

International Committee of the Red Cross Submission to the International Development Committee inquiry

Sexual exploitation and abuse in the aid sector: next steps

About the ICRC

The ICRC is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of the victims of armed conflict and other situations of violence and to provide them with assistance. The ICRC also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles.

Established in 1863, the ICRC is at the origin of the Geneva Conventions and the International Red Cross and Red Crescent Movement, which also includes the IFRC and national societies, including the British Red Cross. It directs and coordinates the international activities conducted by the Movement in armed conflicts and other situations of violence.

Introduction

1. Protecting the lives and dignity of people affected by armed conflict and other situations of violence is at the core of ICRC's mandate. As part of its humanitarian mission, the ICRC is committed to preventing and addressing sexual misconduct of any kind and can provide assurance that such conduct is strictly prohibited in its Code of Conduct and its related policies. The institutional positioning on Preventing Sexual Exploitation and Abuse (PSEA) is in line with the ICRC's people centered-approach and was reiterated in the 2019 *Institutional Framework on Accountability to Affected People (AAP)* and the *Code of Conduct Policy on the prevention of and response to sexual misconduct*, of which PSEA forms an integral part.
2. As noted in preparation for the 2018 Safeguarding Summit, over the last few years, the ICRC has undertaken a series of actions to ensure sustained and effective results in preventing and addressing breaches of the ICRC Code of Conduct and related policies. These actions include awareness raising, strengthening of a "speak up" culture, accessibility of reporting and setting up a state of the art response mechanism to allegations of sexual exploitation and abuse. In doing so, the ICRC relied on several principles, including the principle of "do no harm", which considers victims' and survivors rights, needs and wishes, while ensuring procedural fairness to all parties. Ensuring PSEA is everyone's responsibility is another principled approach that ICRC takes in dealing with sexual misconduct, which transcends functional and hierarchical lines. The most noteworthy feature however comes from the fact that all actions in response to the sexual misconduct are focused on the well-being, safety of, and support to the persons subjected to sexual misconduct.
3. The ICRC's policy on the prevention of response to sexual exploitation and abuse, effective as of January 2019, applies to all activities and operations of the ICRC and aims at preventing, detecting and addressing sexual misconduct involving ICRC employees, suppliers and partners. The Global Compliance Office (GCO) is responsible for overseeing the implementation of the Code of Conduct policy.

4. Presently, the GCO is working on the ICRC's SEA prevention strategy with the objective to ensure that the policy is known, understood, respected and implemented by all ICRC employees, managers and partners. The prevention strategy is built around seven elements: (1) Organisational culture and tone-at-the-top, (2) Communication, (3) Awareness and learning, (4) Risk assessment and monitoring, (5) Internal control process and due-diligence, (6) Complaint reporting mechanisms and response (investigation), and (7) Root-cause analysis of cases and remediation. The Strategy clearly outlines the roles and contributions by the AAP and Diversity & Inclusion teams on the elements of communication, complaint reporting mechanisms, awareness and learning, risk assessment and monitoring, which entirely support the goal of enhancing the organisation's integrity.

In response to specific questions of the inquiry, the ICRC wishes to highlight as follows:

Support for victims and survivors

5. The ICRC has put in place a central **whistleblowing and complaint handling mechanism** to enable a stronger reporting on allegations and incidents and reinforce investigation procedures. The reporting platform – Integrity Line - is a confidential mechanism for individuals wishing to report allegations of misconduct related to the ICRC, accessible both internally and externally. Reports of alleged wrongdoing provided through this hotline are stored on a secure server and sent only to the GCO. The intake of complaints, which includes risk assessments and triage, serves to guide and prioritize the handling of cases. It is managed in an independent manner, with confidentiality requirements that further extend to the **investigations and inquiries** which the organisation carries out, for the most part, itself.
6. The ICRC provides **protection against retaliation** for victims, witnesses and anyone involved or implicated in an investigation, and honours the **principle of confidentiality** during investigation to ensure that those who have information do not hesitate to come forward and to avoid damaging the reputation of individuals by any premature disclosure that could prove to be unsubstantiated.
7. It is not just the number of legal and policy frameworks adopted that will determine the results the organisation has aimed to reach in combatting sexual misconduct, but this indicates the importance that the organisation gives to the issue. Over the last years, the ICRC adopted the Code of Conduct Framework, which outlines the main strategic orientations including on prevention and awareness raising, reporting on misconduct, investigations and sanctions for breaches. The Code of Conduct Operational Guidelines provide standards for conducting investigations, or minimum sanction standards, all **underpinned by fairness and due process rights and protection against retaliation** (for victims, witnesses and anyone involved or implicated in an investigation). Significant efforts have been made over the last two years to strengthen the policies implemented in furthering the ICRC Code of Conduct. That includes the already mentioned policy on the prevention of and response to sexual misconduct. The ICRC also adopted a framework on risk management, which among other things, covers contextual assessments of risks related to sexual misconduct. The organisation has defined a protocol to deal with downstream partners, which comprises clear standards of behaviour in service and other agreements with third-party partners.

8. Support for victims and survivors is at the core of the ICRC's actions in response to sexual misconduct of any kind. Any staff member who has suffered sexual misconduct can ask for psychological or other support through the **staff support ecosystem**. That includes services of the staff health centre of expertise, staff psychologists, ombuds relays,¹ global compliance office, staff association representatives, diversity and inclusion advisor, employee assistance, employee relations office, and several other services including the independent board of appeals. This support is available to all staff members, with additional context-specific services offered in some delegations. In addition to the services offered to employees, the ICRC's staff health centre is working **on victim assistance guidelines** which will support the delegations in adapting their response to victims of sexual exploitation and abuse. These guidelines are key in reinforcing staff trust in the institutional compliance system. They will help to reinforce the capability of staff members when engaging with persons affected by conflict on any staff behaviour issues confidently.

Speaking up

9. The statistics of misconduct and root cause analysis on cases in the last two years have shown that staff members are generally **more inclined to speak up** since the organisation has made a strong push in reinforcing the messages of support, non-retaliation, due process rights and victim-centred approach. At the same time, the ICRC saw 30% fewer allegations relating to sexual exploitation in 2019 than in 2018, which may be ascribed to awareness-raising efforts that paved the way for a gradual behavioural shift.
10. ICRC has a process through which it **manages allegations of misconduct** in an independent manner. From the intake of cases, pre-assessment, triage, investigations, coordination to oversight on investigations and inquiries, the process is carried out in a confidential manner. The requirement of confidentiality extends to any employee who is involved with or has knowledge of the inquiry or investigation. The GCO is explicitly mandated to undertake investigations of potential higher-risk misconduct, such as sexual misconduct, by ICRC employees and any entity or person having a contractual link with the ICRC. The GCO is also responsible for overseeing compliance with the ICRC guideline on sanctions for misconduct.

Culture change

11. **Dissemination of the whistleblowing and complaint handling mechanism** is yet another way of promoting the expected behaviours and supporting the reporting on breaches of code of conduct. That includes dissemination of **posters** on how to report misconduct and prevent sexual exploitation and abuse. **Comic strip series**, inspired by real-life scenarios on the way we implement our rules of conduct, were created to strengthen the culture of integrity and to make the organisation more inclusive and respectful for everyone. The first episode focused on how to react when confronted with sexual misconduct and how to report on it. A number of other preventative actions, including mandatory training or specific courses are organised for staff members, including managers, to promote the culture of integrity, identify misconduct, learn how to act when we witness it, and comply with the rules of the

¹ The services of the Ombuds office of the ICRC consist of accompanying employees through a dispute that is related to a workplace issue by listening, working on options, facilitating dialogue or mediating between the persons involved in the dispute. At an institutional level, the ombudspersons flag critical issues related to leading and managing people and formulate feasible recommendations for adjustments and change.

Code of Conduct. Key **institutional training** courses were revised to ensure that newly recruited staff across the globe are sensitized and know how to respond and prevent SEA in their day to day work. New modules on fraud and sexual misconduct were prepared and are piloted for the ICRC management programme training course or ICRC welcome course that was launched globally in 2020. In addition, a **special training course** for staff and managers on preventing sexual exploitation and abuse was developed and will further be adapted to incorporate lessons learned within the humanitarian sector on conveying the right messages, contributing to sustainable behavioural change and preventing sexual exploitation and abuse effectively. The training material includes a video on the Code of Conduct, case studies on sexual exploitation and abuse, a FAQ on sexual exploitation and abuse, and guidance notes on prevention. The ICRC also developed **an easy-to-read guide** to the Code of Conduct following established easy-to-read standards for making information accessible. The guide is meant to assist efforts to communicate with affected communities in plain and easily understandable language about the standards of behaviour that they can and should expect of us. Equally, the guide will help in efforts to inform staff members about, and engage with them on, the Code of Conduct when they may feel less at ease with reading more complex policy documents. The easy-to-read guide is available in English, French, Spanish, Russian, Arabic and soon in Portuguese and has widely been disseminated among the delegations in 2020.

12. To address the workplace culture in a sustainable and meaningful way, the ICRC has created a **toolkit to support managers** with easily accessible reference documents, adequate communication and training materials, FAQs and existing good practices. The toolkit provides managers with concrete and ready-to-use materials to facilitate conversations around compliance and integrity. The toolkit is an interactive and living PDF and will be regularly adapted to the feedback received from its users.
13. A **self-assessment** of standards of behaviour including on PSEA, initiated by the ICRC's AAP team confirmed a need to improve outreach to affected communities about the ICRC's standards of behaviour for staff and about channels to raise or report concerns about ICRC staff members' behaviour. As a first step in addressing these gaps, a poster is available to help in informing affected communities about the behaviour expected of staff and existing channels for reporting any concerns with regard to our behaviour. The material has been shared with all delegations with a recommendation to adapt it to the regional and/or country-level context.

Standards

14. The organisation continues to build mechanisms to ensure it is recruiting individuals who **meet the standards of conduct** expected of employees by incorporating a number of safeguards into the recruitment process, including but not limited to vetting and screening of candidates.
15. Along with the other members of the Steering Committee for Humanitarian Response (SCHR), the ICRC is a founding member of the **Inter-Agency Misconduct Disclosure Scheme**², which regulates the disclosure of safeguarding-related misconduct in recruitment processes

² <https://www.schr.info/the-misconduct-disclosure-scheme>

within the humanitarian and development sector. Under the auspices of the SCHR, participating organisations share information in the recruitment process about safeguarding-related misconduct (i.e. sexual exploitation, sexual abuse or sexual harassment) that a candidate has been found to have committed. This information is shared in the form of a statement of conduct.

16. The GCO is responsible for issuing **statements of conduct** about current or former ICRC employees upon request from the employee or a prospective new employer. Upon request by the Talent Acquisition Unit in HR, the GCO performs a name-matching exercise in its confidential case-management system and a review of the employee's personnel files for past disciplinary sanctions related to misconduct covered by the scheme which predate the establishment of the GCO's centralized case files. In line with the new **Vetting & Referencing Policy**, the GCO also carries out these checks for former staff who are returning to the ICRC to ensure that the ICRC is not rehiring individuals without having checked their misconduct history.

Accountability

17. Knowing precisely who the organisation is operating with it is critical to manage **financial, integrity and reputational risks**. The ICRC has put in place a new operating procedure for partners' due diligence and new partnership contract clauses on sexual misconduct as per the ICRC policy for the prevention of and response to sexual misconduct.
18. Identifying and analysing the root-causes of reported fraud cases helps to target prevention activities and to improve internal controls. The GCO is responsible for issuing Management Implication Reports (MIR) with recommendations to senior-management for significant SEA cases. Other cases are also analysed and communicated to senior management and/or relevant compliance functions for control improvements. Anonymized SEA cases root-cause analyses are also summarized in the GCO Annual report, which is sent to donors, and used for case studies in training sessions.