

PREVENTION OF SEXUAL EXPLOITATION AND ABUSE POLICY

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1. Policy Statement

- 1.1 HOST International (HOST) values integrity throughout the work we do and through the conduct of our people.
- 1.2 Sexual exploitation and abuse (SEA) is a violation of basic human rights. HOST aims to provide a safe and trusted environment that safeguards everyone from SEA including beneficiary communities, workers, program participants and partner organisations.
- 1.3 This Prevention of Sexual Exploitation and Abuse Policy (Policy) demonstrates HOST is committed to safeguarding the people it helps and who it works alongside. We recognise that the nature of HOST's work places our workers and program participants in positions of authority and trust in relation to the communities we work with, especially vulnerable adults and children.
- 1.4 HOST workers and program participants 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 others.
- 1.5 HOST will actively prevent and respond to SEA and maintain an organisational culture that prioritises safeguarding against SEA so that it is safe for those affected to come forward and report incidents and/or concerns with the assurance they will be handled sensitively and appropriately.
- 1.6 HOST will make stakeholders aware of their rights to express a complaint to ACFID Code of Conduct Committee.

2. Application of this Policy

- 2.1 The following must comply with this Policy in the course of their work and when representing HOST:
 - HOST workers including volunteers and students
 - All program participants
 - All accompanying adult dependent
- 2.2 All of the aforementioned must comply with the standards of behaviour set out in this Policy.
- 2.3 HOST partners that work directly with the community and beneficiaries are encouraged to implement this policy through development of their own policy or abiding by the HOST Policy and Procedures.
- 2.4 Supervisors and managers also have a specific responsibility for ensuring that all of those referred too in clause 2.1 understand the standards of behaviour expected of them and take action when behaviour falls below its requirements.

Queries about this policy

- 2.5 All workers have a responsibility for ensuring they take the time to read and understand this Policy.
- 2.6 This Policy is read in conjunction with Appropriate Workplace Behaviour Policy and Workplace Bullying Prevention Policy.
- 2.7 HOST Child Safeguarding Policy and Procedure are relevant to any matters relating to children.
- 2.8 There are a number of persons within HOST who have been designated to deal with any concerns or questions about this Policy. You should contact your direct supervisor in the first instance and if you have any further queries, please contact the Human Resources (HR) Team.
- 2.9 You should contact your direct supervisor **OR** HR team if:

- (a) you are unsure whether your behaviour may breach this Policy;
- (b) you are unsure whether the behaviour of others may breach this Policy.

Non-contractual status of this policy

2.10 This Policy is not in any way incorporated as part of any award or enterprise agreement entered into by HOST, nor does it form any part of an employee's contract of employment. HOST may amend this Policy at any time in its sole discretion.

3. Definitions

Accompanying adult dependent: defined as any person over the age of 18 engaged by HOST to accompany a person undertaking an assignment, volunteer or otherwise, on an international or domestic program managed by HOST.

Child: any person under the age of eighteen (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 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 ¹

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 (HOST Child Safeguarding Policy).

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.

Program beneficiaries: any person who, either directly or by association, derives a benefit from HOST or HOST 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.

Program participant: defined as any person engaged to undertake an assignment, volunteer or otherwise, on an international or domestic program managed by HOST.

Sexual abuse: the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or

coercive conditions.

Worker: employees (Australia and overseas), consultants, contractors, volunteers, interns, the HOST Board, or anyone engaged to undertake work for or on behalf of HOST.

¹ DFAT Child Protection Policy 2017

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

- Sexual exploitation and abuse;
- 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; 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. ²

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 unwelcomesocial invitations
- Sexually motivated stalking ³

Survivor: A person who has SEA perpetrated against him/her or an attempt to perpetrate SEA against him/her.

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.

² The definitions for both Sexual Exploitation and Sexual Abuse are contained in the United Nations Secretary-General’s Bulletin, “Special measures for protection from sexual exploitation and sexual abuse” ST/SGB/2003/13 (9 October 2003) [hereinafter Secretary-General’s Bulletin on SEA (2003)].

³ GIZ policy banning sexual harassment at the workplace

4. Principles

HOST’s commitment to the prevention of sexual exploitation and abuse is informed by the following principles:\

- 4.1 **Child rights and women’s rights as core values within HOST:** HOST 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 SEA.
- 4.2 **Safeguarding vulnerable adults and children:** Issues of SEA 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 SEA can exist. HOST acknowledges the impact of SEA 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.
- 4.3 **Expected behaviours of those representing HOST:** Given differing local contexts, HOST workers and program participants may be faced with a range of unfamiliar social, cultural, financial or personal settings when working or volunteering overseas. Communities trust that the people representing HOST will conduct themselves in a professional manner at all times and not engage in behaviours contrary to the safety or wellbeing of the children and adults they come into contact with.
- 4.4 **Zero tolerance of SEA:** Behaviours by HOST workers or program participants that results in the sexual exploitation or abuse of a child or adult, helps facilitate SEA or where allegations of SEA are ignored by HOST or partner organisation personnel, will not be tolerated and HOST will immediately respond and take seriously any concerns raised.
- 4.5 **Take action to prevent SEA:** HOST aims to prevent SEA through implementation of this Policy, communication, training and working collaboratively with all personnel, country offices and partner organisations to safeguard everyone against SEA.

5. Behaviour Expectations

- 5.1 The following list of expected behaviours applies to all of HOST workers, HOST program participants and volunteers or other program approved adult dependents, in both their personal and professional lives.
- 5.2 The aforementioned must, at all times:
 - (a) maintain a duty to act at all times in a manner which upholds the values and reputation of HOST
 - (b) Undertake to create and maintain a safe and trusted environment that promotes the implementation of this Policy and safeguards everyone from SEA.
 - (c) 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.

- (d) Be aware that sexual behaviours is an area of particular sensitivity, where conduct may more easily be seen as offensive or be misinterpreted.
- (e) Ensure personal conduct towards a co-worker is not exploitative or such that it reasonably leads to a perception of exploitation.
- (f) Read and agree to abide by the expected behaviours outlined in the Code of Conduct.
- (g) Immediately report to HOST any concern, suspicion or allegation of SEA or breach of the HOST Prevention of Sexual Exploitation and Abuse Policy. Reporting procedures are outlined in section 9 below.

Additionally, HOST workers must adhere to the following expected behaviours:

HOST workers must not engage in sexual relationships with program participants, approved adult dependents, or HOST 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 HOST and its programs.

Workers must immediately inform their direct manager if they become engaged in a personal relationship which may be perceived as inappropriate or exploitative, or where real or perceived unequal power dynamics exist. Workers who are unsure if their relationships falls into this category should discuss the situation with their line manager and/or a member of the Human Resources team.

Program participants and accompanying adult dependents must adhere to the following expected behaviours:

Program participants/adult dependents should exercise caution when engaging in sexual relationships with HOST program beneficiaries or other adult community members as these relationships may be based on inherently unequal power dynamics and there is the potential for abuse of power. As such, program participants should be mindful of the unique challenges and perceptions associated with such relationships and are encouraged to seek counsel from a HOST Program Manager or Regional Manager before entering into a relationship of this nature.

Program participants must immediately inform their Program Manager or Regional Manager if they become engaged in a personal relationship which may be perceived as inappropriate or exploitative, or where real or perceived unequal power dynamics exist. Participants and dependents who are unsure if their relationship falls into this category should discuss the situation with their Program Manager or Regional Manager.

It is strictly prohibited for HOST workers and program participants to:

- (h) Sexually exploit or abuse or sexually harass a child or adult.
- (i) Use their position of trust and authority to request any service or sexual favour from beneficiaries of HOST programs, adults, children or others in the communities in which HOST works, in return for protection or assistance, or coerce a person to engage in sexual intercourse or any sexual activity.
- (j) Exchange or withhold from beneficiaries of HOST programs - adults, children or others in the communities in which HOST works - money, food, employment, goods, assistance or services for sex

or sexual favours or other forms of humiliating, degrading or exploitative behaviour.

- (k) Have sex with sex workers when working or volunteering overseas, even when it is legal in the country.
- (l) Use HOST or partner organisation facilities, personnel or resources for the purpose of arranging or facilitating access to sex workers by any person, including visitors to HOST offices or programs.
- (m) 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, HOST workers, program participants and approved adult dependents 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.
- (n) 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
- (o) Procure sex for others or use a third party to do so.

6. Breach of this Policy

- 6.1 Sexual exploitation and abuse by HOST workers, program participants and approved adult dependents constitute acts of gross misconduct and are therefore grounds for termination of employment or volunteer assignment.
- 6.2 Disciplinary actions/possible outcomes for breach of this Policy:
 - (a) Referral to local law enforcement authorities (as per national and any mandatory reporting laws), where appropriate
 - (b) Referral to Australian Federal Police, where appropriate
 - (c) HOST internal investigation
 - (d) Suspension pending investigation
 - (e) Performance management
 - (f) Formal warning and monitoring
 - (g) Termination of employment for workers or assignment for program participants.

7. Responsibilities to Prevent and Respond to SEA

- 7.1 All HOST workers are responsible for championing good practice and maintaining an organisational culture that prioritises safeguarding against SEA.
- 7.2 Managers at all levels have particular responsibilities to support and develop systems that maintain an environment that facilitates implementation of this Policy and which prevents SEA. They must ensure that HOST workers and program participants understand and comply with this Policy.
- 7.3 Managers must create a safe environment at HOST for anyone to come forward and raise allegations or concerns of SEA and take action to immediately respond to any reports.

8. Recruitment and Performance Management

- 8.1 HOST will apply robust recruitment and screening procedures for all HOST workers, program participants and approved adult dependents to reduce the risk of engaging a person with a background of unacceptable risks to children or adults, particularly vulnerable children and adults.
- 8.2 These procedures include:
 - (a) Verbal referee checks from an applicant's last place of employment/volunteer/program placement

including when working in overseas locations and will include a question regarding any concerns of sexual misconduct.

- (b) HR records to include performance or conduct issues regarding concerns or allegations of SEA.
- (c) All employment/assignment contracts must contain provisions for potential disciplinary action including termination of employment/assignment following breach of this policy.

9. Reporting and Investigation

Reporting Procedures

HOST provides a safe, supportive and secure environment to report SEA. HOST will take all concerns seriously and respond immediately. All reports of SEA will be recorded, regardless of whether substantiated or full investigation required. The principles of natural justice will apply to all investigations.

HOST workers, program participants and accompanying adult dependents must immediately report any concerns, suspicions or allegations of SEA or breach of this Policy.

We recognise that at times, people who have genuine concerns cannot speak out because of special circumstances and may wish to lodge a complaint to a specific person without revealing their identity. In such circumstances, The Quality Assurance and Contracts Manager can initiate an investigation if it is evident that there are grounds for further action to ensure a safe and abuse-free environment.

A report should be made to one of the following people as applicable:

Program participants and accompanying adult dependents may report a concern regarding sexual exploitation and abuse to any of the following people:

- (a) The relevant Regional or Program Manager: if he/she feels comfortable doing so, and if the Manager is not directly or indirectly implicated in the alleged report
- (b) Executive Manager
- (c) HOST Corporate Governance Department

HOST Workers may report a concern regarding sexual exploitation and abuse to any of the following people:

- (d) Their Line Manager: if the worker feels comfortable doing so, and if he/she is not directly or indirectly implicated in the alleged report
- (e) The Chief Executive Officer
- (f) A member of the Executive Team
- (g) HOST Corporate Governance Team

Any person reporting a case of SEA, in good faith, or any person who has cooperated with an investigation into a report of SEA, will be protected by this Policy.

Malicious reporting of SEA 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 information available at the time of the report, which may not be confirmed by an investigation.

Investigations

Investigations of SEA 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 individual personally authorises the disclosure of their identity. This may become a requirement in subsequent investigative processes.

Sensitive information related to reports of SEA whether involving HOST workers, program participants, accompanying adult dependents or others in the communities in which HOST 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.

10. Survivor Support and Assistance

- 10.1 HOST will adopt a survivor-centred approach in preventing and responding to SEA. HOST 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. ⁴
- 10.2 HOST will ensure survivors of SEA are offered support and assistance such as referral to safe health/medical services, psychosocial and legal/justice services where appropriate and where required to specialised children's or women's services.
- 10.3 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.
- 10.4 Referrals should be done in consultation with child focused agencies specialising in the needs of child ren survivors of exploitation and abuse, and who are familiar with local procedures relating to the protection of children. ⁵
- 10.5 Survivors will be provided with information on the progression of an investigation and final outcomes.

11. Partner Agencies

HOST will work with partner agencies to prevent, and where required, respond to SEA. HOST will endeavour to assist in investigations where SEA has occurred during collaborations with other agencies/organisations.

12. Review

This Policy will be reviewed annually OR at any other time as required.

13. 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 Abuse 6
<https://reliefweb.int/report/world/protection-sexual-exploitation-and-abuse-psea-inter-agency-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>

⁴ IASC Statement on PSEA (2015)

⁵ Global Standard Operating Procedures on Inter-Agency Cooperation in CBCMs (2016)