

Prevention of Sexual Exploitation, Abuse, and Harassment (PSEAH) Policy PRO 3.3

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Responsible Officer	AAO Safeguarding Manager
Responsible Office	Programs
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Scope / Short description	This policy is part of the Asian Aid Organisation (AAO) Policy Framework and is included within the Programs (PRO) Policy Manual.
Related Asian Aid Documents	<p>AAO HRM 1.0 Code of Conduct</p> <p>AAO HRM 1.2 Child Safe Code of Conduct</p> <p>AAO Child Safe & SEAH Allegation Management SOP</p> <p>AAO PRO 3.2 Child Safeguarding Policy</p> <p>AAO HRM 3.4 Gender Equality, Disability and Social Inclusion (GEDSI) Policy</p> <p>AAO HRM 3.5 Privacy Policy</p> <p>AAO HRM 3.13 Performance Counselling and Disciplinary Policy</p> <p>AAO HRM 3.19 Recruitment Policy</p> <p>AAO HRM 3.2 Induction Policy</p> <p>AAO COMS 3.2 Complaints Handling Policy</p> <p>AAO HRM 3.3 EEO, Discrimination and Harassment Policy</p> <p>AAO COMS 3.3 Ethical Communications Policy</p> <p>AAO COMP 6.0 Whistleblower Policy</p> <p>AAO Partnership Guidelines</p> <p>AAO Partnership Agreement</p> <p>AAO Child Focused Approach (CFA) Implementation Framework and Project Guidelines</p> <p>AAO Safeguarding Committee Terms of Reference</p>
Related Legislation and External Documents	<p>United Nations Convention on the Rights of the Child (CRC)</p> <p>Department of Foreign Affairs and Trade (DFAT) Child Protection Policy 2017 and Guidance Notes</p> <p>ACFID Code of Conduct (2019 revisions) ACNC External Conduct Standards</p>
Key Words	Safeguarding; SEAH; Protection

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1. POLICY STATEMENT

Asian Aid Organisation (“**AAO**”, “**the organisation**”, “**we**”, “**our**”, “**us**”) does not tolerate sexual exploitation, abuse, neglect, or harassment of any kind. AAO is committed to promoting and protecting the welfare and human rights of people who come into contact with AAO and AAO funded projects, particularly vulnerable persons who may be at risk, regardless of their age, gender, race, religious beliefs, disability, sexual orientation or family or social background. This commitment and Policy apply to AAO and all Partner Organisations.

2. SCOPE

This Policy applies to:

- AAO, including:
 - AAO board members;
 - AAO representatives - including all personnel (permanent, part-time, or casual), interns, individual contractors, and consultants;
 - AAO volunteers - including specialised and general volunteers; and
 - AAO visitors - referring to photographers/videographers, journalists, and any other persons who visit an AAO-funded program or activity; and
- AAO Partner Organisations.

Preventing sexual exploitation, abuse, or harassment (SEAH) is a shared responsibility. This Policy places the onus on AAO and our Partner Organisations to manage the risk. Organisations such as ours must play an active role in addressing sexual exploitation, abuse, neglect, or harassment that occurs in the course of their work, addressing incidents of SEAH related to the provision of development assistance to stakeholders. As part of this Partner Organisations must procure that organisations, institutions or individuals who work with the Partner Organisation to deliver AAO-funding aid also agree to abide by and comply with this Policy.

3. PURPOSE

The purpose of this Policy is to provide the expectations and requirements of AAO, Partner Organisations and others to which this Policy applies regarding our work with vulnerable people. This Policy manages and mitigates the risk of sexual exploitation, abuse, and harassment (SEAH) and incidents should any occur in:

- the delivery of AAO work;
- the delivery of work undertaken by Partner Organisations funded by AAO; or
- interactions between AAO representatives, volunteers, visitors and supporters, board members and staff and management of all AAO Partner Organisations.

4. REGULATORY CONTEXT

All Australian jurisdictions have legal requirements around the prevention, protection, and reporting of abuse, neglect, or exploitation of vulnerable individuals.

Parties within the scope of this Policy are required to carry out their duties with due care and diligence, which includes taking care to protect vulnerable individuals. The ACNC External Conduct Standards (ECS) also require AAO to protect vulnerable individuals delivering or benefiting from overseas programs – including AAO’s own overseas programs or programs on which AAO collaborates with Partner Organisations.

The application of this Policy is also a requirement of AAO’s ACFID Accreditation (2023) as well as a requirement for the receipt and utilisation of any funding AAO receives from the Department of Foreign Affairs and Trade (DFAT).

5. DEFINITIONS

The relevant key terms used in this Policy and applicable in the work of implementing and monitoring this Policy by AAO and Partner Organisations are defined below.

Word/Term	Definition
Child/Children	any person up to 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	Organisations who are party to a Partnership Agreement with AAO.
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 sexual abuse, sexual exploitation, sexual harassment or other types of crime or offence.
Reasonable grounds to suspect	A belief based on reasonable grounds that a person has experienced, is experiencing or may experience SEAH when all known considerations or facts relevant to the formation of a belief are taken into account and these are objectively assessed. Circumstances or considerations may include the source of the allegation and how the source communicated the allegation, the nature of and details of the allegation, and whether there are any other related matters known regarding the alleged perpetrator. Questions that may help a person determine whether they have reasonable grounds to suspect include: <ul style="list-style-type: none"> could you explain to another person why you suspect something? This helps to make sure that your suspicion is based on information. would an objective other person, with the same information as you, come to the same conclusion? This helps to ensure the suspicion is as objective as possible.
Safeguard	Protecting the welfare and human rights of people who interact with or are affected by AAO particularly those who are vulnerable or at risk.

SEAH	Is an acronym for Sexual Exploitation, Abuse or Harm.
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 sexual abuse, as is the commission of sexual acts or sexual abuse in the presence of a person under the age of consent. The intention of the perpetrator is not relevant.
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; • 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 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.
Complainant	A person who is, or has been, sexually exploited, harassed, or abused.

Vulnerable	<p>Any person who is unable to take care or protect themselves (or their interest) against harm, abuse, or exploitation by reason of age, illness, trauma, disability, or any other reason. Vulnerability can be temporary or permanent.</p> <p>Vulnerable persons may be beneficiaries, supporters, volunteers or partner organisations, their beneficiaries, supporters, or volunteers.</p>
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6. GUIDING PRINCIPLES

AAO and Partner Organisations must:

- accept and apply the Guiding Principles in their performance of work related to AAO and/or AAO-funded programs; and
 - recognise the Guiding Principles and demonstrate their support for them through their words and actions.
1. *Sexual exploitation, abuse and harassment are never acceptable:* This principle is enshrined in Australian laws relevant to the prevention, reporting, and judicial processes associated with SEAH and the relevant national laws of the countries where AAO works in partnership. Zero tolerance is not the same as zero incidents. Application of this Policy may increase reporting of incidents of SEAH. An increase in the reporting of SEAH incidents may indicate improved awareness of SEAH and changing attitudes towards it. This is because complainants feel they have greater freedom to report incidents when they know AAO, and all parties associated with AAO, will effectively respond to their reports of SEAH 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:* AAO and Partner Organisations must:
 - help to develop a positive organisational culture of respect;
 - maintain of the fundamental right of any person regardless of gender or age to be free from any of the forms of SEAH;
 - never hesitate to ‘call out’; and
 - if necessary, report words, actions and behaviours which can be abusive, exploitative, and harassing which are related to sex, sexuality, and gender.
 3. *The needs of complainants are of the highest priority:* Actions to address SEAH follow a “do no harm” and trauma-informed approach prioritising the rights, needs, and wishes of the complainant, while ensuring procedural fairness to all parties. This approach:
 - treats the complainant with dignity and respect;
 - involves the complainant in decision making;
 - provides the complainant with comprehensive information as to the process regarding their allegation, report or disclosure and their rights;
 - uncompromisingly protects privacy and confidentiality;
 - does not discriminate based on gender, age, race/ethnicity, ability, sexual orientation, or other characteristics; and
 - considers the need for counselling and health services to assist the complainant 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 research into the incidence of SEAH within, and perpetrated by the

staff and management of, INGOs, NGOs and multilateral agencies indicates the majority of SEAH complainants are female and the majority of perpetrators are male. 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 and 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 the reporting of SEAH and the promotion of an understanding that ‘it is OK to tell’ will improve transparency and accountability:* Any incidence of SEAH within the AAO program is a failure of responsibility. Stronger reporting allows AAO to better monitor SEAH. SEAH training and education helps all AAO and Partner Organisations understand SEAH risks, improve assurance and improve systems and safeguards accordingly to mitigate the risks of SEAH occurring in connection with AAO programs and operations. Reporting also helps us to focus on the issue by providing a regular reminder that prevention of SEAH is a core obligation of our work.

7. PREVENTION OF SEAH

This Policy requires AAO and our Partner Organisations to take the following practical actions designed to:

- Protect vulnerable persons from SEAH;
- raise awareness and understanding of SEAH within AAO and Partner Organisations, and the communities where we work;
- minimise opportunities and access that could allow 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.

7.a Responsibilities

All people working in or with AAO and Partner Organisations must help to safeguard vulnerable people by:

- maintaining a safe environment for persons in the course of their work;
- ensuring that, if they have reasonable grounds to suspect a person is at risk, they report the suspicions internally and (if required or appropriate) to an external authority; and
- immediately contacting the police if they believe a person is at immediate risk.

The **AAO board** is responsible for protecting vulnerable people who interact with or are affected by AAO from SEAH. It must ensure:

- AAO has appropriate and effective processes in place to protect vulnerable people from SEAH and that this Policy is implemented;
- AAO complies with all relevant laws (both Australian and, where relevant, international laws) relating to mitigating the risk of, and responding to the incidences of SEAH; and
- AAO takes a survivor–centric and trauma-informed approach to responding to SEAH.

The **CEO of AAO** must:

- take reasonable steps to protect vulnerable people, including developing, and implementing

- processes and policies;
- manage safeguarding and legal compliance;
- ensure reports are made to external authorities when required or appropriate;
- manage reports of SEAH;
- ensure that all board members, representatives, volunteers, partners, contractors and third parties are aware of relevant laws, policies, and procedures, including the organisation's Code of Conduct;
- ensure that all board members, representatives, volunteers, partners, contractors and third parties are aware of their obligations to report suspected incidents of SEAH;
- provide support for all board members, representatives, volunteers, partners, contractors and third parties in undertaking their responsibilities; and
- comply with the requirements under State and Territory Reportable Conduct Schemes if/where applicable.

All managers/coordinators/supervisors must:

- promote a positive culture towards safeguarding;
- implement this Policy in their area of responsibility;
- ensure that there are appropriate controls in place to prevent, detect, and respond to allegations;
- facilitate the reporting process when someone has reasonable grounds to suspect; and
- ensure potential incidents are handled with accountability and transparency and with a survivor-centric approach.

All board members, representatives, and volunteers of AAO must:

- familiarise themselves with the relevant laws, the organisation's Code of Conduct, policies, and procedures for safeguarding;
- report any incident to the CEO and (if required or appropriate) to an external authority when it is reasonable to suspect that a person's safety or welfare is at risk;
- report any suspicion that a vulnerable person's safety or welfare may be at risk internally or to an external party; and
- provide an environment that is supportive of everyone's emotional and physical safety.

All Partner Organisations must:

- implement the provisions of this Policy and AAO's procedures in their dealings with AAO; and
- report any suspicion that an incident of SEAH may have taken place, is taking place, or could take place to the CEO of AAO and (if required or appropriate) to an external authority.

7.b Reporting

In accordance with Guiding Principle 3, complainants' safety and wellbeing must be paramount to reporting of SEAH and this information treated confidentially. Complainants and whistleblowers must feel safe and protected during any reporting process.

AAO and Partner Organisations will implement and maintain two types of incident reporting:

- **Mandatory and immediate** (within 24 hours of becoming aware of reasonable grounds to suspect) reporting by those who have reasonable grounds to suspect there has been an incident of SEAH 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) of any alleged Policy non-compliance; for example, failure to adhere to the PSEAH Minimum Standards or Guiding Principles.

Who Reports?

All AAO and Partner Organisations' representatives, management and board members **must** make reports as required above.

Any person **may** report any incident(s) of SEAH occurring within AAO, Partner Organisations or related to AAO-funded programs to AAO.

What Is Reported?

Any suspected or alleged cases of SEAH perpetrated by anyone within scope of this Policy in connection with the regular work of AAO and our Partner Organisations. Reports of abuse or exploitation of vulnerable persons under the age of 18 years must also follow AAO's Child Safeguarding Policy and supporting CS and SEAH Allegation Management SOP.

Zero tolerance of inaction: AAO will consider Partner Organisations found not to be reporting alleged incidents (and/or not encouraging reporting by their personnel) as being non-compliant with this Policy.

How To Report?

All reports of alleged SEAH should be made using directions provided in the supporting CS and SEAH Allegation Management SOP and reporting facilities through the AAO website. The CS and SEAH Allegation Management SOP 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 form and can be emailed to a generic AAO-hosted email address to mitigate the risk of the subject matter of an alleged SEAH allegation being revealed to any party.

Where safe to do so, where required by law and/or when in accordance with the wishes of the complainant(s) and/or whistleblower(s), ***all alleged SEAH allegations involving a criminal aspect must also be reported through the appropriate local law enforcement channels.***

7.c Risk Assessment

AAO and Partner Organisations must undertake an annual SEAH risk assessment. The risk assessment tool used seeks to determine different levels of risk of SEAH through interactions, communications, and transactions within AAO, between AAO and all parties related to AAO, within Partner Organisations, between Partner 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 Partner Organisations to rank the level of risk of SEAH across program activities and to develop a plan for risk mitigation that will include such activities as:

- regular training on prevention of SEAH;
- promotion of the awareness of this Policy;
- provision of clear written definitions of all forms of SEAH and prohibitions of actions and behaviours which constitute SEAH to AAO and Partner Organisations representatives, management, and board members. Partner Organisations must also provide this information to organisations they work with in delivering AAO-funded programs;

- regular notification to all parties within the scope of this Policy on the process of reporting any SEAH allegations; and annual monitoring and reporting of all work done to prevent SEAH.

8. MINIMUM STANDARDS

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 Prevention of SEAH Policy or other documented policies and procedures in place and clearly communicate the content and application of this Policy.* AAO and Partner Organisations must:
 - make representatives, management, and board members aware of this Policy (e.g., through internal communication and training);
 - appoint a dedicated individual who has responsibility for implementing this Policy and related documents; and
 - review policy documents regarding prevention of SEAH every two years, and/or more frequently as required.
 - require representatives, management, and board members to sign the organisation Code of Conduct and complete prevention of SEAH training.
2. *SEAH reporting and investigation processes are in place:* AAO and Partner Organisations must implement and document:
 - complainant-centred processes to report and investigate concerns or allegations of SEAH and policy non-compliance; and
 - processes to ensure:
 - a) parties within the scope of this Policy are aware of these reporting processes; and
 - b) reporting processes are publicly available, open, and accessible.
 - SEAH reporting and investigation processes through engagement with, and reporting to, senior management and the respective board (AAO or Partner Organisation) on a quarterly basis.

AAO and Partner Organisations must conduct investigations into alleged SEAH incidents in consultation with experienced and qualified professionals who are trained on sensitive investigations and on a complainant-centred approach.

3. *Risk management processes include the risk of SEAH:* AAO and Partner Organisations must give consideration to the risk of SEAH (and include this consideration) in agreements between AAO and Partner Organisations, the design of projects and programs with Partner Organisations, the quality and frequency of prevention of SEAH training programs, information to representatives and management regarding prevention of SEAH, work-related travel and representative recruitment processes.
4. *AAO and Partner Organisations conduct training programs on prevention of SEAH annually:* All training programs must adhere to the Guiding Principles of this Policy and reflect the application of all of these in the work AAO and Partner Organisations do 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:* AAO and Partner Organisations must prohibit transactional sex and fraternisation in documents related to this Policy, SEAH and in prevention of SEAH training program materials.

9. COMPLIANCE

AAO monitors compliance with this Policy of AAO and Partner Organisations through a range of approaches including existing project and program reports, the submission by Partner Organisations of a regular prevention of SEAH activity report, and due diligence checks.

AAO includes a requirement to comply with this Policy in all program and project agreements AAO signs with Partner Organisations, effective from the date of inception of this Policy or the agreement.

In addition to an annual internal review of prevention of SEAH compliance against this Policy, AAO will provide ongoing assistance to Partner Organisations to support their compliance with this Policy.

Non-compliance with this Policy by a Partner Organisation may lead to AAO suspending or terminating an agreement with a Partner Organisation.

Under this Policy, AAO commits to providing prevention of SEAH induction process, annual prevention of SEAH training for all representatives and ensuring 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 Policy is effective from May 2024. AAO reviews this Policy every two years and incorporates lessons learned into subsequent versions.

Policy Amendment Table

Version #	Date	Short description of amendment	Approved by:
3	03/05/2024	Statement revision to further emphasise on requirement for third parties engaged by Partner Organisations to comply with the Policy; under policy 'Scope' and '2. Reporting' statements limited to addresses incidents of SEAH related to the provision of development assistance to stakeholders; statement revisions throughout Policy to ensure requirements are clearly placed on AAO and Partner Organisations.	CEO/Board

Asian Aid Organisation Ltd
PO Box 333 Wauchope NSW 2446 Australia
P +61 2 6586 4250 F 02 6586 4250
E contact@asianaid.org.au
ABN 98 002 286 419

www.asianaid.org.au