



## Safeguarding & Prevention of Sexual Exploitation & Abuse Policy

Managed on behalf of ED and Board by: Head of Global Engagement

Approved by Board: 21 September 2018

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### 1. Purpose

ActionAid Australia is a women's rights organisation working to advance social justice, gender equality and poverty eradication. In our humanitarian work, we seek to secure and protect women's rights in emergencies by promoting the leadership of women most affected in humanitarian crises and conflict. As a member of a global federation, we recognise that those working with ActionAid have increased power and privilege. This policy aims to safeguard all people who come into contact with ActionAid through our work in humanitarian and development contexts from abuses of that power and privilege in the form of sexual exploitation and abuse (SEA). SEA is a form of Gender-Based Violence (GBV), which is more likely to be experienced by women and girls.

This policy should be read and enforced together with **ActionAid Australia's Human Resources Manual** and **Child Protection Policy (2017)**, and **ActionAid International's Anti Sexual Harassment Policy (2018)**, **Whistle Blowing Policy (2008)**, **Child Protection Policy (2017)** and **Staff Code of Conduct (2018)**, which we are bound by as a member of the AAI federation. These specifically state the principles, policies and core procedures that uphold the prevention of any sexual exploitation and abuse by persons contracted to work in or with ActionAid (staff, board and assembly members, external visitors to programmes, volunteers, interns, contractors and partner organisations) in all contexts, with specific attention to work in humanitarian settings. Together these policies enforce the safeguarding of all people ActionAid works with from any actions or behaviours that constitute SEA.

This policy is a **zero tolerance** policy to any form of sexual exploitation and abuse. Anyone found to have engaged in this abuse will be dismissed and will not be hired again by ActionAid or any member of the Federation. When SEA involves the perpetration of a crime(s), the police in the country where the crime was committed will be informed, should the survivor choose to prosecute.

### 2. Scope

This policy applies to the following people:

- ActionAid Australia staff members, contractors, and consultants;
- ActionAid Australia office-based volunteers, interns and Grassroots Network activists;
- ActionAid Australia Board of Directors; and
- partner organisations.

### 3. Definitions

The 2016 InterAgency Standing Committee (IASC) definitions of sexual exploitation and abuse are:

**Sexual exploitation:** *'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 abuse:** *'The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions'*

ActionAid's definition of sexual exploitation and abuse aligns to the IASC definition but also covers other areas of Gender Based Violence and abuse (not just sexual) to ensure that our approach to safeguarding is comprehensive in terms of the behaviours and actions we expect of all people working for and with ActionAid. It incorporates the following further definitions that relate to SEA and GBV:

- **Rape** - non-consensual penetration (however slight) of the vagina, anus or mouth with a penis or other body part. Also includes penetration of the vagina or anus with an object.
- **Sexual assault** - any form of non-consensual sexual contact that does not result in or include penetration. Examples include: attempted rape, as well as unwanted kissing, fondling, or touching of genitalia and buttocks.
- **Rape of a minor** - any penetration (however slight) of the vagina, anus or mouth of a person below the age of 18 at the time of the penetration with a penis or other body part. Also includes penetration of the vagina or anus with an object. Mistaken belief about the age of the person is not a defence.
- **Sexual assault of a minor** - any form of sexual contact that does not result in or include penetration with a person below the age of 18 at the time of the sexual contact. Examples include: attempted rape, as well as unwanted kissing, fondling, or touching of genitalia and buttocks. Mistaken belief about the age of the person is not a defence.
- **Gender-based violence** - An umbrella term for violence directed toward or disproportionately affecting someone because of their actual or perceived gender identity. The term 'gender-based violence' is primarily used to underscore the fact that structural, gender-based power differentials around the world place women and girls at risk for multiple forms of violence. This includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty, whether occurring in public or in private life. While women and girls suffer disproportionately from GBV, men and boys can also be targeted. The term is also used by some actors to describe targeted violence against lesbian, gay, bisexual, transgender and intersex (LGBTI) populations, in these cases when referencing violence related to norms of masculinity/femininity and/or gender norms.
- **Transactional sex** - The exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour. This includes any exchange of assistance that is due to beneficiaries of assistance and the use of sex workers.
- **Exploitative relationship** - A relationship that constitutes sexual exploitation, i.e. any actual or attempted abuse of a position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or

politically from the sexual exploitation of another. ActionAid will see any sexual relations with a community member who is directly supported by ActionAid or a partner as exploitative.

- **Trafficking of persons for sexual exploitation** - The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of sexual exploitation. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth above (e.g. threat or the use of force or other forms of coercion etc).
- **Physical Assault:** any form of non-consensual physical contact that is not sexual in nature but is considered to be gender based violence and therefore falls under this policy. Examples include: hitting, slapping, choking, cutting, shoving, burning, shooting or use of any weapons, acid attacks or any other act that results in pain, discomfort or injury.
- **Forced Marriage:** the marriage of an individual against her or his will (this includes Early and Child Marriage – as a child is not able to provide informed consent).
- **Psychological / Emotional Abuse:** infliction of mental or emotional pain or injury. Examples include: threats of physical or sexual violence, intimidation, humiliation, forced isolation, stalking, verbal harassment, unwanted attention, remarks, gestures or written words of a sexual and/or menacing nature, destruction of cherished things, etc.

## 4. Principles

The following principles will guide ActionAid Australia in upholding its responsibility to safeguard and prevent sexual exploitation and abuse:

- ActionAid commits to uphold the highest level of personal and professional conduct among its staff, contractors, volunteers, board members and partners working in or visiting all programming contexts, and particularly humanitarian settings, ensuring zero tolerance of all forms of sexual exploitation and abuse against affected populations, including women and children, and in times of conflict, disaster and occupation.
- ActionAid views any form of sexual exploitation and abuse as a gross violation of human rights.
- ActionAid recognises the *IASC Guidelines (2011)* and *Global Standard Operating Procedures (2016) on the Prevention of Sexual Exploitation and Abuse (PSEA)*.
- ActionAid affirms the primacy of Accountability to Affected Populations as an integral part of its humanitarian signature and upholds the Core Humanitarian Standards (CHS) particularly **Key Action 3.6: Identify and act upon potential or actual unwanted negative effects in a timely and systematic manner, including areas of ... sexual exploitation and abuse by staff.**
- ActionAid upholds the federation wide *Commitments to Women's Leadership, Rights and Protection in Emergencies (2016)*;
- ActionAid recognises that Sexual Exploitation and Abuse inflicts harm on those whom the humanitarian community are obliged to protect as well as jeopardises the credibility of all humanitarian agencies;

- ActionAid will promote cooperation and assistance between organisations in preventing and responding to SEA.

## **5. Preventing & Responding to Sexual Exploitation & Abuse**

### **5.1 Program Interventions**

ActionAid Australia recognises that PSEA must be integral to its humanitarian and resilience programming work and will work with program partners to ensure the following interventions are implemented:

- Ensure the active participation of the people we work with in assessing, planning, implementing, monitoring and evaluating programs through the systematic use of participatory methods;
- Communicating complaints reporting mechanisms to the people we work with and actively engaging them in the design of these mechanisms;
- Recognise that sexual exploitation and abuse is often grounded in gender and other inequalities, ActionAid will ensure that development and humanitarian activities draw on women's rights and intersectional feminist analysis.
- Ensure a clear risk assessment in place for all projects outlining sexual exploitation and abuse and safeguarding risks within the project and putting in place measures to address these in project plans and risk monitoring;
- Ensure that all responses are developed in a manner that balances respect for due process with prioritising the safety, dignity and rights of survivors;
- Integrate and mainstream PSEA into all development and humanitarian work, as well as promote standalone protection programming in humanitarian settings with clear complaints and reporting mechanisms;
- Ensure that assistance for those affected by violations is provided in a non-discriminating manner and in ways that prevent additional harm;
- Ensure that all staff, volunteers, contractors and partners are aware of the responsibility to maintain an environment that is free of sexual exploitation and abuse and to report any abuse they suspect or witness, whether within ActionAid or outside in line with the reporting protocols outlined in this policy; and
- Ensure that a copy of this policy will accompany all partner Project Agreements and discussions held with partners to further embed understanding and compliance.

### **5.2 Human Resources Interventions**

ActionAid Australia will ensure that HR processes support the prevention of sexual exploitation and abuse in all development and humanitarian settings through the following steps:

- ActionAid will champion and support meeting of the target of recruiting 50% women in functions that relate to humanitarian and resilience work in recognition that SEA happens as a result of gender inequalities and in line with World Humanitarian Commitments made in 2016.
- ActionAid will ensure that its own staff recruitment, including volunteers, consultants and interns will include reference and police checks, and ActionAid will not hire any person with a history of perpetrating any type of GBV or SEA.

- All interviews of new staff will include a question that relates to their understanding of safeguarding and preventing sexual exploitation and abuse.
- ActionAid will ensure that hiring practices prohibit and prevent sexual exploitation and abuse from occurring during hiring. All personnel involved in recruitment and hiring should be held accountable for their behaviour and practices, and staff will not abuse their position of power in the hiring process in accordance with the Code of Conduct.
- All managers will be aware of the procedures outlined to deal with reported cases of SEA and inductions of staff will ensure awareness of this policy and complaints mechanisms.
- ActionAid Australia will conduct an annual session with staff and volunteers to continue to build awareness of the PSEA Policy and complaints mechanism. Each ActionAid country office and AAI GS hub office will appoint an appropriate safeguarding lead to roll out the policy, inductions and training.
- ActionAid Australia will assign a staff person to a safeguarding lead, which will be reflected in their job description and work within the AAI federation to ensure best practice in safeguarding and PSEA.

## 6 Reporting Procedures

ActionAid will ensure that the safety, dignity and rights of the survivor are respected at all times including during reporting, investigation and in the provision of assistance.

ActionAid Australia will work with partners to ensure all development and humanitarian programs include community based complaints mechanisms and reporting processes that are designed in collaboration with communities, and transparent and accessible to the communities being supported. We will also work with partners to establish adequate referral pathways to support survivors, particularly in humanitarian settings.

All staff, volunteers, interns, board members, partners and consultants have a responsibility to raise concerns. All reporting of SEA concerns or suspicions will be reported immediately in the country where the exploitation/abuse has occurred in line with the ActionAid International Policy and to the Executive Director or Chief Operating Officer of ActionAid Australia to be included on the Incident Reporting Register. Those working with ActionAid Australia will also be made aware of the confidential email address for complaints to be able to report anonymously should they prefer this method.

The complainant will be provided with reassurance that there is no danger of retaliation and that the matter will be treated with strict confidentiality.

ActionAid Australia commits to creating an organisational culture at all levels that encourages complaints and deals with them swiftly and in line with this policy.

## 7 Complaints Handling Procedures

For any complaint that is surfaced directly with ActionAid Australia, the staff member who has received the complaint will inform the Executive Director of ActionAid Australia or Chief Operating Officer, who will follow ActionAid International's Standard Operating Procedures to handle the complaint which will include the following:

- SEA complaints will be treated in a safe, transparent and confidential way.

- Decisions will be made in the best interests of children, consulting with them in decisions affecting their lives and collaborating with actors trained to handle the special needs of child survivors of sexual abuse. If the complaint involves harm to children, this will be dealt with under the Child Protection Policy.
- Only trained staff will investigate allegations of sexual exploitation and abuse (SEA).
- If the complaint is against the senior member of staff identified to receive complaints, the complainant will be encouraged to report directly to the Global Safeguarding Lead.
- Raising the complaint confidentially with the Country Director (if they are not the person already receiving the complaint) where the incident has occurred who will inform AAI (maintaining confidentiality and following due legal processes as appropriate) and local/national authorities in line with the wishes of the complainant.
- If the staff member who receives or makes the complaint genuinely believes that following the Standard Operating Procedures will compromise the outcome of the complaint, or put the complainant at further risk, or that she would be victimised, the complaint should be taken up directly with the Global Safeguarding Lead.
- If the complaint is against someone who does not work directly for ActionAid but for another humanitarian agency, ActionAid will inform the agency through their established mechanisms or other appropriate channels if mechanisms do not exist. If the complaint is against a staff member of a partner organisation this will be dealt with through the Country Director.
- The complainant will be clearly informed of all steps taken to deal with the complaint.
- Complainants will be offered confidential psychosocial wellbeing support.
- ActionAid recognises sexual exploitation and abuse as gross misconduct and perpetrators will face disciplinary action, including immediate termination of employment and referral for criminal prosecution, where appropriate and in accordance with established procedures.
- Staff can be disciplined for failing to comply with this policy in accordance with established procedures.

## 8 Monitoring and Review of Policy and Procedure

The Head of Global Engagement is accountable to the Executive Director and Board for managing and maintaining this policy. All members of the Leadership Team are accountable for ensuring that their functional teams understand and adhere to this policy in their day-to-day work. Where compliance issues are surfaced, Leadership Team members will work with staff to address these issues promptly. Any updates/revisions to the policy must be endorsed by the Executive Director and Leadership Team before being submitted to the Board for its approval.

**CHANGES TO POLICY**

<b>Nature of Changes</b>	<b>Date of Board approval</b>
Policy first developed and approved by Board	21 September 2017