

# MERCY CORPS GLOBAL SAFEGUARDING REPORT

## Spring 2020: Part 2

### Introduction

Mercy Corps has committed to publishing an annual Safeguarding Report as part of our effort to strengthen transparency and accountability. This is the second part of our FY19 Report, covering the period July 1, 2018 through June 30, 2019. This two part release was directly connected to the independent, external review into steps taken when reports of abuse by Mercy Corps' late co-founder Ellsworth Culver were brought to the agency's attention in 2018.

Part I of the Mercy Corps Safeguarding Report was released in November 2019 while the external review was actively taking place. Part I included safeguarding investigations data,<sup>1</sup> our commitment to safeguarding as an agency and an overview of various steps that had been taken up to that point including policy improvements, response mechanisms, and awareness raising efforts.

This, Part II of the Safeguarding Annual Report, is published now upon completion of the external review, analysis of findings, recommendations from those independent firms involved and concrete commitments to action made by Mercy Corps based on these findings and recommendations.<sup>2</sup> In this Part II report, we focus on our safeguarding commitments and measures we are taking to improve our safeguarding practices consistent with the recommendations of the above mentioned external independent review.

### Executive Summary

As a global organization working in over 40 countries with some of the world's most vulnerable communities, Mercy Corps takes our responsibility to program participants, donors and team members seriously. We strive to create an inclusive and safe work environment where everyone is treated with dignity and respect and where our teams can thrive. We believe these conditions are essential to true collaboration on the world's toughest challenges.

For the past 18 months, the agency has undertaken a broad effort to strengthen our approach to safeguarding, which we define as our responsibility to ensure that our team members, operations and programs do no harm to those with whom we work, or put vulnerable populations at risk of abuse or exploitation.

Mercy Corps has ongoing initiatives to mainstream and reinforce physical and psychological safety, both within our teams and in our broader work environment. These efforts are focused on gender, diversity, equity and inclusion, and strengthening our team leaders' capacity to equitably and effectively manage people and

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<sup>1</sup> See Annex A

<sup>2</sup> For the full external review report and our commitments, see Annex B or visit our [website](#)



create an environment where every voice is respected and heard. Our focus on safeguarding complements and reinforces these initiatives. Collectively, these initiatives are amplifying our efforts to foster a culture that prevents misconduct from occurring and ensures consistent reporting and an urgent, survivor-centered response if it does.

In this report, we detail the investments we have made in strengthening our safeguarding policies and procedures over the past year.<sup>3</sup> Specific activities have included: launching a global network of Safeguarding Focal Points and Co-Investigators in countries where we operate; conducting awareness and education campaigns that set clear expectations for individual accountability; preventing safeguarding issues before they occur; and enhancing our ability to increase each team member's understanding of Mercy Corps' culture and Code of Conduct policies.

We have worked to build safeguarding capacity within teams and intensified our efforts to increase trust in, and improve access to, our reporting mechanisms and to raise confidence in the response and investigation process, and improve our case management and communication processes.

## Safeguarding Commitments to Action

Following the release of Vestry Laight's [independent, external review](#), Mercy Corps publicly committed to [these actions](#). Included in these are specific commitments related to safeguarding for which we will provide a status update. It is important to note that this report is not intended to give a full update on the status of all agency commitments to action, but instead to highlight those connected directly to our agency Safeguarding strategy and goals which are either led by or closely connected to the Safeguarding Team at Mercy Corps. Full status updates for our commitments to action, separate from this Annual Safeguarding Report, will continue to be published on our website.<sup>4</sup>

We will discuss the following safeguarding commitments in detail within this report:

- › Restructure the legal, ethics and safeguarding functions
- › Continue to strengthen Mercy Corps' approach to safeguarding
- › Adopt and incorporate a clear and robust definition of safeguarding into our policies
- › Provide clear, effective and regular communication to employees of Mercy Corps about policies regarding sexual exploitation and abuse
- › Create a comprehensive safeguarding and Protection from Sexual Exploitation and Abuse (PSEA) capacity-building plan for field-based and headquarters-based senior management members and board members
- › Accelerate implementation of Community Accountability Reporting Mechanisms and training of local investigators
- › Improve transparency

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<sup>3</sup> See section below for details: *Adopt and incorporate a clear and robust definition of safeguarding into our policies*

<sup>4</sup> For ongoing updates, please visit our [website](#)

## Restructure the legal, ethics and safeguarding functions

Mercy Corps has added significantly to our in-country safeguarding resources and is in the process of making important structural changes to our legal, ethics and investigative functions. Key aspects include: the implementation of trained in-country Safeguarding Focal Points and Co-investigators and increased capacity of our global Safeguarding Team; strengthened governance, and the resourcing and recruitment for a stand-alone Intake and Investigations and Ethics Unit.

### The Safeguarding Team

Safeguarding is the responsibility of everyone at Mercy Corps. Our prevention efforts are led by a global safeguarding team comprising multiple permanent staff overseen by the Director of Safeguarding, reporting through the VP of People. The functions of this team are regularly monitored through quarterly reporting structures to various oversight groups including communications to all team members using mechanisms further discussed below in our global communications and awareness efforts.<sup>5</sup>

### Cross-Functional, Agency-Wide Safeguarding Working Group

Mercy Corps' agency-wide, cross-functional Safeguarding Working Group works to align safeguarding commitments and efforts across the agency and to ensure that perspectives of multiple stakeholders are taken into account. We also want to emphasize cohesion and streamline agency activities, communication and expectations related to safeguarding. Key areas of collaboration and crossover include our Community Accountability Response Mechanisms (CARM), partner and sub-awardee compliance, Measurement and Learning, Gender Diversity and Inclusion (GDI), People Team, Protection, Field Based Technical Advisors and programming. The working group provides oversight and accountability for Mercy Corps' commitment to the prevention of and response to sexual exploitation, abuse, and harassment, and the mainstreaming of our commitments to safeguarding.

### Safeguarding Focal Points and Co-Investigators

Recognizing organizational culture and behavior change requires face-to-face, country-level work, Mercy Corps has established an in-country mainstreaming and support model for safeguarding efforts utilizing focal points and co-investigators. These individuals act as an extension of the global safeguarding and investigative teams and receive regular support and capacity-building. Team members selected for these positions attend an internationally accredited training course co-designed and organized by Mercy Corps and Global Child Protection Services (GCPS), an international safeguarding and prevention of sexual exploitation and abuse consultancy. This process began in 2019 and remains ongoing. The majority of initial training and in-country placement of these individuals has already taken place, with Safeguarding Focal Points and Co-Investigators now active in over 30 countries. Safeguarding Focal Point and Co-Investigator training and placement for countries currently without active individuals in these roles, is set to take place by the end of the calendar year 2020 (*training completion is dependent upon travel restrictions related to COVID-19*).

Safeguarding Focal Points are in-country resources for safeguarding, working with their team members to build trust and confidence in our reporting mechanisms. They also provide on-the-ground information and feedback to help inform our agency-wide safeguarding strategy and approach. Focal point training includes survivor-centered approaches to incident responses, referral pathways, community resource mapping, international safeguarding standards, community and team member reporting, safeguarding risk assessment, and other related skills.

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<sup>5</sup> The various internal oversight groups consist of the Global Board of Directors, the Board's Joint Audit & Risk Committee (JARC), and the Enterprise Risk Management (ERM) Group consisting of members of the Executive Team.

Safeguarding Co-Investigators act as in-country investigative support when allegations of safeguarding violations are reported. They provide local contextual information, translation, and facilitate investigation planning, communication, and implementation. With guidance and supervision from full time lead investigators, the co-investigators may take on-the-ground investigative action including participating in interviews, examining evidence, and reviewing relevant documents.

## **Intake and Investigations Department**

On the response side of safeguarding, we are making significant additional investments. Previously, incoming reports and investigative responses were handled by the Ethics Team with oversight by the Legal Department. In order to strengthen oversight and ensure independent reporting to the Board and CEO, Mercy Corps has completely restructured this process and governance structure, replacing it with the new Intake and Investigation (I&I) Department approved in February of 2020. The I&I Department will be led by a Chief Ethics & Compliance Officer (CECO), independent of both the legal and human resource departments. This individual will report to the CEO and Board of Directors. In addition to the CECO, the I&I Department will include dedicated full time case managers and investigators. This department formation consolidates all report response and investigative responsibilities into a single, independent unit and will therefore cover all internal investigations relating to Fraud and Corruption, Sexual Exploitation and Abuse, Sexual Misconduct, and HR. The department will optimize case management strategies and will be dedicated to a survivor centered approach.

The I&I Department, while independent, will work closely with the prevention-focused Safeguarding Team located within HR. These two teams will work together to increase awareness and access to reporting mechanisms and use report data analysis and learnings to adapt our safeguarding prevention efforts agency-wide.

This restructure will officially take place upon hiring of the CECO, which is in active recruitment. We expect to have the CECO and supporting team in place by the end of summer 2020. In the interim, all Safeguarding and HR investigations are managed by the HR team with support from external independent investigators.

## **Continue to strengthen Mercy Corps' safeguarding approach**

### **Safeguarding Approach at Mercy Corps**

Mercy Corps is committed to a survivor-centered approach in our response to allegations of safeguarding misconduct. This means the safety, well-being, and rights of survivors are our principal concerns. Lack of a survivor focus in our sector and beyond has exacerbated the legacy of harm caused by exploitation and abuse; it has led to distrust in reporting systems and justifiable fear of further harm as a result of raising concerns. We are committed to ensuring that we provide survivors with a safe, supportive, and confidential place to come forward, where their needs will be our first priority. In doing so, we aspire to help promote the survivor's recovery and to ensure they are able to identify and express needs, wishes and concerns at all steps of the process.

Our survivor-centered approach is grounded in the following principles:

- › Survivors are treated with dignity, respect, and compassion and are not exposed to victim-blaming or judgment;
- › Survivors are offered support including medical, psycho-social, and legal, as appropriate;

- › Every effort is made to minimize re-traumatization and to ensure that a survivor’s engagement with the investigative process, both internally and externally (as appropriate), is handled by trained sexual exploitation and abuse investigators;
- › Survivors have a right to agency and should have access to appropriate information to make informed decisions; and
- › A survivor’s privacy is respected.

Mercy Corps will ensure that anyone approaching the organization with allegations regarding sexual exploitation and abuse is treated in a survivor centered manner in accordance with the values inherent in our policies.

## **Raising the Bar and Mainstreaming Safeguarding Within our Culture**

Culture at Mercy Corps is paramount. When we get culture right, we are able to think big and create change, even during challenging times. We rely on all of our team members, including those who work in fragile or complex contexts, to represent Mercy Corps’ mission. We must not waver from treating everyone with respect and dignity.

We recognize daily actions and personal commitment to a safe and inclusive work environment will make the biggest difference in preventing abuse. This is why we are amplifying our efforts to foster a culture that prevents misconduct from occurring and ensures consistent reporting and urgent response if it does.

## **Complementary and Reinforcing Agency Initiatives**

There are two key, ongoing and evolving, culture-building efforts at Mercy Corps that help to mainstream and reinforce physical and psychological safety in teams: *People with Possibility* and our gender, diversity, and inclusion (GDI) priority.

*People with Possibility* is a Mercy Corps-designed program to help teams across the agency become learning-oriented, adaptive, and high-performing by building a strong foundation of trust and psychological safety. *People with Possibility* helps managers and their teams discuss and utilize four practices, that when applied daily and in particular target areas, will empower teams, build trust, and demonstrate care.<sup>6</sup> The practices give team leaders the foundational skills they need to foster inclusion and help all team members reach their potential to do the best work of their lives.

Our GDI efforts help to ensure that:

- › Inherent power dynamics that perpetuate violence and inequity are addressed;
- › Mercy Corps has diverse teams that are representative of the communities where we work;
- › All team members feel welcomed, supported by their peers and leaders, and have the opportunity to realize their potential; and
- › Mercy Corps has inclusive teams creating meaningful impact for the most vulnerable populations globally.

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<sup>6</sup> The People With Possibility practices are listed in Annex C.

People with Possibility and GDI represent a multi-year investment that will lead to stronger organizational culture and improved policies and processes, while ensuring broad ownership for physical and psychological safety, gender, diversity, equity, and inclusion within our teams' work environments and in partner communities.

## **Adopt and incorporate a clear and robust definition of safeguarding into our policies**

Immediate updates to our safeguarding policies were approved by the Board of Directors in February. These clarify applicability of our policies to former team members and past activities, as well as requiring the referral of cases involving senior management or board members to an external investigator.<sup>7</sup> Additional updates are planned for review in February 2021, and annually thereafter, to allow for deeper, comprehensive modifications and additions to our policies, and inclusion of clear safeguarding definitions. In this annual review process we will continue to draw on best global practice, align with Mercy Corps' major donors and ensure ongoing clarity.

In addition to updating safeguarding policies, we have developed corresponding policy guidance documents for use by teams and individuals as quick guides, conversation starters, and references for policy adherence or as training supplements.<sup>8</sup>

## **Provide clear, effective and regular communication to employees of Mercy Corps about policies regarding sexual exploitation**

### **Awareness Campaign and Communications**

In fiscal year 2019, prior to publication of the Ells Culver incident, safeguarding was called out as a key agency priority and we have spent the past year and a half working to enhance our global approach to this critical issue. Our agency-wide safeguarding awareness campaign has set clear expectations for individual accountability, and focused on preventing safeguarding issues before they occur. Our global awareness campaign has been conducted through various channels and in multiple languages to ensure maximum reach. Channels include an eLearning platform, email, our internal social media platform, webinars, podcasts, posters, and face-to-face meetings. These efforts are designed to increase transparency of, and confidence in, Mercy Corps' policies and reporting mechanisms.

### **Reporting Mechanisms**

We have increased our efforts to make our reporting process clear and understandable, and to increase trust in our reporting mechanisms as well as the response and investigation process. This increased transparency not only serves potential reporting individuals, but also gives added accountability at all levels of the process. Fiscal year 2020 saw a doubling of reports through the Integrity Hotline and other mechanisms, which leads us to believe that there is increased trust in our mechanisms. This data will be discussed in our next Annual Safeguarding Report.

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<sup>7</sup> Current policies can be found on our [website](#) in English, French, Arabic and Spanish.

<sup>8</sup> Policy guidance documents can be found on our [website](#) in English, French, Arabic and Spanish.

To encourage a speak-out culture, we provide the following avenues by which team members, partners, program participants, and community members can report concerns. Team members may report to management, Human Resources, Safeguarding Focal Points, the Mercy Corps [Integrity Hotline](#) email address, or via a [third party reporting platform](#) - a hotline system with 24/7 access (a flexible set of intake channels including web, phone, and mobile texting accessible in multiple languages). The platform provides a simple end-user experience and allows for anonymous communication between reporters and investigators.

Community members and program participants have additional reporting options through our Community Accountability Reporting Mechanisms (CARMs), wherein all safeguarding related reports are elevated to our Intake and Investigations Department described above. Mercy Corps is currently in the process of strengthening our global CARM system and ensuring its consistent application in all of our country contexts.

## **Create a comprehensive safeguarding and Protection from Sexual Exploitation and Abuse (PSEA) capacity-building plan for field-based and headquarters-based senior management members and board members**

### **Leadership Training and Capacity Building**

In collaboration with the consulting firm Global Child Protection Services (GCPS), we have created a safeguarding training tailored specifically for our Board of Directors. This training focuses on Safeguarding in the sector as a whole, how we approach safeguarding at Mercy Corps, and expectations for board members on safeguarding oversight, and assessment of safeguarding risks. The Board of Directors completed this safeguarding and PSEA training in June, 2020.

In addition to training for our Board of Directors, we have separate stand-alone training sessions planned for key leadership groups, including our Executive Team, Senior Management Team Members, and Country Directors. These training deliveries will apply uniquely and specifically to each target audience around how they can better engage in and promote safeguarding and PSEA efforts at Mercy Corps, in the communities where we work and in our sector. These trainings will increase functional capacity and give specific attention to our Code of Conduct and safeguarding policies.

### **Additional Internal and External Capacity Building**

In addition to our focus on improving the safeguarding capacity of our board, executive and country leadership, we also aim to build the capacity of every team member and the many other individuals we work with. We have focal points in place as additional in-country support for team members and our capacity and awareness raising efforts, as well as resources and a comprehensive set of mandatory eLearning courses to enhance our ability to increase each team member's understanding of Mercy Corps' Code of Conduct policies and culture. We track course completion rates, publish them internally, hold leaders and individuals accountable and evaluate progress with our teams.

Working with local and international partner organizations is integral to Mercy Corps' vision for sustainable, positive change. Currently, Mercy Corps engages over 500 partner organizations and entities each year in its global activities. We recognize that it is our responsibility to ensure that our partners and contractors understand, value, and practice the core principles of safeguarding. We conduct due diligence on our partners, support them in the implementation of their own safeguarding policies and procedures and/or require them to

abide by ours. In addition, we are working to strengthen our processes and tools for training service providers, contractors, temporary staff, and incentive workers, including the development of a pilot project aimed at delivering this complex information in a concise, accessible way in a variety of languages and contexts. This is an area of ongoing focus for the next fiscal year.

## **Accelerate implementation of Community Accountability Reporting Mechanisms and training of local investigators<sup>9</sup>**

### **Community Accountability Reporting Mechanisms (CARM)**

Mercy Corps has continued its commitment to Accountability to Affected Populations and worked to develop a standardized approach to Community Accountability Reporting Mechanisms (CARM). Although CARM has existed in some Mercy Corps countries, it has not been consistently prioritized and implemented globally and historically, no formal CARM policy existed. In response to this identified need and as a commitment to our priorities surrounding accountability, transparency and do no harm, CARM implementation was made an agency priority and significantly resourced.

In June 2020 the new global CARM Policy was published, which outlines nine new minimum standards for community accountability and requirements for Partners.<sup>10</sup> All Mercy Corps country programs and entities are required to meet the standards within this global policy. Mercy Corps will roll out this policy in the coming months to ensure CARM is in place in all Mercy Corps countries and a standardized approach to community accountability is taken globally.

### **Improve transparency**

Mercy Corps is committed to ongoing transparency related to our safeguarding efforts—both internally and externally. We provide regular updates to the organization around our GDI and Safeguarding work, communicate any changes to our safeguarding program, provide information about additional resources, and seek feedback from team members. During investigations we provide updates and information to those who have come forward about the status of investigations without compromising confidentiality.

Further, we will continue sharing our data, learnings and information on reporting in a responsible, transparent and survivor centered way through annual public safeguarding reports, the next of which is set for publication in parallel with the Mercy Corps Europe Annual Report by early November, 2020 and will include safeguarding data, updates and other related information for FY20.

### **Using Data to Inform Decisions, Learn, and Adapt**

Mercy Corps takes a data-driven approach to our safeguarding efforts. Through the analysis of data, we are learning and adapting, identifying trends, and enabling more informed and effective decision-making to improve our efforts. At the end of a safeguarding investigation, we stop and analyze each case to identify the specific conditions that existed and consider implications that stem from that analysis - from recruitment and hiring, to onboarding and training, to program management, and the reporting and investigation process - looking for ways we can prevent similar situations from occurring and improving our response. In addition, we

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<sup>9</sup> Mercy Corps has established an in-country support model including utilization of safeguarding co-investigators. For more about our in-country co-investigators please refer back to the *Restructure the legal, ethics and safeguarding functions* section above.

<sup>10</sup> See Annex D for Mercy Corps' nine CARM minimum standards

use our reporting portal and other tools to gather detailed analytics to identify trends and detect possible issues before they are reported. Ongoing analysis of this increasingly rich data will help us understand which issues are more prevalent in different contexts, allowing us to make programmatic adjustments and focus attention where it is needed most.

## Looking Forward

Mercy Corps is dedicated to maintaining a culture of physical and psychological safety within our teams. This will take continuous effort, particularly surrounding safeguarding and GDI. Through these efforts and in all of the work we do, we strive to ensure team members, operations and programs do no harm to those with whom we work or put vulnerable populations at risk of abuse or exploitation. Further, we recognize that we, in collaboration with our peer agencies, need to continue to advocate for sector-level reforms and change efforts that address the systemic power imbalances that perpetuate violence, abuse and discrimination, particularly through strengthening social inclusion and gender-based violence prevention, and anti-racism programming. We are committed to engagement in safeguarding communities of practice, supporting peer, donor, and partner organizations in navigating shared challenges, communicating lessons learned, and increasing trust and transparency within our industry. We are also committed to engaging local communities in safeguarding efforts so that the gains the sector has realized in this area extend to the most vulnerable.

Finally, we want to acknowledge our team members, our partners, volunteers, interns and all those who day by day through tireless efforts and dedication, make up this agency and the powerful work we do. Our safeguarding efforts and essential program implementation around the globe are carried out by each and every one of these people. We are grateful to you.

## Annex A: FY19 Investigations Data

In continuity with Part I of the Annual Safeguarding Report, we are restating the investigations data from fiscal year 2019. Fiscal year 2020 data will be included in the next Annual Safeguarding Report, set for publication in parallel with the Mercy Corps Europe Annual Report by early November, 2020.

In fiscal year 2019, Mercy Corps received 44 safeguarding-related allegations, including 13 against partners and the remaining against Mercy Corps team members. As of June 30, 2019, 31 of these cases had been resolved (either closed or pending closure); of the 13 remaining under investigation in June 2019, 4 allegations were against partners. Of the 31 closed investigations, 15 were unsubstantiated, 15 were substantiated, and one was inconclusive. All substantiated cases resulted in disciplinary action, including seven terminations of employment or partner contract and eight disciplinary actions other than termination.

Fiscal year 2020 data shows the number of safeguarding reports have continued to rise. The next Annual Safeguarding Report will delve more into this data.

## Annex B: Relevant Links and Referenced Documents

- › [Mercy Corps Website](#)
- › [External Investigation & Commitments](#)
- › [Timeline of Actions](#)
- › [Part I, Annual Safeguarding Report](#)
- › [Mercy Corps Policies and Policy Guidance Documents](#)

## Annex C: People With Possibilities Practices

1. Promote wellbeing
2. Have candid conversations
3. Build ownership
4. Make time to reflect and adapt

## Annex D: CARM Minimum Standards

1. CARM focal points are designated at the country and program level. The country CARM focal point is responsible for the management and quality of CARM for the Country and is responsible for leading the design and implementation of CARM.
2. CARM is budgeted for in all programs. Every program will have budget lines allocated for community accountability.
3. CARM standard operating procedures are completed and approved. Use the provided SOP template and once completed, send to [carm@mercycorps.org](mailto:carm@mercycorps.org) for technical review. The Country director must approve the final SOP.
4. Every active program has 3 feedback channels and community members are sensitized on their purpose and availability. Feedback channels must be set up within 90 days of program start up.

When operating remotely or with reduced access and face-to-face feedback can't be collected, 2 feedback channels are allowed.

5. All feedback is documented and managed in a CARM database. Access to the database will be restricted to the team members who are responsible for documenting feedback in order to protect the identity of informants.
6. Feedback is classified according to six standard Grades and grading is verified. Only specific, designated team members will have the authority to grade feedback, and these team members will be selected by the Country Director in consultation with the country CARM focal point.
7. Appropriate action is taken for all feedback based on Grade. After a Grade is assigned to feedback, appropriate action must be taken based on that Grade. Appropriate action and segregation of duties will be outlined in the CARM SOP.
8. All grade 5 and 6 feedback is reported directly to the Integrity Hotline and the informant's identity is protected. The Country Director and country Safeguarding Focal Point (Grade 6 only) can be copied if the feedback does not implicate them.
9. The feedback loop is closed for all non-anonymous feedback. The person who shared the feedback must be informed of the resolution of their case for 100% of feedback that is not submitted anonymously

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### About Mercy Corps

Mercy Corps is a leading global organization powered by the belief that a better world is possible. In disaster, in hardship, in more than 40 countries around the world, we partner to put bold solutions into action — helping people triumph over adversity and build stronger communities from within. Now, and for the future.



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