

Prevention of Sexual Exploitation and Abuse Policy

Policy Owner	National Human Resources Manager
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Replaces	N/A
Approved by	Markus Bucy, Chief Operating Officer

Purpose

Fundamental to the operation of Disaster Relief Australia (DRA) is respect for the dignity and basic human rights of people within Australia and throughout the world. Every person who represents DRA is expected to reflect these values in their professional conduct, regardless of who they are dealing with, or where they are working.

Sexual exploitation and abuse is a violation of basic human rights. DRA aims to provide a safe and trusted environment that safeguards everyone from sexual exploitation or abuse including beneficiary communities, workers, program participants and partner organisations.

DRA is committed to safeguarding the people it helps and who it works alongside. We recognise that the nature of DRA's work may place our workers and program participants in positions of authority and trust in relation to the communities we work with, especially vulnerable adults and children. DRA members have an obligation to uphold high standards of personal and professional conduct at all times and must not abuse this position in order to exploit or abuse another person.

DRA will actively prevent and respond to sexual exploitation and abuse and maintain an organisational culture that prioritises safeguards, so that it is safe for those affected to come forward and report incidents and concerns with the assurance they will be handled sensitively and appropriately.

Scope

The following must comply with this policy in the course of their work and when representing DRA:

- DRA Members and board members
- all spontaneous volunteers coordinated by DRA
- any contractors, members of partnered organisations accompanying DRA
- all corporate volunteers accompanying DRA

Definitions

DRA Members: volunteers, employees (Australia and overseas), consultants, contractors, office volunteers, interns, the DRA Board, or anyone engaged to undertake work for this organisation.

Program beneficiaries: any person who, either directly or by association, derives a benefit from an DRA or DRA affiliated program. Examples include, but are not limited to; Partner Organisation employees and community members who directly receive a service or engage with a program participant in the course of the participant's work with a Partner Organisation.

Sexual exploitation and abuse: occurs against a child or an adult and can occur between people of the same or different genders. It includes situations such as:

- sexual harassment
- child sexual abuse and exploitation
- women and men sexually exploited through sex work
- possessing, controlling, producing, distributing, obtaining or transmitting sexually exploitative images of adults and children

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.

Sexual Harassment: includes all conduct of a sexual or gender-determined nature at the workplace or connected to the workplace that is intended to violate the dignity of a person, or which has this effect.

In this policy, sexual harassment is understood as behaviour that is unwanted in the eyes of the persons directly or indirectly affected. This includes, but is not limited to:

- physical approaches or physical contact of a sexual nature, or sexual assault
- gestures and other nonverbal communication with sexual undertones
- comments of a sexual nature about individuals and/or their body, conduct, sex life or sexual identity
- sexually discriminatory language and humiliating remarks, including sexually explicit jokes
- requests to perform sexual activities
- showing or displaying pornographic or sexist images
- repetitive questions or prying into an individual's relationship status or details of their relationship

- invitations to inappropriate locations outside the workplace for work-related meetings
- offers to, or the sending of gifts that are unwelcome, out of context or embarrassing to an individual
- suggestive logistics or questions around work trips, including offers to share hotel rooms and unwelcome social invitations
- sexually motivated stalking

Child: any person under the age of 18 years as defined by the Convention on the Rights of the Child irrespective of local country definitions of when a child reaches adulthood.

Child Sexual Abuse: the use of a child for sexual gratification by an adult or significantly older child or adolescent. Sexually abusive behaviours can include fondling genitals; masturbation; oral sex; vaginal or anal penetration by a penis, finger or any other object; fondling breasts; voyeurism; exhibitionism; and exposing the child to, or involving the child in, pornography (DRA Child Safeguarding Policy).

Child Exploitation: one or more of the following:

- committing or coercing another person to commit an act or acts of abuse against a child
- possessing, controlling, producing, distributing, obtaining or transmitting child exploitation material
- committing or coercing another person to commit an act or acts of grooming or online grooming
- using a minor for profit, labour, sexual gratification, or some other personal or financial advantage

Online Child Sexual Exploitation (or child pornography): in accordance with the Optional Protocol to the Convention on the Rights of the Child, 'child pornography' means 'any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

Vulnerable adults: those aged over 18 years and who identify themselves as unable to take care of themselves/protect themselves from harm or exploitation; or who, due to their gender, mental or physical health, disability, ethnicity, religious identity, sexual orientation, economic or social status, or as a result of disasters and conflicts, are deemed to be at risk.

Survivor: a person who has sexual exploitation or abuse perpetrated or an attempt to perpetrate against him/her.

Principles

DRA's commitment to the prevention of sexual exploitation and abuse is informed by the following principles:

Child and Women's rights as core values within DRA: DRA upholds the rights articulated in the International Bill of Human Rights, The UN Convention on the Elimination of all Forms of Discrimination Against Women and The UN Convention on the Rights of the Child and promotes the right of adults and children to be protected from all forms of violence including sexual exploitation or abuse.

Safeguarding vulnerable adults and children: issues of sexual exploitation or abuse are fundamentally about abuses of power. Situations of poverty, vulnerability and discrimination as well as power inequities between genders, between aid workers/volunteers and beneficiary communities, and within organisations, create unequal power dynamics resulting in environments where sexual exploitation or abuse can exist. DRA acknowledges the impact of sexual exploitation or abuse on an individual's health and wellbeing, and in particular that negative physical, mental health and social outcomes that are likely to be compounded when perpetrated by a person in authority.

Expected behaviours of those representing DRA: given differing local contexts, DRA members may be faced with a range of unfamiliar social, cultural, financial or personal settings when working or volunteering within Australia, but in particular overseas. Communities trust that the people representing DRA will conduct themselves in a professional manner at all times and not engage in behaviour contrary to the safety or wellbeing of the children and adults they come into contact with.

Zero tolerance of sexual exploitation or abuse: DRA will immediately respond and take seriously any concerns raised in relation to behaviour by DRA members that results in or helps to facilitate the sexual exploitation or abuse of a child or adult, or where allegations of such behaviour are ignored by DRA or partner organisation personnel.

Take action to prevent sexual exploitation or abuse: DRA aims to prevent sexual exploitation or abuse through the implementation of this Policy, communication, training and working collaboratively with all personnel, country offices and partner organisations to safeguard everyone against sexual exploitation and abuse.

Focal person

The DRA National Human Resource Manager is the sexual exploitation or abuse Focal Person for the organisation. They are responsible for raising awareness throughout the organisation and in coordinating, supporting and advising on the development and implementation of prevention of sexual exploitation and abuse policy and practises.

Policy

The following list of expected behaviours applies to all of DRA members, in both their personal and professional lives at all times:

- maintain a duty to act at all times in a manner which upholds the values and reputation of DRA
- undertake to create and maintain a safe and trusted environment that promotes the implementation of this policy and safeguards everyone from sexual exploitation or abuse
- comply with all relevant Australian and local laws of the country to which he or she is placed, or in which he or she is travelling
- be aware that sexual behaviour is an area of particular sensitivity, where conduct may more easily be seen as offensive or be misinterpreted
- ensure personal conduct towards a co-worker is not exploitative or such that it reasonably leads to a perception of exploitation
- read and agree to abide by the expected behaviours outlined in the DRA Code of Conduct
- immediately report to DRA any concern, suspicions, allegations or breach of this policy. Reporting procedures are outlined below

In addition, DRA members must adhere to the following expected behaviours:

- DRA members must not engage in sexual relationships with program participants or DRA program beneficiaries as these relationships are based on inherently unequal power dynamics and there is the potential for abuse of power. Such relationships undermine the credibility and integrity of DRA and its programs.
- DRA members must immediately inform their direct manager if they become engaged in a personal relationship which may be perceived as inappropriate or exploitative, or where a real or perceived unequal power dynamics exist. Workers who are unsure if their relationships fall into this category should discuss the situation with their line manager and/or a member of the Human Resources team.

It is strictly prohibited for DRA members to:

- sexually exploit or abuse or sexually harass a child or adult.
- use their position of trust and authority to request any service or sexual favour from beneficiaries of DRA programs, adults, children or others in the communities in which DRA works, in return for protection or assistance, or coerce a person to engage in sexual intercourse or any sexual activity.
- exchange or withhold from beneficiaries of DRA programs - adults, children or others in the communities in which DRA works - money, food, employment, goods, assistance or services for sex or sexual favours or other forms of humiliating, degrading or exploitative behaviour.
- have sex with sex workers when working or volunteering overseas, even when it is legal in the country.

- use DRA or partner organisation facilities, personnel or resources for the purpose of arranging or facilitating access to sex workers by any person, including visitors to DRA offices or programs.
- engage in sexual activity with a child under any circumstance. Even in a country where the age of majority or the age of consent is lower than 18 years, DRA employees and volunteers are forbidden to have sexual activity with anyone under the age of 18 years. A mistaken belief that the child is over 18 is no defence.
 - use computers, mobile phones, video cameras, cameras or other technology inappropriately, or to exploit or harass children, or access or disseminate child exploitative material through any medium, including social media
 - procure sex for others, or use a third party to do so.

Breach of Policy

Sexual exploitation or abuse by DRA Members constitute acts of gross misconduct.

Disciplinary actions or possible outcomes for breach of the DRA Prevention of Sexual Exploitation and Abuse Policy include:

- referral to local law enforcement authorities (as per national and any mandatory reporting laws), where appropriate
- referral to Australian Federal Police, where appropriate
- DRA internal investigation
- suspension pending investigation
- performance management
- formal warning and monitoring
- termination of employment or volunteer engagement.

Responsibilities to prevent and respond

All DRA Members are responsible for championing good practice and maintaining an organisational culture that prioritises safeguarding against sexual exploitation or abuse. National and DRT Leadership Managers have particular responsibilities to support and develop systems that maintain an environment that facilitates implementation of this policy. They must ensure that DRA Members understand and comply with this policy. Managers must create a safe environment at DRA for anyone to come forward and raise allegations or concerns of sexual exploitation or abuse and take action to immediately respond to any reports.

Recruitment and Performance Management

DRA will apply robust recruitment and screening procedures for all DRA Members to reduce the risk of engaging a person with a background of unacceptable risks to children or adults, particularly vulnerable children and adults.

These procedures include:

- verbal referee checks from an applicant's last place of employment/volunteer placement including when working in overseas locations and will include a question regarding any concerns of sexual misconduct.
- Human Resource records to include performance or conduct issues regarding concerns or allegations of sexual exploitation or abuse.
- all employment/assignment contracts must contain provisions for potential disciplinary action including termination of employment/assignment following breach of this policy.

Reporting and Investigation

Reporting Procedures

DRA provides a safe, supportive and secure environment to report sexual exploitation or abuse. DRA will take all concerns seriously and respond immediately. All reports of sexual exploitation or abuse will be recorded, regardless of whether substantiated or full investigation required. The principles of natural justice will apply to all investigations and are to be conducted using DRA quick assessment and investigation procedures. DRA members must immediately report any concerns, suspicions or allegations of sexual exploitation or abuse or breach of this policy.

DRA members may report a concern regarding sexual exploitation and abuse to any of the following people if the member feels comfortable doing so, and if he/she is not directly or indirectly implicated in the alleged report:

- their DRT or National Manager
- a member of the Human Resources team
- a member of the Wellness team
- the Mission Commander (specific to the DRA field activity)
- the Chief Operating Officer (COO)
- the Chief Executive Officer (CEO), or
- By email to feedback@disasterreliefaus.org

Any person reporting a case of sexual exploitation or abuse, in good faith, or any person who has cooperated with an investigation into a report of sexual exploitation or abuse, will be protected by this policy. Malicious reporting of sexual exploitation or abuse with the intention of harming another person's integrity or reputation amounts to misconduct and is subject to disciplinary action. This is distinct from reports made in good faith based on the judgment and email feedback@disasterreliefaus.org information available at the time of the report, which may not be confirmed by an investigation.

Allegations involving criminal sexual misconduct will be reported to the local enforcement authorities unless it is at odds with the wishes or welfare of the affected person, or it would pose a threat to the life or safety of another individual.

Investigations

Investigations of sexual exploitation or abuse will be carried out in a manner that is timely, fair, objective and as far as is practicable, confidential. This includes the use of appropriate interviewing practice with complainants and witnesses. All information and documented evidence will be held securely and in the strictest confidence as far as is appropriate. The name of the complainant will not be revealed to the person(s) potentially implicated in the allegation or to any other person unless the complainant personally authorises the disclosure of their identity. This may become a requirement in subsequent investigative processes.

Sensitive information related to the reports of sexual exploitation or abuse whether involving DRA Members or others in the communities in which DRA works shall be shared only with Australian or local law enforcement authorities, when a notification to police or appropriate authorities must be made or on a 'need-to-know' basis.

Survivor support and assistance

DRA will adopt a survivor-centred approach in preventing and responding to sexual exploitation or abuse. DRA will ensure that all responses are developed in a manner that balances respect for due process with a survivor-centred approach in which the survivor's wishes, safety and wellbeing remain a priority in all matters and procedures. Furthermore, all actions taken should be guided by respect for choices, wishes, rights and dignity of the survivor.

DRA will ensure survivors of sexual exploitation or abuse are offered support and assistance such as referral to safe health/medical, psychosocial and legal/justice response where appropriate and where required to specialised children's or women's services. Children have the right to participate in decisions that will affect them. If a decision is taken on behalf of a child, the best interests of the child shall be the overriding guide. Referrals should be done in consultation with child focused agencies specialising in the special needs of child survivors of sexual abuse, and who are familiar with local procedures relating to the protection of children.

Survivors will be provided with information on the progression of an investigation and final outcomes.

If the DRA PSEA Focal Person becomes aware of a sexual exploitation and abuse incident beyond the scope of this policy (for example, a child being abused by an adult unrelated to DRA activity), DRA will seek to offer support by referring the complainant to relevant organisations or authorities in the area of operations.

Partner Organisations

DRA will work with Partner Organisations in the prevention of sexual exploitation or abuse. Partner Organisations will be advised of avenues available to report any concerns regarding sexual exploitation or abuse.

Related Policies

- DRA Code of Conduct
- DRA Anti-Bullying & Anti-Harassment Policy
- DRA Child Safeguarding Policy
- DRA Whistleblower Protection Policy
- DRA Human Resource Manual
- DRA Diversity and Inclusion Policy
- DRA QA and Investigation Procedures

Relevant Laws, International Conventions and other guiding principles

- International Bill of Human Rights
- The UN Convention on the Elimination of all Forms of Discrimination Against Women
- The UN Convention on the Rights of the Child
- UNSC Resolution 1325: Women, peace and security (WPS)
- SDG 5: Achieve gender equality and empower all women and girls
- DFAT Child Protection Policy 2017
- ACFID Code of Conduct 2017
- Commonwealth Criminal Code Act 1995 - It is a crime for Australian citizens, permanent residents or bodies corporate to engage in, facilitate or benefit from sexual activity with children (under 16 years of age) while overseas. These offences carry penalties of up to 25 years imprisonment for individuals and up to \$500,000 in fines for companies (extraterritorial legislation).

References

Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse – Adopted by the Interagency Working Group in Luxembourg, 28 January 2016
<http://cf.cdn.unwto.org/sites/all/files/docpdf/terminologyguidelines.pdf>

IASC Six Core Principles Relating to Sexual Exploitation and Abuse⁶
<https://reliefweb.int/report/world/protection-sexual-exploitation-and-abuse-psea-inter-age-ncy-cooperation-community-based>



DFAT Code of Conduct for Overseas Service

<http://dfat.gov.au/about-us/publications/Pages/dfat-code-of-conduct-for-overseas-service.aspx>