

Asian Aid Organisation
Prevention of Sexual Exploitation, Abuse
and Harassment (PSEAH) Policy

December 2019

INTRODUCTION

Asian Aid Organisation (AAO) does not tolerate sexual exploitation, abuse or harassment (SEAH) of any kind. This applies to our own organisation and extends to all partner organisations, the institutions they have either under their direct management or with whom they cooperate, all organisations, companies, institutions, non-government and government partners AAO has a relationship with and our supporters and Board of Management.

The purpose of our Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH) Policy is to provide the expectations and requirement of the organisation regarding this critical aspect of our operations. It is designed to manage the risk of sexual exploitation, abuse and harassment and incidents related to this should they occur in the delivery of AAO work, work undertaken by partner organisations funded by AAO, all interactions between staff, AAO supporters, volunteers Board members and staff and management of all AAO partner organisations. The application of this PSEAH Policy is also a requirement of AAO’s ACFID Accreditation from 2020 as well as a requirement for the receipt and utilisation of any funding AAO receives from the Department of Foreign Affairs and Trade (DFAT).

SCOPE OF POLICY

The scope of the PSEAH Policy of AAO includes all AAO staff, AAO Board members, supporters, volunteers, the board of management of all partner organisations, management and staff of all partner organisations and the management and staff of institutions supported by all partner organisations, contractors engaged directly by AAO and contractors engaged by all partner organisations.

Preventing SEAH (PSEAH) is a shared responsibility. Organisations such as ours must play an active role in addressing SEAH that occurs in the course of their work. The Policy places the onus on AAO and all of our partners to manage the risk of SEAH.

DEFINITIONS

There are a number of relevant key terms used in this policy and applicable in the work of implementing and monitoring the PSEAH Policy by AAO and all of its partner organisations. These are defined below.

Word/Term	Definition
Child/Children	The United Nations Convention of the Rights of the Child defines ‘child’ as every human being under the age of 18 unless under the law applicable to the child, majority is attained earlier. For the purposes of this policy, a child is defined as any person under the age of 18 years.
Contractor(s)	A person or entity engaged pursuant to a contract for services. This includes: <ul style="list-style-type: none"> • the nominated signatory in an agreement with an intermediary company (the contractor) to which a payment is made (although the specified personnel may themselves be employees and not independent contractors): or • If the person performing the service is the service provider; he/she is an independent contractor (e.g. an external evaluator engaged by AAO or any

	consultant engaged to deliver training work contracted by AAO)
Partner Organisation	Includes all suppliers, individuals and organisations with whom AAO directly enters into an agreement to support the delivery of its objectives, including but not limited to: <ul style="list-style-type: none"> • contractors and service providers including consultants, advisers and other directly contracted individuals • non-Government Organisations (NGO), Civil Society Organisations (CSO), Faith-Based Organisations (FBO), International Non-Government Organisations (INGO)
Fraternisation	Any relationship that involves, or appears to involve, partiality, preferential treatment or improper use of rank or position including but not limited to voluntary sexual behaviour. It could include sexual behaviour not amounting to intercourse, a close and emotional relationship involving public displays of affection or private intimacy and the public expression of intimate relations.
Perpetrator	A person (or group of persons) who commits an act of SEAH or other type of crime or offence.
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 is considered to be sexual abuse.
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 Harassment	<p>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.</p> <p>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.</p> <p>Some examples of behaviour that may be sexual harassment include:</p> <ul style="list-style-type: none"> • staring or leering; • unnecessary familiarity, such as unwelcome affection or touching; • suggestive comments or jokes; • insults or taunts of a sexual nature;

	<ul style="list-style-type: none"> • intrusive questions or statements about your private life; • displaying posters magazines or screen savers of a sexual nature; • sending sexually explicit emails or text messages; • inappropriate advances on social networking sites; • accessing sexually explicit internet sites; • requests for sex or repeated unwanted requests to go out on dates; and • behaviour that may also be considered to be an offence under criminal law such as physical assault, indecent exposure, sexual assault , stalking or obscene communications.
Transactional Sex	The exchange of money, employment, goods or services for sex, including sexual favours.
Victim/Survivor	A person who is, or has been, sexually exploited, harassed or abused.

KEY PRINCIPLES

There are five principles which govern this policy and which require acceptance and application by all parties under the scope of the policy.

1. *Sexual exploitation, abuse and harassment are never acceptable.* This principle is enshrined in the Australian laws relevant to the prevention, reporting and judicial processes associated with SEAH. It is also enshrined in the relevant national laws of the countries where AAO works in partnership. Zero tolerance is not the same as zero incidents. It is important to note that the application of this policy may increase reporting of incidents of SEAH: if an increase in the reporting of incidents of SEAH occurs, this may indicate improved awareness of SEAH and changing attitudes towards it as victims/survivors feel that they have greater freedom to report incidents in the knowledge that AAO and all parties associated with AAO will make an effective response to reporting of any incidents. Zero tolerance is best defined as acting on every allegation brought to the attention of AAO and/or its partner organisations in a fair and reasonable way with due regard for procedural fairness.
2. *The prevention of SEAH is a shared responsibility.* This policy on the prevention of SEAH requires all parties covered by it to recognise this and demonstrate their support for this principle through their words and actions. All parties to this policy should help to develop a positive organisational culture of respect, maintenance of the fundamental right of any person of regardless of gender or age to be free from any of the forms of abuse, harassment and sexual exploitation defined in this policy and never hesitate to ‘call out’ and if necessary, report, words, actions and behaviours which can be considered abusive, exploitative and harassing which are related to sex , sexuality and gender.
3. *The needs of victims/survivors are of the highest priority.* Action to address SEAH should be underpinned by a “do no harm” approach prioritising the rights, needs, and wishes of the victim/survivor, while ensuring procedural fairness to all parties. This approach:
 - treats the victim/survivor with dignity and respect
 - involves the victim/survivor in decision making
 - provides the victim/survivor with comprehensive information
 - uncompromisingly protects privacy and confidentiality

- does not discriminate based on gender, age, race/ethnicity, ability, sexual orientation, or other characteristics
 - considers the need for counselling and health services to assist the victim/survivor with their recovery.
4. *Awareness of gender inequality and the relationship which often exists between gender inequality and other types of the abuse of power is critical.* The detailed research into the incidence of SEAH within, and perpetrated by the staff and management of INGOs, NGOs and multilateral agencies indicates that the majority of SEAH victims/survivors are female and the majority of perpetrators are male. However, there are also other power imbalances at play. Inequalities based on the distinctions of worker/beneficiary; ability/disability; ethnic and Indigenous status; religion; gender identity and sexual orientation; age; health and poverty, can also result in SEAH. The intersection of gender with other forms of inequality-especially poverty-can further increase the likelihood of SEAH occurring.
 5. *Processes for reporting of SEAH and the promotion of an understanding that 'it is OK to tell' will improve transparency and accountability.* Any incidence of sexual exploitation, abuse and harassment is a failure of responsibility. Stronger reporting allows AAO to better monitor SEAH, training and education helps all parties related to AAO understand risks, improve assurance and to improve systems and safeguards accordingly. Reporting will also help to focus all of us on the issue by providing a regular reminder that PSEAH is a core obligation of our work.

PREVENTION OF SEAH

This policy requires AAO and all of our partners to take the following practical actions designed to raise awareness and understanding of SEAH, prevent SEAH from occurring, monitor the implementation of awareness-raising and prevention activities, regularly review the implementation of this policy, provide clear, accessible and strictly confidential means of reporting any SEAH incident and ensure fair and just assessment and action in response to any SEAH incident reporting.

1. Risk Assessment

AAO and all our partners agree to undertake an annual SEAH risk assessment. The risk assessment tool used in this process seeks to determine different levels of risk for SEAH of interactions, communications and transactions within AAO, between AAO and all parties related to AAO, within partner organisations, between partners organisations and parties related to these with whom there is any form of relationship which has the potential for SEAH to occur. This risk assessment requires AAO and all of our partner organisations to rank the level of risk of SEAH in our regular work and to develop a plan for risk mitigation that will include such activities as regular training on PSEAH, promotion of the awareness of PSEAH policy, provision of clear written definitions of all forms of SEAH and prohibitions of actions and behaviours which constitute SEAH to AAO staff, management and Board members as well as to partner organisations and institutions related to partner organisations, regular notification to all stakeholders of the process of reporting any SEAH incidents and annual monitoring and reporting of all work done on PSEAH. The implementation of this Risk Assessment and the subsequent and regular implementation of the activities described above will constitute the Minimum Standards for PSEAH for AAO and all partner organisations.

2. Reporting

In accordance with Principle 3-Victim/survivor needs are prioritised-victims' and survivors' safety and wellbeing must be paramount to reporting of SEAH and their information treated confidentially. Whistleblowers must similarly feel safe and protected during any reporting process.

AAO and all partners organisations will employ two types of incident reporting:

- Mandatory and immediate (within two working days of becoming aware of an alleged incident) reporting by all AAO staff, management and Board members and/or AAO partner organisations of any alleged incident of sexual exploitation, abuse or harassment related to the provision of development assistance to stakeholders. This includes any alleged incident that poses a significant reputational risk to AAO. For example, an allegation against a senior staff member of a partner organisation or any institution associated with a partner organisation.
- Mandatory reporting (within five working days) by all AAO staff, management and Board member and AAO partner organisations of any alleged Policy non-compliance; for example, failure to adhere to the PSEAH Minimum Standards or principles.

MINIMUM STANDARDS

In order for all parties included in the scope of this policy to obtain and maintain compliance with this policy, it is necessary for them to meet a series of Minimum Standards. These are:

1. *Have a PSEAH policy or other documented policies and procedures in place and clearly communicate the content and application of this Policy.* It is essential that all staff, management and Board members are aware of the PSEAH policy (e.g. through internal communication and training), are aware that it applies to all AAO partner organisation and institutions associated with AAO partner organisations. A dedicated focal point who has responsibility for the implementation of the PSEAH policy or related documents is also required. Staff, management and Board members need to sign the AAO Code of Conduct that is compliant with the requirements of the AAO PSEAH Policy. It is also essential that all staff, management and Board members complete PSEAH training.
2. *SEAH reporting and investigation processes are in place.* It is essential that AAO, AAO partner organisation and institutions associated with AAO partner organisations have documented victim/survivor centred processes in place to report and investigate concerns or allegations of SEAH, and policy non-compliance. Each party must also have a process in place to ensure staff are aware of these reporting procedures/processes, ensure reporting processes are publicly available and that these are open and accessible. SEAH reporting and investigation processes require engagement with, and reporting to, senior management and the AAO Board on an annual basis. Additionally, all relevant parties must have documented evidence outlining the organisation's provisions for managing policy non-compliance. Investigations into alleged SEAH incidents must be undertaken by (or consult with) experienced and qualified professionals who are trained on sensitive investigations and on a victim/survivor centred approach. All policy documents that reference PSEAH are subject to annual review.
3. *Risk management processes include the risk of SEAH.* Consideration to the risk of SEAH needs to be given and included in agreements between AAO and partner organisations, the design of projects and programs with partner organisations, the quality and frequency of PSEAH training programs, information to staff and management regarding PSEAH, work-related travel and staff recruitment processes.

4. *Training programs on PSEAH are conducted by all parties under the scope of this policy on an annual basis. All training programs developed and conducted need to adhere to the Key Principles of this policy and reflect the application of all of these in the work AAO and AAO partner organisations does to provide development assistance.*
5. *Prohibitions of transactional sex and fraternisation for all parties under the scope of this policy are understood and clearly documented in the policy document and PSEAH training program materials.*

Who Reports?

All AAO staff, management and Board members and the staff and management of all partner organisations as defined under this policy's scope (see above) must report any alleged incidents of sexual exploitation, abuse or harassment or Policy non-compliance. Any person within the scope of this Policy including any individual associated with any development activity supported and/or funded by AAO and its partner organisations can report any incident(s) of SEAH.

What Is Reported?

Reporting is for any suspected or alleged cases of SEAH perpetrated by anyone within scope of the Policy in connection with the regular work of AAO and its partner organisations. Zero tolerance of inaction: individuals and partner organisations found not reporting alleged incidents will be viewed as being non-compliant. Reports of abuse or exploitation of individuals under the age of 18 years must follow AAO's Child Safeguarding Policy.

How To Report?

All reports of alleged SEAH incidents should be made using the AAO Sexual Exploitation, Abuse and Harassment Incident Notification Form (see Appendix 1). This Form is to be made available to all parties within the scope of this policy, be accessible in a confidential manner both via the AAO website, email and in print for and can be emailed to a generic AAO-hosted email address in order to mitigate the risk of the subject matter of an alleged SEAH incident being revealed to any party.

Where safe to do so, and when in accordance to the wishes of the victims, survivors and whistleblowers, ***all alleged SEAH incidents that involve a criminal aspect should be reported through the correct local law enforcement channels.***

COMPLIANCE

AAO will monitor compliance through a range of approaches including existing project and program reports, the application by partner organisations of a regular PSEAH activity report, and due diligence checks. Agreement to comply with this policy will also be mandatory in all program and project agreements AAO signs with partner organisations, effective from the date of inception of this policy.

In addition to an annual internal review of PSEAH compliance against the Minimum Standards required, AAO will provide ongoing assistance to partner organisations to ensure their compliance with this policy. This review will be completed by the 31st of December annually.

Non-compliance with requirements may lead to AAO suspending or terminating an agreement with a partner.

Under this policy, AAO commits to the provision of a PSEAH induction process, training for all staff on PSEAH will be conducted on an annual basis and AAO further commits to ensuring that all necessary investigative and

disciplinary action will be taken in accord with all related policies and procedures as referenced under the Policy Linkages section of this policy.

DATE OF EFFECT

This PSEAH Policy is effective from December 2019. The Policy will be implemented incrementally from 1st January 2020.

POLICY LINKAGES

- AAO Code of Conduct
- AAO Child Safety Code of Conduct
- AAO Child Safeguarding Policy
- AAO Child Safeguarding Procedures
- AAO Performance Counselling and Disciplinary Policy
- AAO Recruitment Policy
- AAO Complaints Management Policy
- AAO Whistleblower Policy
- AAO EEO, Discrimination and Harassment Policy
- AAO Gender Policy
- AAO Induction Policy

AAO Sexual Exploitation, Abuse and Harassment (SEAH) Incident Notification Form

What is this form for?

In accordance with the Asian Aid Organisation (AAO) *Preventing Sexual Exploitation, Abuse and Harassment (PSEAH) Policy*, all AAO staff, all AAO partners and the staff and/or management of all institutions supported by AAO partners must report alleged sexual exploitation, abuse and harassment (SEAH) incidents when they occur in the conduct of the development assistance work AAO supports.

This form is for organisations or individuals (including AAO management and staff, as well as supporters and Board members) to report an alleged incident to AAO. For more information please see the AAO *PSEAH Policy* available at www.asianaid.org.au/about-us/policies/pseah

Please complete the form below and email to: contact@asianaid.org.au. If you do not have email access please telephone +61 2 6586 4250 to report a SEAH incident. If you require assistance in completing this form please contact us by email or telephone.

It may not always be obvious if a SEAH incident relates to an AAO-supported program or activity. If in doubt please still report.

The privacy of information provided in this form

AAO takes a victim/survivor centred approach to the reporting of alleged SEAH incidents. Incidents should only be reported where it is safe to do so and where it is in line with the victim/survivor's wishes. Information that identifies individuals does not need to be reported.

Privacy Notification

This notice explains how AAO will collect, use and disclose the personal and sensitive information collected through this form in accordance with our obligations under the Australian Privacy Principles (APP) and the Privacy Act 1988 (Commonwealth Privacy Act).

Personal information may include an individual's name, signature, address, telephone number, date of birth and any commentary or opinion about a

person. Sensitive information may include information about a person's health or racial/ethnic origin.

AAOs collection, use and disclosure of information collected in this form

AAO reasonably believes that the collection, use or disclosure of the information, including personal information in this form is necessary in order for AAO to:

- (a) manage the risks of SEAH and SEAH incidents in the provision of development assistance;
- (b) take appropriate action where it suspects that unlawful activity or misconduct of a serious nature has been or is being engaged in, and;
- (c) lessen or prevent a serious threat to the life, health or safety of an individual or to public health or safety

If we are unable to collect your personal information, AAO may not be able to contact you and to make further enquiries about the alleged incident you have reported.

AAO's Privacy Policy

Further information about how: (a) you can access and seek correction of personal information that AAO holds about you; and (b) to make a complaint if you have a concern or believe AAO may have breached an Australian Privacy Principle is available through the AAO Privacy Policy:

<https://www.asianaid.org.au/about-us/policies/privacy-policy>

If anyone related to this notification is in imminent danger:

In Australia - please telephone 000

Outside Australia - please phone or visit your local law enforcement office (if safe to do so) or another support service (e.g. a medical centre, hospital, sexual violence support centre, rape support centre, etc).

SEAH Incident Notification Form

In completing this form, please provide as much information as you can or as you feel safe/comfortable to provide. In accord with our *PSEAH Policy* principles, AAO takes a victim/survivor-centred approach to the reporting of SEAH.

Details of Reporting Organisation or Individual

Note, please consider the privacy and protection of any individuals reporting SEAH (whistleblowers). Only provide details of any individuals if permission has been granted to share this information with AAO.

Reporting Organisation/Individual:

Contact name:

Telephone:

Email:

Location of Reporting Organisation/Individual:
(country/province/city etc)

Details of SEAH Incident

Type of allegation: Sexual exploitation¹
Sexual abuse²
Sexual harassment³

¹ Sexual exploitation refers to 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.

² Sexual abuse refers to 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.

³ 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.

Some examples of behaviour that may be sexual harassment include:

- staring or leering;
- unnecessary familiarity, such as unwelcome affection or touching;
- suggestive comments or jokes;
- insults or taunts of a sexual nature;
- intrusive questions or statements about your private life;

(please nominate one or more allegation types – definitions below)

Policy non-compliance⁴

Date(s) of alleged incident:

Location of alleged incident:

(country, province, city/village/town etc. Please provide as much detail as possible)

Date incident report was received by your organisation:

Details of alleged incident:

(please provide details of the alleged incident. Include any specific vulnerabilities such as disability, sex worker etc)

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- displaying posters magazines or screen savers of a sexual nature;
 - sending sexually explicit emails or text messages;
 - inappropriate advances on social networking sites;
 - accessing sexually explicit internet sites;
 - requests for sex or repeated unwanted requests to go out on dates; and
 - behaviour that may also be considered to be an offence under criminal law such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

⁴ Policy non-compliance refers to the failure to abide by AAO's *Preventing Sexual Exploitation, Abuse and Harassment Policy* available at www.asianaid.org.au/about-us/policies/pseah

Is the victim/survivor a beneficiary of a AAO-supported program/activity? If so, please provide details

(e.g. name of residential facility, name of institution, school etc)

What support has been/is being provided to the victim/survivor?

(e.g. referral to a medical clinic, counselling services, etc)

Have referrals been made to support services such as a medical facility or counselling services?

(if yes, please provide details)

What investigation or reporting has been undertaken by the AAO partner organisation?

(please provide details e.g. an internal investigation will be conducted and a final report produced etc)

Reporting to police or other authorities

Are local police aware of the incident/allegation?

If yes, please provide:

- *A contact name and contact details for the local police including the full title of the local police station*

- *Date the incident/allegation was reported to local police*

Has there been notification of the incident/allegation to any other police force?

If yes, please provide:

- *A contact name and contact details for the local police including the full title of the local police station*
- *Date the incident/allegation was reported to local police*

Have any other authorities, other than the police been informed of the incident/allegation?

If yes, please provide:

- *The name of the other authority*
- *A contact name and contact details for the other authority*
- *Date the incident/allegation was reported the other authority*

6. Other information

(please provide any other relevant information here that has not already been mentioned above)

Declaration

By completing and submitting this form, I declare that:

- I have read, understood and agree to the collection, use and disclosure of my personal information in accordance with this incident notification form.
- I confirm that the victim/survivor is aware and they have consented to me providing information on this incident, as outlined in this incident notification form.
- I confirm that if any whistleblowers have provided their details in this form, they have consented to do so.

If you do not consent or if you have any concerns about how the personal information collected in this form will be used, disclosed or shared, you should notify AAO as soon as possible contact@asianaid.org.au or telephoning +61 2 6586 4250

Name

Signature

Date

Asian Aid Organisation Ltd

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