reviews of policies of a variety of funds and foundations. In general, the organizations consulted did not have formal policies relating to applicants. In the majority of cases, dialogue with applicants and partners was the favoured approach. The ACTIF Advisory Committee members, building from their collective experience at MamaCash, Foundation for a Just Society and Astrea Lesbian Foundation for Justice, felt quite strongly that allowances must be made for an organization to rehabilitate itself. This was echoed during a meeting with the Equitas Program Steering Committee, where there was a strong consensus that the organization nor the populations it serves should be automatically penalized if an incident of sexual violence is declared or discovered in an organization.

2. Purpose and Scope

This Procedure on the Prevention and Response to Sexual Violence is designed to ensure appropriate procedures and mechanisms are in place to respond to incidents, cases, and allegations concerning sexual violence, exploitation, harassment, discrimination and abuse in connection with projects applying or funded through the Act Together for Inclusion Fund. Particularly, the Procedure is intended to assist organizations who have applied for funding or who are ACTIF partners to understand the policies and procedures around the due





diligence screening process and the general response and consequence in connection with such incidents.

This Procedure is implemented as a supplement to, and not as a replacement for, the laws that govern such incidents, cases, and allegations concerning sexual violence, exploitation, harassment, discrimination, and abuse including but not limited to the *Criminal Code* (Canada) and any other equivalent legislation in the country of the organizations who has applied for funding. This Procedure shall at all times comply with such applicable laws, regulations, and guidelines. This Procedure is also subject to the Contribution Agreement dated May 27th, 2020 between Equitas – International Centre for Human Rights Education and the Department of Foreign Affairs Trade and Development.

3. Principles

In conducting its due diligence, monitoring and project management, Equitas shall adhere to the following principles, values and commitments:

- 1. A commitment to the values of DO NO HARM and to establishing working environments free from sexual violence, exploitation, harassment and discrimination. As such, the ACTIF Team will conduct its inquiries and make recommendations with the view to ensuring that organizations that are perpetuating a culture of violence and impunity do not receive project funding. ACTIF is committed safeguarding and preventing further harm to survivors or victims of sexual violence.
- 2. A commitment to the health and safety of employees, volunteers, partners and participants. As such, in the case of sexual abuse and exploitation, Equitas shall adopt an intersectional and survivor centered approach and shall take all appropriate steps as outlined in the Equitas' Policy to prevent and respond to sexual violence, through a survivor centered approach.
- 3. A recognition that all organizations are at risk of incidents of sexual violence. Neither an organization, nor the populations it serves should be automatically penalized if an incident of sexual violence is unearthed or occurs in an organization. The actions of one employee should not condemn an organization. As such, where an incident, case or allegation exists, the ACTIF Team will give applicants an partners the opportunity to provide its reasoning and evidence of appropriate preventative and corrective measures put in place following the incident.





4. A recognition that an approach based on trust, learning and improving practice is necessary to preventing and responding to sexual violence in our sector. The inherent power imbalance within the funding relationship means that applicants and partners may fear that reporting safeguarding incidents will result in funding being withdrawn, or feel compelled to comply with funder requirements. This undermines local ownership and perpetuates the perception of safeguarding as a compliance issue driven by funders (Funder Approaches to Safeguarding, Funder Safeguarding Collaborative). ACTIF will strive to develop relationships of trust with partners and will focus on an approach based on learning and improving practice.

Equitas also recognizes that there are campaigns waged against LGBTQ2I organizations to discredit them in the mainstream media or on the internet. As such, the ACTIF Team will communicate openly with applicants and partners about alleged incidents, cases, and allegations and inquiry process and results, while protecting the confidentiality of survivors.

There are also real reputational risks for DNC and Equitas should the media uncover that ACTIF is funding an organization with a known reputation of sexual violence, that could endanger advocacy efforts for increasing funding for international LGBTQ2I solidarity work.

Finally, Equitas is committed to learning from each case, and revising this policy based on the insights provided by the Project Selection Team, Advisory, project partners and the experiences of the ACTIF team.

4. Equitas' role and responsibilities

The ACTIF Team is responsible for conducting due diligence and responding to incidents, cases, and allegations concerning sexual violence, exploitation, harassment, discrimination, and abuse by applicants and partners funded through ACTIF, including by its members, directors, officers, employees and other agents.

For greater clarity, incidents, cases and allegations of sexual violence, exploitation, harassment, discrimination, and abuse, as defined in Equitas' Policy on Preventing Sexual Violence, Harassment and Discrimination, are also included in an annexe below.

A note on the differences between sexual exploitation and sex work

A number of LGBTQ2I organizations around the world support the rights or provide services to sex workers. Trans sex workers are amongst the most marginalised and vulnerable sex





workers due to widespread social stigmatisation attributable, in general, to transphobic prejudice in almost all countries (Global Network of Sex Work Projects). It is important in the context of ACTIF, that this policy not conflate sex work with 'sexual exploitation' (NWSP, Sex work is not sexual exploitation) which can increase the stigma and discrimination they experience. Further, policies seeking to prevent sexual exploitation and abuse can inadvertently prevent funding to organizations, such as the Red Umbrella Fund, that support sex workers.

Sex work is work. Sex workers include women, men, transgender and non binary adults (over 18 years of age) who receive money or goods in exchange for sexual services, either regularly or occasionally. It is important to note that sex work is consensual sex between adults" (NWSP, Sex work is not sexual exploitation).

However, sex workers can also be victims or survivors of sexual violence. Partners engaged in an ACTIF funded project cannot solicit services from sex workers. The relation of power between an organisation and the community it serves compromises any notion of consent.

The ACTIF Team shall make an initial determination on appropriate steps in connection with an incident, case and allegation of sexual violence, exploitation, harassment, discrimination, and abuse by an applicant or partner. In the case of applicants, the team will share the results of the due diligence process with the Project Selection Committee. In the case of partners, the ACTIF Team will consult Equitas' Director of Programs and Executive Director.

In carrying out their role with applicants, the ACTIF Team shall be responsible to:

- Develop and oversee initial and ongoing due diligence and screening of applicants relating to incidents, cases, and allegations concerning sexual violence, exploitation, harassment, discrimination, and abuse;
- Where an incident, case or allegation concerning applicants is declared, reported or discovered, the ACTIF team will follow up with applicants (Canadian and Southern Organisations) for more information on the incident as well as what preventative, corrective or disciplinary measure have been implemented or developed, and share this information with the Project Selection Committee for review;
- Review and ensure the applicants have adequate and appropriate policies, internal
 controls and procedures in place in connection with the prevention and response to
 sexual violence, exploitation, harassment, discrimination, and abuse that are
 consistent with this procedure and the Equitas Policy on Preventing Sexual Violence,
 Harassment and Discrimination, and that meet the relevant qualifications set forth in
 the Contribution Agreement and/or ensure the Applicant implement this procedure
 and Equitas' Policy as their own.

In carrying out their role with partners, the ACTIF Team shall be responsible to:





- Provide an orientation on Equitas' policy and this procedure, training on the prevention and response to sexual violence;
- Provide training and resources on the prevention and response to sexual violence;
- Develop a relationship of trust with partners, so that they feel comfortable disclosing incidents to Equitas. Equitas will support partners in prevention and response of sexual violence.

5. Due diligence and screening

Responsibility of Canadian and Southern Partners

First, it is the responsibility of Canadian and Southern partners to have undertaken their own due diligence process prior to deciding to partner with the other organizations. It is also their responsibility to declare incidents of sexual violence to ACTIF.

Responsibility of Equitas

In applying to ACTIF, Southern and Canadian partners will be asked to submit a completed application form, which includes a declaration of incidents of sexual violence, along with two references, and all other supporting documentation as outlined in the application form. Declaring an incident of sexual violence does not preclude organizations from receiving funding, but failure to declare incidents will result in immediate disqualification. Canadian and Southern partners are also asked to provide a copy of their organizational policy on sexual violence, or to sign on to Equitas' if they do not have one.

The ACTIF Team will review the application, references and supporting documentation. As part of its general due diligence process, the ACTIF team will check organizations against appropriate terrorist lists, perform a key word search with internet and news sources in connection with applicants and will contact the two references.

Upon completion of its due diligence, where the ACTIF Team determines that no incidents, cases, and allegations concerning sexual violence, exploitation, harassment, discrimination, and abuse exists, applications are cleared for the next step in the project selection process.

If the ACTIF Team determines that an incident, case, and allegation concerning sexual violence, exploitation, harassment, discrimination, and abuse may exist, the ACTIF Team will reach out to the applicants directly to ask for additional information on the incident and policies or procedures that are in place. A checklist tool based on AQOCI's organizational checklist will facilitate the review of the documents (See annex 1). Policies and procedures to be reviewed can include:





- The procedure and disciplinary action undertaken
- Approach to protect and accompany victims or survivors of violence
- Whether a policy, procedure or code of conduct has been adopted or revised
- Training for staff

As ACTIF is working with partnerships, all project partners, Canadian and Southern, shall also be informed of the incidents revealed in the due diligence process.

Upon completion of the due diligence process and reception of additional information from the applicant, the ACTIF Team will:

- Communicate its findings to the Project Selection Committee, who will make final funding decisions; *or*
- If the Project Selection Committee cannot make a determination based on the information provided, they will refer the investigation to a sub-committee of the Advisory Committee or co-chairs. If no consensus is reached, decision goes back to Fund Director and DNC Director.
- ACTIF can also ask for up to five additional references from funders and local LGBTQ2I organisations (Recommendations from MamaCash, Astrea Lesbian Foundation for Justice and Foundation for a Just Society), as an added due diligence and risk mitigation procedure.

An adaptation of this procedure is required should a survivor of sexual violence come forward with a complaint against an applicant, whereas:

- The individual will be responded to according to a survivor centered and trauma informed approach. (See section 6)
- Incident details in this case will not be shared with the ACTIF team, but will be kept confidential as per Equitas' policy. The ACTIF Fund Director will inform the Executive Director of Equitas that a complaint has made against an applicant, while maintaining the confidentiality of details concerning the survivor. The Survivor's written statement can also be shared with the Executive Director, with the survivor's consent. These are the only two people who will have access to this information.
- The survivor's information will also be kept confidential from Canadian and Southern organizations. They will only be made aware that a complaint has been made against them.
- This procedure will be shared with the survivor so that they are aware of the process that will be undertaken. Equitas will act according to principles guiding this policy (see section 5) with the view to ensuring that organizations that are perpetuating a culture of violence and impunity do not receive project funding.





As a general rule, the onus is on the applicant to demonstrate that it is committed to practices and policies that build a safe and secure environment, free from sexual violence, exploitation, harassment, discrimination, and abuse.

6. Project/Partnership Management

ACTIF Canadian and international partner organizations will adhere to Equitas' Policy on Preventing Sexual Violence, Harassment and Discrimination. Equitas' policy will be added as an annex to the contract with all ACTIF partners and all contracts include an article on the prevention of sexual violence.

The ACTIF team will monitor partners and funded projects, and is responsible to:

- Ensure all partners sign-on to Equitas' Policy on Preventing Sexual Violence, Harassment and Discrimination.
- Organize an orientation webinar on Equitas' policy with new partners, to ensure adequate understanding of their responsibilities and obligations when they agree to sign on to said policy.
- Organize educational training and awareness programs on the prevention of and response to sexual violence for partners, which shall be held within the first six months of executing an agreement between Equitas and the Partners.

Where an incident, case or allegation concerning partners is declared, reported or discovered, the ACTIF team will communicate with partners (Canadian and Southern Organisations) for more information on the incident as well as to provide support so that preventative, corrective or disciplinary measure are implemented or developed, and that the victim or survivor has received adequate support. The ACTIF team will follow the procedure outlined in section 3 to guide the inquiry, including the following steps:

- The complaint or declaration is recorded. The Equitas Policy provides an example of a complaint form which can be used by survivors/victims of violence or bystanders/witnesses. As per the Equitas Policy, the survivor/victim will be provided with a signed copy of the form acknowledging receipt.
- Equitas will be responsible for documenting the incident and all follow-up action. This information will remain confidential.
- The ACTIF team will communicate with partners (Canadian and Southern Organisations) for more information on the incident as well as to provide support so that preventative, corrective or disciplinary measure are implemented or developed, and that the victim or survivor has received adequate support. Care must be taken





that this disclosure and follow up action does not put the survivor/victim at risk of harm or reprisal.

- As per Equitas' policy, Equitas may decide to try to resolve the matter informally through mediation and consultation with partners, if this approach is acceptable to the victim/survivor and the circumstances warrant. Alternatively, Equitas can appoint an independent investigator.
- The results of this assessment will be shared with Executive Director and Programs
 Director of Equitas, and the Advisory Committee. The assessment can include
 recommendations for further action, such as to terminate the Agreement between
 the partner and Equitas. Equitas will also communicate the results of the assessment
 process to the victim/survivor.
- Learn from each case, and revise this policy based on the insights provided by Equitas and ACTIF staff and relevant stakeholders.

7. Survivor-Centered Approach

Equitas is committed to a Survivor-Centered Approach. A Survivor-Centered Approach aims to create a supportive environment and ensure that each survivor is treated with dignity and respect. "Essentially, a survivor-centred approach applies the human rights-based approach to designing and developing programming that ensures that survivors' rights and needs are first and foremost. The survivor has a right to:

- be treated with dignity and respect instead of being exposed to victim-blaming attitudes:
- choose the course of action in dealing with the violence instead of feeling powerless;
- privacy and confidentiality instead of exposure;
- receive comprehensive information to help her make her own decision instead of being told what to do." (<u>UN Women</u>, 2011)

The survivor-centred approach is based on a set of principles and skills designed to guide professionals-- regardless of their role—in their engagement with of survivors. If a survivor was to come forward to disclose an incident against an applicant, Equitas will:

- Ensure the confidentiality of the information provided, as per Equitas' Policy.
- Take or ask for a written statement, and ask consent to share this statement, as
 asking a survivor to retell their incident of sexual violence can be trauma inducing
- Share with the survivor the steps outlined in this procedure in a transparent manner so that they understand the decision-making process relating to funding the applicant or in responding to partners.





- Indicate resources where the survivor can seek support and to promote the survivor's recovery. Equitas is not a service provider and cannot and should never play this role.
- Follow up with the survivor on the results of the process with the applicant, if they so desire.

For more information on how to accompany a survivor of sexual violence, please see the AQOCI-DIGNA Briefing Paper

8. Confidentiality

It is the Policy of Equitas to treat all incidents, cases, and allegations concerning sexual violence, exploitation, harassment, discrimination, and abuse in a confidential and sensitive manner. This extends to all complaints brought forth by members, directors, officers, employees and other third parties.





Annex 1: Definitions

[Note: these terms are reproduced from the Equitas Policy and/or Global Affairs Canada.]

Discrimination is any harmful practice or behaviour, whether intentional or not, which has a negative effect on an individual or group targeted because of their race, ancestry, place of origin, religion, language, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, age, marital status, family status, disability, or other analogous ground.

Sexual abuse, according to <u>Global Affairs Canada</u>, refers to an actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Not knowing or mistaking the age of a child is not a defense.

Sexual assault is any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim. Sexual assault is characterized by a broad range of behaviours that involve the use of force, threats, or control towards a person, which makes that person feel uncomfortable, distressed, frightened, threatened, carried out in circumstances in which the person has not freely agreed, consented to, or is incapable of consenting to. Sexual Assault is an offence under the Criminal Code of Canada. It can occur between strangers, acquaintances or be perpetrated by someone known to the survivor/victim. It can occur in a dating relationship, between spouses, or in any other relationship.

Sexual exploitation, according to <u>Global Affairs Canada</u>, refers to 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 harassment is any conduct, comment, gesture or contact of a sexual nature or about a person's gender that is likely to cause offence or humiliation to any employee, prospective employee, intern, volunteer or client. Sexual harassment is also any unwelcome conduct, comment, or gesture that might, on reasonable grounds, be perceived by an employee or prospective employee as placing a condition of a sexual nature on employment or on any opportunity for professional development, training or promotion. The following list provides examples of the sort of behaviours that may constitute sexual harassment or inappropriate gender-related comments and conduct:

- i) offensive gender-related comments about a person's physical characteristics or mannerisms;
- ii) unwelcome physical contact;





- iii) propositions of physical intimacy;
- iv) gender-related verbal abuse, threats, or taunting;
- v) leering or inappropriate staring;
- vi) bragging about sexual prowess;
- vii) demands for dates or sexual favours;
- viii) offensive jokes or comments of a sexual nature;
- ix) display of sexually offensive pictures, graffiti, or other materials;
- x) questions or discussions about a person's sexual activities;
- xi) rough and vulgar humour or language related to gender.

Sexual violence means any violence, physical or psychological, carried out through sexual means or by targeting sexuality. This violence takes different forms including sexual abuse, sexual assault, rape, incest, childhood sexual abuse and rape during armed conflict. It also includes sexual harassment, stalking, indecent or sexualized exposure, degrading sexual imagery, voyeurism, cyber harassment, human trafficking and sexual exploitation.





Annex 2: Checklist for reviewing procedures among Partners (based on AQOCI's checklist)

Code of conduct or Policy	Yes	Comments
The organization has a code of conduct or policy aiming		
to prevent and respond to sexual violence?		
If Yes:		
Does it apply to:		
a. Staff		
b. Consultants		
c. Volunteers		
d. Interns and		
e. Board members		
Does it cover power relationships in the case of sexual violence?		
For example: Does it regulate intimate, loving, or		
sexual relationships which can be established		
between a person in a position of authority and a		
person subject to this authority or a person		
representing the organization and a beneficiary?		
Does it cover a variety of scenarios (e.g.: volunteers as		
victims, employees as victims, subcontractors as aggressors)?		
Does it include the following elements?		
a. Objectives		
b. A declaration of commitment to prevent and		
address sexual violence		
c. The expectations and responsibilities of the		
organization toward the staff (employees, managers,		
volunteers, interns, and board members)		
d. Definitions of sexual violence, harassment,		
exploitation and abuse		
 Does it protect whistleblowers or people who report an incident? 		
Survivor-Centered		
Is it focused on the needs of the victims or survivors?		





	Does it include information for staff to orient victims and		
•	survivors to obtain health, counselling or legal services?		
•	Is there a follow-up mechanism on the phenomenon of		
	sexual violence, and to integrate the feedback of		
	survivors, within the organization?		
•	Is the process oriented towards supporting the survivor in		
	their choices.		
Re	porting		
•	Is there a procedure or mechanism for reporting an		
	incident internally?		
•	Does the policy, code of conduct or other procedures		
	explain specifically how to report an incident?		
•	Does it allow a person to make a report anonymously?		
•	Does the mechanism allow partners and community		
	members to submit a complaint?		
•	Does the procedure explain how the information will be		
	managed when a report is submitted?		
•	Does it include mechanisms to ensure the confidentiality		
	of complaints and reports received?		
•	Does it include information on the follow-up related to		
	the complaints or the reports?		
Di	ssemination and internal management		
•	Is it displayed in the workplace?		
•	Is it available in all the languages required?		
•	Is it known and mastered by the members of the		
	organization (staff, volunteers, interns, board members)?		
•	Do partners and community members know about it?		
•	Does it include mechanisms for the policy to be reviewed		
	regularly?		
Re	cruitment and Human Resource Management		
•	Does the organization integrate a question or present a		
	scenario related to sexual violence during the recruitment		
	process?		
•	Are the organization's expectations with respect to		
	violence prevention and reporting integrated into job		
	descriptions?		
•	Is there a clause about the code of conduct (or about		
	sexual violence) in the contracts of the organization's		
	staff?		





• Is there a confidentiality clause in the contracts of employees or volunteers who could have a role to play in	
the reporting or the management of complaints?	
Is there a clause in the contracts of the subcontractors	
concerning sexual violence?	
Are people from the human resources department, or the	
individuals bearing these responsibilities within the	
organization, trained on how to respond to survivors of	
acts of sexual violence?	
Are there measures promoting respect and civility at	
work?	
Can staff members of staff, volunteers or interns in the	
field have access to resources or strategies in order to	
make their experience safer? (For example:	
accommodation related to transportation if a person is	
travelling alone and does not feel safe, deployment in the	
field in pairs)?	
Is there a department or a focal point dedicated to the	
protection against sexual violence (including sexual	
exploitation and abuse)?	
Is there a specific budget intended for the prevention of	
sexual violence?	
Is there access to a resource person (either internally or	
through a partnership) on sexual violence?	
Is the phenomenon of sexual violence documented within	
the organization?	
Partner relationships	
Do the selection criteria for partners include criteria	
related to the prevention of the sexual violence?	
Is there an orientation on the policy or capacity building for partners?	
for partners?	
Are there capacity building or training activities for partners?	
partners? Training	
Is there training for employees, volunteers, interns,	
managers and board members on sexual violence?	
Is this training offered regularly and systematically?	
 When this training is being given, is there a mechanism to 	
listen to or support individuals who would want to	
disclose an incident?	
disclose an including	





Are training materials available for review? Do these trainings cover the notion of consent?	
Does the training empower the learners to react if they witness a situation of sexual violence?	
Does the training cover the issue of power relationships?	
Does the training enable participants to deconstruct myths surrounding the phenomenon of sexual violence?	