



## Brief #2: Best Practices for Prevention and Reporting of Sexual Violence

This brief was written as part of the activities on sexual violence of the Comité québécois femmes et développement (Quebec Committee Women and Development) of the Association québécoise des organismes de coopération internationale (Quebec Association of International Cooperation Organizations). This brief provides a non-exhaustive portrait of best practices relating to the prevention and reporting of sexual violence within international cooperation organizations (ICOs). It is divided in the following manner:

- Introduction to the work of the Association québécoise des organismes de coopération internationale (AQOCI) and the Canadian Council for International Cooperation (CCIC), and to the requirements of Global Affairs Canada.
- Prevention (Part 1): code of conduct, policy against violence, best practices at the human resources and partner levels.
- Prevention (Part 2): political will and organizational culture, including myths around sexual violence and risk factors.
- Reporting:

This brief is part of a practical toolkit focusing on the issue of sexual violence. Other briefs are being developed and focus on case management, or medical, psychosocial, legal and judiciary support, as well as on investigations. The following additional briefs are already available:

- Brief #1: Introduction to Sexual Violence in the International Cooperation Sector
- Brief #3: Training and Disclosing Sexual Violence
- Quick Reference Tool: Prevention Strategies Checklist; a tool to address sexual violence

### Introduction—Change Starts With Us

In 2018, the Comité québécois femmes et développement (CQFD) of AQOCI initiated a broad work program on sexual violence. These initiatives are a reflection of AQOCI members' firm political will to increase their capacities to prevent and to support the people who have

experienced one form or another of sexual violence. The CQFD has developed tools to strengthen the capacity of its members and support their work in relation to policies and organizational procedures.

This work is part of the broader efforts of CCIC which, in September 2018, announced the commitment of its members to a zero-tolerance policy regarding sexual misconduct. This important commitment aims to better protect the staff, volunteers and communities who collaborate with Canadian international cooperation organizations.

The Government of Canada recently took a stance in favour of best practices in the Whistler Declaration on Protection from Sexual Exploitation and Abuse in International Assistance. Global Affairs Canada (GAC) also communicated its expectations so that all organizations receiving funding from Canada will take appropriate measures to strengthen their prevention practices and to adequately manage reported cases of sexual violence. This information is available online: Sexual exploitation and abuse in international assistance.<sup>1</sup>

Global Affairs Canada uses the guidelines developed by the Inter-Agency Standing Committee (IASC). The IASC has also defined minimum operation standards designed to systematize the protection against sexual exploitation in the humanitarian assistance sector. These standards are particularly useful for reviewing organizational practices in terms of preventing and responding to sexual violence. Monitoring indicators have also been predefined for each standard.<sup>2</sup> These minimum standards are now integrated to the *Prevention Strategies Checklist* produced by AQOCI's CQFD, in order to guide and harmonize the work of Quebec international cooperation organizations (ICOs) in addressing the issue of sexual violence.

## Prevention—Organizational Tools

This section on prevention and reporting seeks to provide ICOs with an overview of different organizational tools, such as a harassment policy and a code of conduct. This section also provides a list of inspiring best practices in relation to human resources management, the establishment of partnerships, and risk management.

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<sup>1</sup> Global Affairs Canada: [https://www.international.gc.ca/world-monde/issues\\_development-enjeux\\_developpement/sexual\\_exploitation-exploitation\\_sexuels/index.aspx?lang=eng](https://www.international.gc.ca/world-monde/issues_development-enjeux_developpement/sexual_exploitation-exploitation_sexuels/index.aspx?lang=eng)

<sup>2</sup> Idem.

## 1. Policy on Sexual and Psychological Harassment

The adoption of a policy on sexual harassment is an assertion of the organization's political will and institutional commitment to prevent and address sexual harassment. The policy indicates to the staff what procedures to follow in the event of an incident or a complaint. These procedures must be available in all relevant languages and must include mechanisms for reporting or filing complaints following any act of sexual violence.<sup>3</sup>

Sexual harassment is now included in the definition of psychological harassment under article 81.18 of the Act Respecting Labour Standards. The recent amendments to Quebec's Act Respecting Labour Standards create new obligations for ICOs. As of January 1, 2019, all organizations must have adopted and disclosed a policy for the prevention of psychological harassment, including a complaint process. Whereas a person previously had 90 days to file a complaint, the time limit is now of two years. A model policy is available on the website of the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST).<sup>4</sup>

However, it is important to avoid limiting institutional commitments to concerns over legal liability or compliance with certain types of behaviour. The scope of such a policy must be clearly spelled out, specifying in particular the people (staff, volunteers, members of the Board of Directors, and partners), as well as the settings or the circumstances to which it applies.<sup>5</sup> The policy must be sufficiently precise to indicate the sanctions that will allow the organization to fulfill its legal responsibilities. It should also include certain intervention principles in order to allow the implementation of a survivor-centered approach.

Here are a few examples of good practices that were identified with respect to drafting a policy against all forms of harassment:

- Write or revise policies and procedures by integrating an approach centered on the victim/survivor, in order to avoid the implementation of rigid procedures.
- Be sure to include in the policy the need not to blame or stigmatize people in the policies, procedures, manuals, guides and trainings by using discriminatory terms or reinforcing the passive victim stereotype.
- Include social media in the policy in order to take into account the increasingly potential risk they may represent when we talk about harassment.

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<sup>3</sup> Report the Abuse, 2017

<sup>4</sup> CNESST: <https://www.cnesst.gouv.qc.ca/Publications/1000/Pages/DC-1000-304.aspx>

<sup>5</sup> CNESST. Guide pour l'élaboration d'une politique du harcèlement psychologique ou sexuel au travail et de traitement des plaintes : <https://www.cnesst.gouv.qc.ca/Publications/200/Documents/DC200-998web.pdf>

## 2. Code of conduct

The code of conduct for the prevention of sexual violence is a tool allowing ICOs to communicate their expectations towards the staff, members of the Board of Directors, and volunteers. It provides a framework that is more specific than the legal frameworks, as it describes expected behaviours with greater precision. In international cooperation, the border between personal life and work may prove to be particularly blurry during interventions on the ground: this increases the relevance of having a code of conduct. The latter defines the framework within which the organization may legitimately intervene.

As of September 1, 2019, Global Affairs Canada will require partner organizations to have a code of conduct to prevent and respond to sexual exploitation and abuse in place to apply for development and humanitarian funding. For organizations that are currently waiting for a response to a funding application, it is expected that a code of conduct would be made publicly available within six months following the signing of a new contribution agreement.<sup>6</sup>

In order to meet the requirements of Global Affairs Canada, a valid code of conduct will need to clarify the roles and responsibilities of the organization regarding the implementation and compliance with the said code. Fair and equitable investigation procedures should be clearly identified, as well as the relevant disciplinary measures that would apply in cases of non-compliance with the code.<sup>7</sup> In order to support the implementation of the code, training on the prevention of sexual exploitation and abuse, as well as on the measures to be taken in the event of misconduct, must be provided. Finally, Global Affairs Canada requires that a mechanism for confidential reporting be established within each organization.

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<sup>6</sup> Global Affairs Canada. Sexual exploitation and abuse in international assistance : [https://www.international.gc.ca/world-monde/issues\\_development-enjeux\\_developpement/sexual\\_exploitation-exploitation\\_sexuels/index.aspx?lang=eng](https://www.international.gc.ca/world-monde/issues_development-enjeux_developpement/sexual_exploitation-exploitation_sexuels/index.aspx?lang=eng)

<sup>7</sup> Global Affairs Canada, Section 22.6 of the Contribution Agreement — General Terms and Conditions, International Development Assistance Program, Effective: November 1, 2018: [https://www.international.gc.ca/development-developpement/partners-partenaires/bt-oa/contribution\\_general-accord\\_general.aspx?lang=eng](https://www.international.gc.ca/development-developpement/partners-partenaires/bt-oa/contribution_general-accord_general.aspx?lang=eng)

**Summary of the six core principles to include in ICOs codes of conduct, as defined by the IASC for the humanitarian assistance sector**

1. Sexual exploitation and abuse are grounds for termination of employment.
2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of consent locally.
3. Exchange of money, employment, goods, or services for sex is prohibited.
4. Sexual relationships between humanitarian workers and beneficiaries\* are strongly discouraged since they are based on inherently unequal power dynamics.
5. Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, he or she must report such concerns via established agency reporting mechanisms.
6. The staff must create and maintain an environment which condemns sexual exploitation and abuse, and which promotes compliance with the code of conduct. ICO managers have specific responsibilities and are obliged to create procedures that help maintain a safe environment, in Canada and abroad.

*\* The term “beneficiary” is discouraged because of its negative connotation referring to a passive recipient of aid rather than an agent of change. This brief favours the use of the terms “target group” or “members of the local community”.*

This excerpt from the WUSC and CECI Volunteers Code of Conduct<sup>8</sup> provides an example of good engagement practices to which all active volunteers must commit to in writing:

“The volunteer agrees to:

- Never exchange money, employment, goods, or services for sex, including sexual favours. All forms of humiliating, degrading, or exploitative behavior are prohibited.
- Not engage in sexual relations with beneficiaries. It is prohibited because it is based on unequal power dynamics. Such relationships undermine the credibility and integrity of the work and global cooperation. This applies both during and outside working hours.
- Not accept or seek sexual services. This rule applies both during and outside working hours.
- Ensure that all confidential information, including reports of violations of these standards by colleagues, obtained from beneficiaries or colleagues, is handled properly and with the utmost confidentiality.
- Ensure that reports of violations of these standards are immediately provided to the country representative. Those who receive these reports will investigate immediately. ”

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<sup>8</sup> WUSC-CECI (2017): <https://www.ceci.ca/data/code-of-conduct-for-volunteers-en.pdf>

### 3. Human Resources

Within ICOs, the role of human resources managers is crucial to promote respect and civility at work, as well as to prevent sexual violence. In the absence of human resources managers, it is important to identify a specific manager or a committee that will take on this responsibility. This strategy is also called “Focal Point”. When **recruiting**, it is essential that job descriptions be representative of the organization’s expectations with respect to the prevention of sexual violence (for example, by incorporating statements on the ICO’s values). During interviews, asking questions or referring to scenarios addressing sexual violence is strongly advised. This should apply to the selection process at every organizational level, including for the Board of Directors. Here are other relevant best practices related to human resources management:

- Carry out a judicial record check for all persons in contact with the target groups of the organization, just like the organizations working with vulnerable populations do (e.g.: children, seniors, and people with disabilities).
- Integrate questions into the selection process to filter the people whose views on women, LGBTI people, refugees, indigenous peoples, persons of different religious affiliations or other minority populations are discriminatory or reinforce the normalization of the abuse of these populations<sup>9</sup>.
- Provide orientation to new staff members regarding the policies and procedures relating to sexual violence, and ensure periodical reviews of these standards for the existing staff.
- Offer training on how to receive survivors, how to react adequately in the event of complaints related to sexual violence, and also on the non-discrimination of victims and on the myths related to rape. This is particularly important in terms of human resources management.<sup>10</sup>

### 4. Partner Organizations

ICOs collaborate with their local partners, which are often civil society organizations based in the countries of intervention. In order to address sexual violence, it is crucial to include local partners in these efforts. Dialog facilitates the development of a common understanding of sexual violence. Then, it is essential to clarify the expectations related to the prevention of sexual violence with all the stakeholders involved in the collaboration. Policies and codes of conduct must also be shared with the partners, so that the target groups are aware and informed of the existing reporting mechanisms. It is also a good idea to add a clause relating to the policies and strategies in place to prevent sexual violence in the contracts and protocols. Here are some of the best practices that have been identified:

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<sup>9</sup> Mazurana, Dyan and Phoebe Donnelly. (2017). Executive summary: STOP the Sexual Assault against Humanitarian and Development Aid Workers, Feinstein International Center: <http://fic.tufts.edu/publication-item/executive-summary-stop-the-sexual-assault-against-humanitarian-and-development-aid-workers/>

<sup>10</sup> *Ibid.*

- Revise the selection criteria for partners so as to include criteria of adherence to specific values.
- Assess the partners' capacity to prevent and address sexual violence.
  - On a case-by-case basis, develop strategies—in a participatory manner—to compensate for the identified capacity weaknesses.
  - Mobilize the expertise of partners with high capacity levels in order to strengthen the capacity of other partners.
- Invest in capacity building between partner organizations when a partner has proven expertise in the area of prevention or in supporting victims/survivors of sexual violence.
- Provide occasional training to partners.

## **5. Prevention—Political will and organizational culture**

### ***a) Political will***

In the current literature, it has been clearly established that the involvement of the organization's management is a success factor in the prevention of sexual violence, as well as for the support of victims/survivors, and case management. The persons in positions of authority must play a leading role in the prevention of violence, to initiate sustainable changes within the organization, and to implement best practices that are visible to the staff and partners. Making a commitment to join the CCIC leaders in preventing and addressing sexual misconduct, and pursuing a dialogue on sexual violence with its Board members, are examples of best practices.

### ***b) Organizational Culture***

Organizational culture is a key factor of the phenomenon of sexual violence: it can be part of the problem or the solution. Because sexual violence is a pervasive issue, no organization should consider itself immune from this phenomenon, even in the absence of reporting. In fact, believing that an organization is immune to issues related to sexual violence contributes to downplaying the impact of the phenomenon. Willingness to value a zero-tolerance organizational culture sends a responsible and credible message to the staff, to the groups targeted by the programs, to local communities and to members of the Board of Directors.

The organizational culture is a social construction where each person shares a degree of responsibility in contributing to a healthy and an inclusive work environment. However, it sometimes happens that people question the relevance of addressing the issue of sexual violence within the organizations. To this effect, it may be useful to deconstruct some of the myths that are detrimental to prevention.

## The Myths to Deconstruct<sup>11</sup> :

**Women provoke sexual assaults:** Regardless of a woman’s behavior, whether she is hitchhiking, going out late at night, walking in a poorly lit street, using of drugs or alcohol, dressing in an attractive manner or accompanying a man, this can never be construed as a provocation justifying an assault. Women do not seek to be assaulted, humiliated or abused.

**Aggressors are, most of the time, unknown to the victim:** In 80% of cases, they are people who are close to the victim. Therefore, they often use strategies such as manipulation, blackmail and threat to get what they want. The aggressor is an “ordinary” man, a “normal” man, an average Joe, a friend, a professional, a person in a position of authority, a neighbor, a family member, a spouse or an acquaintance, without distinction of religion, origin or social class.

**Women often make false accusations of sexual assault:** The percentage of false accusations for any type of crime is between 2% and 10%, according to sources. It is not higher than that for crimes of sexual assault. This bias, which is strongly conveyed, leads people to doubt the victim and gives more power to the alleged aggressor.”<sup>12</sup>

The Government of Quebec stresses that these myths represent significant obstacles in the fight against sexual assaults.<sup>13</sup> In a recent article of the *Centers for Disease Control and Prevention (CDC)* in the United States, it has been established that “the acceptance of the myths related to rape, including attitudes or beliefs that condone sexual assaults, blame the victims, or justify aggressive behaviors, is one of the risk factors most regularly associated with committing a sexual assault (significant in 31 of 36 studies). ”<sup>14</sup>

A survey conducted in 2016 by the Government of Quebec revealed that “certain taboos and myths, prejudices and stereotypes persist and may lead to a distorted perception of sexual assaults within the society. The trivialization of certain acts may give the impression that several forms of sexual assault are accepted socially, and may also have the effect of inhibiting reporting, denunciation and the mobilization of witnesses”.<sup>15</sup>

Indeed, this discourages many people to report cases of sexual violence and influence the low level of reporting. The Regroupement québécois des Centres d’aide et de lutte contre les

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<sup>11</sup> RQCALACS: <http://www.rqcalacs.qc.ca/mythes-realites.php>

<sup>12</sup> Lisak, D., Gardinier, L., Nicksa, S. C. and Cote, A. M. (2010). False allegations of sexual assault: An analysis of ten years of reported check boxes. *Violence against Women*, 16(12), 1318–1334

<sup>13</sup> Government of Quebec (2001). *Orientations gouvernementales en matière d’agression sexuelle* (2001)

<sup>14</sup> CDC Sexual Violence Risk and Protective Factors: A Systematic Review of the Literature: <https://www.doh.wa.gov/Portals/1/Documents/Pubs/140-164-SexualViolenceRiskProtectiveFactors.pdf>

<sup>15</sup> Secrétariat à la Condition féminine du Québec [http://www.scf.gouv.qc.ca/fileadmin/publications/Violence/Brochure\\_Violences\\_Sexuelles.pdf](http://www.scf.gouv.qc.ca/fileadmin/publications/Violence/Brochure_Violences_Sexuelles.pdf)



agressions à caractère sexuel (RQCALACS) indicates that 63% of women are not believed by their relatives or by the authorities when they make a first attempt at reporting.

In addition, the Quebec National Institute of Public Health (INSPQ) indicates that “adherence, for a person or a society, to myths related to sexual assault has consequences, including:

- **For a person:** being less inclined to identify a scenario as a situation of sexual assault, even if this situation meets the legal criteria of a sexual assault; being more likely to have a negative perception of victims of sexual assault; and being more able to discourage a sexual assault victim to bring a complaint forward.
- **For decision makers:** can lead them to create inappropriate laws”.

### ***How to promote a healthy organizational culture and deconstruct the myths related to sexual violence?***

Training and raising awareness of the staff are effective methods for fostering a healthy organizational culture. This said, the prevention of sexual violence requires constant vigilance. Best practices identified in the training provided to AQOCI members may be useful. Oxfam, for example, uses a prevention strategy entitled LOVE (*Living Our Values Everyday*), which has for objective the development of a positive organizational culture. Canada World Youth, for its part, takes a thorough look at the concepts of power and privileges with its teams. It also reflects on the concept of inclusive culture to foster an organizational culture of zero tolerance towards sexual violence.

It is important to foster staff empowerment by providing them with the tools to influence the organizational culture. To get there, the Public Health Agency of Canada identifies, on its portal dedicated to best practices, a strategy named Bringing in the Bystander®, which is promoted primarily on university campuses : “The Bringing in the Bystander® is a sexual violence prevention program that teaches women and men how to intervene safely and effectively in cases of sexual violence before, during, and after incidents with strangers, acquaintances, or friends. It approaches both women and men as potential bystanders or witnesses to behaviors related to sexual violence. The program is customizable to reflect the locations, colloquialisms and culture of the campus. It is designed to be presented both as a 90-minute program and in a more comprehensive two-session program totaling 4.5 hours.<sup>16</sup> ”

In addition, ICOs must put in place risk mitigation strategies related to the organizational culture. It is essential to include criteria related to sexual violence in the risk management tools. It is also important to document the risk factors within the organization to have a portrait of the challenges to overcome. In order to strengthen prevention, it is strongly recommended to

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<sup>16</sup> Public Health Agency of Canada, Canadian Best Practices Portal: <https://cbpp-pcpe.phac-aspc.gc.ca/ppractice/bringing-in-the-bystander/>

document sexual violence within the organization and to integrate briefing sessions with competent resources if applicable.

**c) The Risk Factors**

The risk factors may be numerous and of various kinds: some factors are related to individuals, and other factors are related to the context or the work environment. Organizations cannot have the same level of control over all the risk factors. Where to begin? Here is a list of risk factors related to the working environment that can help define mitigation strategies within ICOs:

Risk factors <sup>17</sup>	Mitigation strategies
Organization where the staff is not very diversified	<ul style="list-style-type: none"> <li>● Increase diversity at all levels of the organization.</li> <li>● Pay attention to relationships within the work teams</li> </ul>
Rough and heated working environment (degrading remarks or jokes regularly occurring)	<ul style="list-style-type: none"> <li>● Create, in a proactive and intentional manner, a culture of civility and respect, including through the involvement of the most senior level staff of the organization.</li> <li>● Ensure that all staff understand the laws, the workplace standards and policies.</li> </ul>
Very hierarchical work environment, where large power disparities exist between staff members.	<ul style="list-style-type: none"> <li>● Apply the rules in uniformly, without distinction of rank or individual's value to the organization.</li> <li>● If a person is fired for misconduct, consider publishing it (according to the legislation).</li> <li>● Be vigilant and take measures to avoid reprisals against a staff member who reported a case of sexual violence.</li> </ul>
Decentralized or isolated workplaces	<ul style="list-style-type: none"> <li>● Restructure the work environments and schedules to eliminate isolation.</li> <li>● Ensure that training is offered at all levels of the organization and in all its geographic locations.</li> <li>● Ensure that the staff who work in isolated environments understand the complaint procedures.</li> <li>● Develop systems to ensure that the individuals located in various countries can communicate between them.</li> </ul>
Workplaces which tolerate or encourage the consumption of alcohol	<ul style="list-style-type: none"> <li>● Remind individuals of their responsibilities if they witness harassment, including during events of where alcohol is involved.</li> <li>● Intervene quickly when individuals who have had too much</li> </ul>

<sup>17</sup> Drawn from the risk factors related to the working environment identified by the Equal Employment Opportunity Commission (EEOC).

## 6. Reporting

The issue of reporting is important to take into account to prevent sexual violence. To improve the level of reporting, it is important to create an environment in which the staff, volunteers, partners and target groups feel safe in the event a case is reported. It must be acceptable, and even encouraged, to disclose one's discomfort. Reporting represents an act of confidence and courage which must be recognized as such.

Ensuring confidentiality and offering the possibility of reporting a case anonymously are strategies that promote the level of reporting. However, this may represent an important challenge. Ensuring a diversity of contact points (focal points) for reporting can contribute to increasing the number of denunciations by facilitating the identification of a person of confidence among several possibilities. Studies show that it is relevant to offer a diversity of contact points, notably due to intersectionality and the diversity of experiences.

### Good practices concerning reporting:

- Provide the staff, volunteers and groups targeted by the programs with different ways to report incidents, including different contact persons;
- An ideal reporting procedure includes external resources and doesn't involve staff members of the organization;
- Relations established with other organizations in the field for horizontal reporting of incidents of sexual violence.<sup>18</sup>
- Creation of a warning information network to report incidents of sexual violence without fear of reprisal.<sup>19</sup>

### *Food for thought*

AQOCI has not yet found the perfect solution to address the issue of reporting. However, several possibilities are being explored:

- Would it be possible to identify a subcontractor, such as a CALACS, which has the expertise to support survivors with a diversity of experiences, in exchange for an annual lump sum? The CALACS could then document complaints and offer anonymous reporting.

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<sup>18</sup> Report the Abuse, 2017.

<sup>19</sup> *Ibid.*

- Would it be possible for small ICOs to work together to define a common strategy for reporting? For example, getting together to identify reliable resources in the different countries of intervention, or resources that can provide remote support? There is no simple solution to the challenge of reporting. However, collaboration between ICOs, or even the pooling of resources, could contribute to strengthening the response to sexual violence within the sector.

*The themes of this toolkit were identified in collaboration with Quebec-based ICOs. The toolkit integrates the good practices identified in the literature, but also those documented by the various committees that were recently created. AQOCI's CQFD would like to thank the organizations that have shared their resources to contribute to the production of this series of briefs, the members of the CQFD who have participated in Working Committee or the Reading Committee, such as the Center for International Cooperation in Health and Development (CCISD), Oxfam-Québec, Equitas and the Mouvement contre le viol et l'Inceste, as well as Émilie Macot, consultant, whose writing and research contribution proved invaluable.*