

INTERNATIONAL NEEDS AUSTRALIA

Board of Directors Policy

Title: 3.18 Policy on Prevention of Sexual Exploitation, Abuse & Harassment

Date of Adoption: 26th June 2019

Amended 23rd October 2019

This policy is to be reviewed no later than 23rd October 2021

Purpose

INA exists to improve the lives of those living in poverty and in particular to empower women. Any sexual exploitation or abuse by INA staff therefore, is a direct affront to the INA vision and values and will not be tolerated. INA recognises sexual exploitation and abuse is a violation of human rights, and undermines development projects and outcomes as well as discrediting the organisation, and as such takes a zero tolerance approach to sexual exploitation and abuse.

Definitions

For the purposes of this Policy, SEAHH refers to sexual exploitation, abuse and harassment, and PSEAHH refers to the prevention of sexual exploitation, abuse and harassment.

Sexual exploitation: Any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. It includes profiting monetarily, socially, or politically from 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. It covers sexual offences including but not limited to: attempted rape (which includes attempts to force someone to perform oral sex); and sexual assault (which includes non-consensual kissing and touching). All sexual activity with someone under the age of consent (in the law of the host country or under Australian Capital Territory law [16 years], whichever is greater) is considered to be sexual abuse.

Sexual harassment: A person sexually harasses another person if the person makes an unwelcome sexual advance or an unwelcome request for sexual favours, or engages in other unwelcome conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Sexual harassment can take various forms. It can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by any person of any gender towards any person of any gender. Sexual harassment can be perpetrated against beneficiaries, community members, citizens, as well as staff and personnel.

Policy

SEAH represents a violation of trust with the communities INA aims to serve. INA staff, board members, contractors, volunteers or field visitors must not promote, engage in or ignore SEAH. SEAH is considered a form of gross misconduct and is grounds for disciplinary action including termination of employment. All allegations against INA personnel will be dealt with

seriously and promptly and any staff found guilty of sexual exploitation or abuse will be dismissed and reported to police

In aiming to prevent SEAH, INA is committed to:

- ensuring that anyone travelling to visit our projects understands INA's zero tolerance stance on SEAH.
- implementing recruitment processes which aim to prevent infiltration by SEAH perpetrators.
- building awareness among staff and partner organisations concerning women rights and gender equality in recognition that SEAH is often a form of gender-based violence stemming from gender inequality.
- strengthening our capacity to deal with SEAH, including training staff in PSEAH.
- working with partners to understand and support strengthening of their processes around recruitment, training and complaints with particular regard to PSEAH.
- Supporting partners to develop and implement their own PSEAH Policies.
- implementing a fast-track complaints handling mechanism for SEAH, alongside the Child Protection complaints process, and making this available to staff, partners and project participants.
- supporting partners to assess the SEAH risk context of our projects and to monitor and mitigate risks as appropriate.
- investigating any complaint or concern about SEAH rigorously, with regards to confidentiality, including referrals to relevant law enforcement bodies and DFAT when appropriate.

INA staff, Board members, volunteers and field visitors must:

- create and maintain an environment that prevents sexual exploitation and abuse and promotes the implementation of this Policy.
- not support or take part in any form of sexual exploitative or abusive activities, for example; trafficking of human beings, exploitative transactional sex, exchange of assistance that is due to participants (including money, goods, services) for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour. Sexual activity with children (persons under the age of 18) is prohibited regardless of the local age of consent.
- not enter into sexual relationships with beneficiaries, in recognition that there is an unavoidable power imbalance between INA representatives and community members.
- report any concerns or suspicions they have regarding possible violations of this SEAH Policy via INA's reporting mechanism.
- avoid fraternising with community members or partner staff while engaged in INA business, where fraternising is defined as any relationship that involves, or appears to involve partiality, preferential treatment or improper use of rank or position.
- prioritise the safety, well-being and dignity of victims/survivors who report SEAH incidents.
- respect the confidentiality of any information regarding PSEAH complaints made known to them.

INA's Managers are responsible to support and develop systems that maintain a zero-tolerance environment where any allegation of PSEAH is acted upon.

INA will work with partners to ensure they are aware of this policy and DFAT's Preventing Sexual Exploitation, Abuse and Harassment Policy, and implement their own safeguarding procedures in regards to PSEAHH with their staff.

Reporting

INA encourages those who have suffered SEAH in relation to our work to report incidents, as this enables us to investigate the complaint (unless this is against the wishes of the survivor), to mitigate risks of harm to others and to improve prevention and response strategies. INA's process for reporting SEAH is as follows:

1. Throughout the reporting and investigation process, INA will take a survivor-centred approach, prioritising the rights, needs and wishes of the survivor, including treating them with dignity and respect, providing them with comprehensive information and involving them in decision making. As such, no action will be taken which may put the survivor at risk of further harm, or which contravenes their wishes.
2. All INA representatives and implementing partners are required to immediately notify INA's Chief Executive Officer if any person working, volunteering or visiting INA funded activities are accused/suspected of, charged with, arrested for or convicted of criminal offences relating to sexual exploitation and abuse via INA's Child Protection or SEAH incident report form (see INA's Program Procedures Manual). In the event that the allegation relates to the INA Chief Executive Officer, the Chair of the Board of INA shall be the person immediately notified.
3. The INA Board authorises the INA Chief Executive Officer to receive such reports. The INA Chief Executive Officer must notify the Board of all allegations of SEAH within 24 hours of receipt.
4. All INA representatives and implementing partners are required to immediately notify the relevant partner Chief Executive Officer if any partner personnel/ /volunteer/visitor working on or visiting the partner organisation's activities is accused/suspected of, charged with, arrested for or convicted of criminal offences relating to SEAH. In the event that the allegation relates to the partner organisation Chief Executive Officer, the Chair of the Board of the partner organisation shall be the person immediately notified.
5. Any person making such a report should NOT:
 - Notify the person to whom the claim or allegation relates
 - Seek to independently investigate or substantiate the claim prior to making any notification. The emphasis is on immediate and mandatory reporting.
6. The responsibility to follow up the report and to liaise with relevant investigating authorities rests with the INA CEO (where the accused is sent from or associated with INA) or the partner CEO (where the accused is not sent from or associated with INA). Alternatively, such responsibility lies with the Chair of the INA Board or the Board of the partner organisation, as the case may be.
7. By default, all alleged incidents with a criminal aspect will be reported to the appropriate local law enforcement agencies. If there is a legitimate reason not to do so in regards to survivor well-being, this will be documented within the investigation report. In this case, all possible measures will be taken by INA and the partner organisation, to prevent future occurrences.

8. The investigation manager or their delegate will report alleged incidents related to the delivery of DFAT supported projects, or incidents posing a reputational risk, to DFAT within two working days of INA becoming aware of the alleged incident. Any non-compliance with DFATs Preventing Sexual Exploitation, Abuse and Harassment Policy will be reported to DFAT within five working days. In either case, reports will be made using DFATs SEAHH Incident Notification Form: www.dfat.gov.au/pseah and emailing this to seah.reports@dfat.gov.au.

Cross Reference

- 2.11 Policy on Harassment/Discrimination
- 3.13 Child Protection Policy
- Program Procedures manual: INA's Child Protection or SEAH incident report form
- Program Procedures manual: INA's Child Protection or SEAH incident investigation report