Prevention of Sexual Exploitation and Abuse

Recommendations for the ACFID Code of Conduct

August 2018

By: Belinda Lucas & Jo Thomson
CONTENTS

1. INTRODUCTION .................................................................................................................................... 1
2. RESEARCH AND CONSULTATIONS ................................................................................................. 2
3. INTERNATIONAL CONTEXT .............................................................................................................. 2
4. AUSTRALIAN CONTEXT ..................................................................................................................... 4
5. ISSUES DISCUSSED DURING CONSULTATIONS ........................................................................... 6
6. RATIONALE FOR CHANGES TO THE CODE & QAF ................................................................. 7
7. RECOMMENDED CHANGES TO CODE & QAF ............................................................................. 12
8. ANNEX 1: INTERNATIONAL STANDARDS ..................................................................................... 18
9. ANNEX 2: GOOD PRACTICE RESOURCES .................................................................................. 21
1. **INTRODUCTION**

The ACFID Code of Conduct Committee has initiated a review of the ACFID Code of Conduct standards to ensure its approach to the prevention of sexual exploitation and abuse is relevant and strong. The review was prompted by an international focus over the last six months on the need for the global aid sector to do more to prevent sexual exploitation and abuse.

Reports alleging inadequate reporting and handling of sexual misconduct by humanitarian NGO staff during the 2010-11 Haiti earthquake response were released in the UK media in February 2018. This was followed by subsequent revelations across the aid and humanitarian sector more broadly regarding sexual misconduct which gave additional weight to documentation and evidence dating back to 2002.

In addition to issues of criminality and the profound negative impacts on people affected, acts of sexual exploitation and abuse either carried out by NGO staff or not prevented by NGOs, reflect a breach of our values based principles and our commitment to safeguarding, gender equality, do no harm and accountability. Acts of exploitation and abuse are intrinsically linked to issues of gender inequality and power differentials and disproportionately affect women and girls.

The international and Australian response in the months since February 2018 has been swift and extensive. Aid partners have undertaken internal reviews of policy, standards, and historical incident management; and DFID and DFAT have undertaken internal reviews and sought assurance from all NGO partners of their safeguarding practices and reported incidents. A Parliamentary Inquiry was undertaken in the UK with the International Development Committee’s (UK IDC) report being released in late July 2018. ACFID has commissioned an Independent Review in cooperation with DFAT and this review of its Code of Conduct.

The sector has not sat idle in regards to preventing sexual exploitation and abuse since 2002. Much effort has been made by the UN, NGOs, government donors and NGO representative bodies such as International Council of Voluntary Agencies (ICVA), InterAction and ACFID through research and reflection and the development of good practices and standards. Nevertheless, it is clear from recent reports and reviews that the sector continues to face serious challenges in addressing the issue of sexual exploitation and abuse. These challenges are particularly evident in regards to overcoming the underlying gender and power inequalities, achieving the necessary changes to leadership and culture within organisations, and the need to address the factors that prevent victims from reporting sexual exploitation and abuse, such as fear of retribution and lack of benefit from reporting.

The international and Australian response at a sector and individual organisational level must be significant and effective. However, it is important to understand the different risk profiles of humanitarian and development contexts and the unique differences between the Australian and UK sectors to ensure a well informed and nuanced response. In particular, the long-standing adherence by Australian NGOs to ACFID’s Code of Conduct and DFAT’s rigorous NGO accreditation system and their safeguarding, complaints handling and whistleblowing requirements.

ACFID and its members are committed to further improving their standards, practice and culture to prevent and respond to sexual exploitation and abuse in our sector.
2. RESEARCH AND CONSULTATIONS

The analysis and recommendations outlined in this paper have been informed by an extensive review of international literature and consultations with ACFID Communities of Practice (COPs) and members.

Research
The literature reviewed has included all key reports and articles from reviews and investigations undertaken since 2002, key UN Special Measures, standards and codes of conduct, and all key good practice standards.

Reports of particular note include: the 2010 Inter Agency Standing Committee Global Review of Protection from Sexual Exploitation and Abuse by UN, NGO, IOM and IFRC Personnel; the 2017 UN Special Measures for the Protection from Sexual Exploitation an Abuse – A New Approach Report; the 2018 International Council of Voluntary Associations (ICVA) The Long Run to Protection Against Sexual Exploitation and Abuse Report; and the 2018 UK International Development Committee Sexual Exploitation and Abuse in the Aid Sector Report.

The key reference documents which are informing standards and practices globally are the Core Humanitarian Standards (CHS) and the Inter Agency Standing Committee’s (IASC) Minimum Operating Standards for Protection from Sexual exploitation and Abuse (MOS - PSEA). These standards have directly informed the recommendations for changes to the Code of Conduct outlined in this report.

Consultations
A Consultation Document was prepared by the Review Team to provide ACFID Communities of Practice (COPs) and members with preliminary recommendations for revisions to the Code of Conduct and its Quality Assurance Framework. These preliminary recommendations were reviewed by COPs and members and discussed through a series of teleconferences and webinars in early August.

Approximately 20 members engaged in the teleconferences in addition to the representatives from the Human Resources, Child Rights, Gender Equity and Sexual Rights in Development COPs.

The discussions with the sector and feedback from ACFID members have informed the recommendations presented in this paper at Sections 8 and 9. The proposed revisions to the Code of Conduct and the Quality Assurance Framework were considered by the Code of Conduct Committee in August 2018 and will be considered by the full ACFID Membership at ACFID’s Annual Conference and Annual General Meeting in October 2018.

3. INTERNATIONAL CONTEXT
Sexual exploitation and abuse in the aid sector was brought to the forefront of public attention in 2002 following allegations of widespread sexual exploitation and abuse of refugee and internally displaced women and children by humanitarian workers and peacekeepers in the conflict areas of West Africa. Since that time, further reports of sexual exploitation and abuse by aid workers and peacekeepers have continued to emerge. Most recently, this was in the form of media reports alleging inadequate reporting and handling of sexual misconduct by humanitarian NGO staff during the 2010-11 Haiti earthquake.
response, and then subsequent revelations across the aid and humanitarian sector more broadly regarding sexual misconduct.

Following the most recent allegations in February 2018, there has been a great deal of scrutiny and analysis of the performance of the global aid sector’s attention to the prevention of sexual exploitation and abuse and the findings have been damning. The recently released UK IDC report ¹ into ‘Sexual exploitation and abuse in the aid sector’ found that aid organisations have systematically failed to protect vulnerable people who are receiving aid from exploitation and abuse; that sexual exploitation and abuse is endemic across organisations, countries and institutions; and that there has been a collective failure of leadership and engagement from top levels down over many years. It also drew attention to the serious issue of sexual harassment and abuse of aid workers. It makes a series of excellent recommendations to address the failures of the sector.

As already noted, there are some important observations that sit alongside the IDC report and previous reports on sexual exploitation and abuse that also warrant highlighting. The first of these is that the bulk of the reports that highlight the issue of sexual exploitation and abuse relate to humanitarian settings. There is widespread recognition that the risk of sexual exploitation and abuse is heightened in those humanitarian contexts where local populations are at their most vulnerable, where local public safety and legal systems are ineffective or wholly absent and where local and expatriate staffing is rapidly mobilised and often short term. Vulnerabilities and power differentials which increase the risk of harassment, exploitation and abuse are present in all settings but are increased in humanitarian settings. Many of the previous reports have reflected findings from conflict settings and a mix of military and civilian personnel.

The second important observation is that the sector lacks data on the prevalence of sexual exploitation and abuse in aid responses. There is enough evidence from humanitarian inquiries and UN reports to tell us that sexual exploitation and abuse is a serious problem, but the research also highlights the inadequacy of reporting cultures and systems that would provide deeper insights into the number of incidents, type of incidents, profile of perpetrators, and the experience of victims. For example, the UK IDC report notes that most reported harassment and abuse cases relate to aid workers from donor countries, but that little is known about the experiences of locally-engaged aid workers. This lack of data has led to the conflation of important distinctions – for example, ‘aid workers and peacekeepers’ are often referred to in the same context, and ‘aid sector’ is used to refer to both development and humanitarian contexts. It is important that the sector works towards more clarity in its discussion of sexual exploitation and abuse and the ‘aid sector’ to ensure that responses are tailored appropriately to the different contexts in which organisations work.

The third observation is that prevention of sexual exploitation and abuse recommendations have largely been geared towards international humanitarian actors. This is highly appropriate, but further discourse is needed which interrogates the operating models and approaches of international NGOs, who work in partnership through international consortiums, government agencies, and increasingly, local civil society organisations. Localisation is one of the core commitments of the World Humanitarian Summit and the Grand Bargain. This means that while international NGOs will still play a major role in public fundraising for humanitarian responses, we should expect to see an increase in

¹ https://publications.parliament.uk/pa/cm201719/cmselect/cmintdev/840/840.pdf
locally-led humanitarian responses. This operating model needs to inform the design of safeguarding approaches and the types of investments that will need to be made by international organisations to effectively support local partners to prevent sexual exploitation and abuse.

The final observation is that there is an existing body of special measures, resources and standards that has been developed by the international humanitarian community over the last two decades relating to prevention of sexual exploitation and abuse. Specifically, the InterAgency Standing Committee’s (IASC) Minimum Operating Standards for Protection from Sexual Exploitation and Abuse (2012), which provides guidance and specific indicators on how organisations can set up internal structures to fulfill their prevention of sexual exploitation and abuse commitments; and the Core Humanitarian Standard (CHS) (2016), which is the global standard for accountability to people affected by disaster, conflict or poverty and has explicit commitments relating to protection from sexual harassment, exploitation and abuse of affected populations and staff. Both standards are referred to in more detail in Section 7 of this document, as they continue to provide a useful framework for organisations in establishing appropriate safeguards. There is also an existing suite of prevention of sexual exploitation and abuse training and tools developed by organisations such as InterAction, ICVA and the more extensive guidance and work of CHS Alliance, Keeping Children Safe and the IASC Task Force on Protection from Sexual Exploitation and Abuse. These good practice guidance tools are listed at Annex 1 of this report.

4. AUSTRALIAN CONTEXT

As noted above, much of the commentary regarding sexual exploitation and abuse in the aid sector has taken a broad approach, conflating or generalising a number of important issues and contexts. It is important to understand the issues as they relate to the Australian NGO context and to situate Australian NGOs within this broader international discourse, both to gain a nuanced understanding of the challenge facing Australian NGOs and to ensure a well informed and tailored response.

Broad references are being made to international charities or NGOs involved in the delivery of aid as a global, homogenous group when in reality they represent NGOs who work in vastly different operating environments, through different operating models, and with differing levels of contact with primary stakeholders. In Australia, we have NGOs who work primarily with government organisations at a policy level; NGOs who provide funding to local partners to support local development initiatives; NGOs who have field offices staffed by national staff who are involved in delivering programs locally; NGOs who send funding to their international headquarters who program these funds through international affiliates in developing countries; and some NGOs who send their own staff overseas to deliver programs.

Many Australian NGOs, particularly larger agencies, work through their international federations or similar structures. This is particularly evident in humanitarian responses where ANGOs typically raise funds on behalf of their international body or the entity in the relevant country and provide funds for humanitarian assistance but do not provide direct programming support. Exceptions to this tend to be in the Pacific, where responses are often in post natural disaster settings and Australian NGOs lead the response. The nature of these contexts is different to the higher risk conflict or post conflict humanitarian settings that have informed most of the reports on sexual exploitation and abuse to date. This setting does not ameliorate Australian NGOs from their responsibility to improve
safeguarding practices, but rather helps situate Australian NGOs in the broader international aid landscape.

One of the challenges the international operating model raises for Australian NGOs is their dependence on international partners to prevent sexual exploitation and abuse in those higher risk humanitarian settings where Australian funding is used, but where the Australian NGO is not coordinating or implementing the response. It is challenging for the international head office, and in turn the Australian affiliate NGO, to ensure implementation of all safeguarding measures. To counter this however, some international NGOs are requiring at least some core policies and practices such as safeguarding to be centrally mandated. It has also been common for Australian NGOs to ‘punch above their weight’ within international federations or equivalent, often leading on issues such as child safeguarding and disability inclusion.

Another contextual factor to note is that the regulatory and standards environment in Australia for Australian NGOs delivering aid, differs significantly to that of the UK and many other donor countries. No definitive sexual exploitation and abuse prevalence data exists in the international aid sector or in the Australian sector for the purposes of direct comparison, however it is reasonable to expect that the commitment to and compliance with long standing regulations and standards in Australia which encompass the full suite of safeguarding requirements, has fostered robust safeguarding and accountability practices amongst participating Australian NGOs.

These regulations and standards for Australian development and humanitarian NGOs include both voluntary self-regulation through the ACFID Code of Conduct and externally imposed, third party verification of high standards of practice through the DFAT NGO accreditation process. The combination of the ACFID Code of Conduct and DFAT Accreditation is unparalleled internationally and provides an architecture, culture and organisational readiness to further develop and implement safeguarding policies. All 119 ACFID NGO members must be compliant with its Code of Conduct. 57 of those members, representing 85% of members’ overall spend, are also accredited with DFAT. This group, which oversees the majority of development and humanitarian spend by ANGOs, is therefore regulated and committed to two well aligned but separately robust, regulatory processes. Evident through both is an explicit focus on the safeguarding of vulnerable people, with a particular focus on child safeguarding and all its associated safeguarding procedures and requirements for a staff code of conduct and complaints handling and whistleblowing processes. This degree of regulation and quality assurance of safeguarding and other quality and accountability practices is unique internationally.

ACFID and the Australian NGO sector together with DFAT (then AusAID) drove the early and explicit focus on safeguarding of vulnerable groups, in particular children and people with a disability. This resulted in a strong focus on the safeguarding of children (and other vulnerable groups) in DFAT’s Australian aid program and amongst Australian NGOs. The ACFID Code of Conduct requires its NGO members to protect those who are vulnerable and those affected by marginalisation and exclusion. The Code of Conduct and DFAT Accreditation has additional explicit requirements for the safeguarding of children. This has resulted in an Australian Aid program and Australian NGO sector where safeguarding practices are well understood, socialised and established within organisations.

As a result of very specific policy and systems requirements outlined under the ACFID Code of Conduct and DFAT accreditation, the organisational policy and procedure architecture is
already well established in ACFID Member organisations to identify, respond to, and prevent the risk of sexual exploitation and abuse. The mechanisms that an organisation sets up for child safeguarding are largely the same mechanisms that an organisation needs to prevent sexual exploitation and abuse – leadership, policy, focal points, staff recruitment, codes of conduct, complaints processes, investigative procedures, victim assistance, clear grounds for termination due to misconduct, and reporting protocols.

5. **ISSUES DISCUSSED DURING CONSULTATIONS**

Consultations with ACFID members found high levels of support for ACFID’s initiative to undertake a review of the Code of Conduct. ACFID members recognise the prevention of sexual exploitation and abuse as an important issue that warrants a strong Australian response and builds on existing safeguards. A range of issues were discussed through the consultations and are summarised here in order to facilitate further dialogue:

1. Members noted the challenges in choosing terminology that provides best coverage for sexual misconduct. There was discussion about the use of the terms ‘sexual exploitation and abuse’; ‘sexual harassment’; ‘sexual violence’ and others; and the risks of conflating the terms. The term ‘sexual exploitation and abuse’ has been used in the proposed changes to the ACFID Code of Conduct as this is currently the most commonly used terminology being used internationally.

2. Members discussed the ‘holistic’ approach that is being taken to safeguarding in the UK, which encompasses child protection, prevention of sexual exploitation and abuse, and other vulnerabilities. This differs to the approach in Australia, where child protection has been prioritised as a safeguarding area, and disability has been seen from an inclusion perspective. With the focus on prevention of sexual exploitation and abuse as a safeguarding issue, there is now discussion about whether Australia should move to take a more holistic approach to safeguarding. Some argued that this would provide a more cohesive policy framework, while others argued that this would dilute the important focus on child protection and the need for sharpened focus on prevention of sexual exploitation and abuse. The approach taken in the Code of Conduct recommendations is to maintain child protection as a stand-alone commitment, and introduce a new commitment on prevention of sexual exploitation and abuse. It will be important that ACFID Members are provided with the flexibility to address these issues holistically within their own organisations.

3. Members noted the importance of taking a holistic approach to managing staff behaviour in order to most effectively prevent sexual exploitation and abuse. Some of the larger NGOs have started revising policies to combine issues such as discrimination, bullying, harassment, and sexual exploitation and abuse. Members also discussed the importance of designing centralized reporting systems that can accommodate whistleblowing reports, general complaints, sensitive complaints such as those related to child protection, financial misconduct, reporting links to terrorism, and incident reports. There was discussion that communicating multiple policy reporting requirements can make it confusing for staff. The Code currently has reporting requirements referenced in different sections, but Members would like to see a more coordinated approach to reporting in the Code. There is sound rational in this approach, but also concern from some that this may fail to take into account the need for specialized policies and investigative procedures for sensitive issues like child protection.
and sexual exploitation and abuse. This falls beyond the scope of this Code review, but it an area that perhaps warrants consideration by the Code of Conduct Committee.

4. Members endorsed the importance of tackling sexual exploitation and abuse from a gender perspective and that sexual exploitation and abuse are intrinsically linked to power differentials and disproportionately affect women and girls. There are some intractable issues that prevention of sexual exploitation and abuse policies and standards will not be able to address in isolation from much deeper work on gender equality and human rights. It is essential to find ways that women and girls can confidentially and safely report sexual exploitation and abuse. In response to this discussion, additional changes to the Code of Conduct have been included that increase the focus on power dynamics and issues of gender equality. Changes to the Code of Conduct also require primary stakeholder input into the design of complaints mechanisms, to ensure that they are appropriate.

5. There was discussion of the conflation of the notion of ‘transactional sex’ with ‘sexual exploitation and abuse’. Some ACFID Members are conscious that sex work is not always exploitative and there is some broader international discussion, which suggests that transactional sex is a legitimate livelihood strategy in humanitarian crises. This echoes a long debate among feminists on whether sex work is inherently exploitative or not, although it is recognised that the conditions in a humanitarian setting are likely to be more exploitative. Based on this current debate, the recommendations in the Code of Conduct are not explicit on the topic of transactional sex, but place the onus on individual members to define their own staff codes of conduct and prevention of sexual exploitation and abuse policies that will articulate their own positions on this issue.

6. There is interest among some ACFID Members for a ‘zero tolerance’ approach to be explicit in the ACFID Code of Conduct. There are inherent challenges with this suggestion in the context of sexual harassment, where there is a broad spectrum of harassment examples that may not all constitute gross misconduct or warrant termination of employment. It could be possible for the sector to take a ‘zero tolerance’ approach to sexual exploitation and abuse, but the issues of consensual sex with beneficiaries (including local field staff who have existing relationships) or transactional sex, would need to be clearly addressed if this approach was taken.

7. There was recognition that the risk of sexual exploitation and abuse can be considered from two perspectives: sexual exploitation and abuse by NGO staff; and sexual exploitation and abuse experienced by primary stakeholders in their broader environment – such as abuse in residential care, trafficking, or women-at-risk. The Code of Conduct seeks to address both of these aspects through its existing focus on protection of vulnerable people and the proposed increased focus on policies and systems to prevent and respond to sexual exploitation and abuse.

6. RATIONALE FOR CHANGES TO THE CODE & QAF
The proposed changes to the ACFID Code of Conduct provide the foundation for ACFID members to demonstrate and foster strong leadership and organisational cultures that prevent any form of sexual exploitation and abuse. They include:

• developing a clear policy on sexual exploitation and abuse;
• undertaking good contextual analysis using a gender equality and power dynamics lens;
• undertaking risk analysis of vulnerabilities;
• making the staff code of conduct publically available;
• investing in rigorous recruitment processes that vet candidates for previous misconduct;
• training staff regularly on code of conduct expectations and key safeguarding policies, including the complaints and whistleblowing policies;
• ensuring complaints mechanisms are appropriate and accessible to local people;
• acting swiftly and responsibly to any incident or allegation using a victim-centred approach; and
• reporting incidents appropriately.

The recommendations made in this paper reflect the areas of practice which have been found to have the greatest impact on preventing sexual exploitation and abuse and respond to the key issues drawn out through the recent UK IDC inquiry. They have been made with particular reference to the CHS and the IASC Minimum Operating Standards for Protection from Sexual Exploitation and Abuse, both of which are recognised globally with regard to prevention of sexual exploitation and abuse in the humanitarian sector for NGO, UN and non-UN staff and were developed as a result of a comprehensive consultation process amongst humanitarian actors.

The recommended changes to the ACFID Code of Conduct fall broadly into the following areas of practice:

1. Leadership and Culture:
While there are a broad range of practices that are needed to demonstrate leadership and organisational culture that prevents sexual exploitation and abuse, there are several that set the foundations for this.

The first is making an organisational commitment through an explicit policy position, thereby making a strong statement to all stakeholders and to which the organisation, its governing body and its people can be held accountable. It is acknowledged that member organisations have many policies competing for staff and partner attention, however it has been proven through the sector’s experience with child protection and disability inclusion, that giving an issue prominence and mandate, accelerates improvements in leadership, culture and practice.

The second is appointing and investing in a focal person who is responsible for the implementation of a policy on sexual exploitation and abuse. It is acknowledged that this may be a burden for smaller organisations, however doing so provides additional leadership, prominence, mandate and accountability.

The third is ensuring that governing bodies are made fully aware of any serious incidents and are accountable for ensuring appropriate investigation, reporting and response (this is expanded on later in this section).

The recommended changes (outlined in the table below) that relate to these practices include:

• New Commitment 1.5
• New Compliance Indicator 1.5.1
• New Verifiers for CI 1.5.1
• New Commitment 7.4.4
• New Verifiers for CI 7.4.4.

2. **Staff Conduct and Awareness:**
The second area of practice is ensuring that staff clearly understand that any form of sexual exploitation and abuse is unacceptable behaviour, constitutes gross misconduct and is the grounds for termination. Staff should be aware that they share a responsibility to maintain an environment that is free of exploitation and abuse and have an obligation to report any abuse that they suspect or witness. Communication of these expectations is best achieved through vetting potential staff for former misconduct through recruitment processes; clearly articulating expected staff behaviours in a staff code of conduct and associated HR policies; ensuring that expected staff behaviours and responsibilities are communicated as an essential part of induction training for staff; providing ongoing refresher training in policies and procedures that directly relate to the staff code of conduct; and clearly establishing the grounds for termination of employment. Inclusion of the organisation’s prevention of sexual exploitation and abuse policy and staff code of conduct on the organisation’s website is also an important mechanism for clearly establishing the commitment and the expectations of the organisation to preventing sexual exploitation and abuse.

The ACFID Code of Conduct currently requires its Members to have a staff code of conduct in Compliance Indicator 9.4.1, but the requirement does not specify that the staff code of conduct should include reference to sexual harassment, exploitation and abuse.

The recommended changes (outlined in the table below) that relate to this area of practice include:

• Revised Verifier for CI 7.3.4
• Revised Verifiers for CI 9.3.1
• New Verifiers for CI 9.3.3
• Revised Verifier for CI 9.4.1
• New Verifier for CI 9.4.2.

3. **Accountability to Primary Stakeholders**
The third area of practice is ensuring that primary stakeholders, communities, and affected populations clearly understand the expected behaviours of staff so that they know that it is unacceptable to be asked or required to provide sexual acts in return for access to development or humanitarian assistance. This requires organisations to explicitly communicate and promote the expected behaviours of their staff to the primary stakeholders and communities with whom they work. It is akin to ensuring that communities understand their rights and provides the platform for increased accountability to communities. The requirement of communicating expected staff behaviours to communities is reflected in the CHS and forms one of the IASC Minimum Operating Standards- PSEA.

Communities must also have an accessible, gender and culture sensitive, and confidential means of reporting complaints related to exploitation and abuse. This is best achieved through organisations establishing community based complaints mechanisms rather than using generic complaints mechanisms designed for the general public, such as lodging a complaint on the organisation’s website. A primary stakeholder that may be illiterate, without access to the internet, without experience of dealing with large institutions, with concern for their ongoing access to humanitarian assistance or fear of retribution is unlikely
to lodge a complaint unless it is highly contextualised to their environment and vulnerabilities. This places the onus on development and humanitarian actors that are serious about preventing and responding to sexual exploitation and abuse to design and implement complaints mechanisms in close consultation with primary stakeholders, and especially with women and girls. It is acknowledged that achieving this in all settings may be challenging however it is also well documented that this approach contributes significantly to the efficacy of community based complaints mechanisms.

Finally, complaints policies will be required to reflect a commitment to providing support for victims. This reflects a moral obligation on ACFID Members to ensure that a victim of sexual exploitation and abuse has adequate protection, appropriate assistance, and reliable recourse to justice. This will ensure that responses to sexual exploitation and abuse are not driven by an organisational reputation lens, but a people centred lens. There has been discussion of including this requirement as a good practice verifier, but the findings from the UK IDC inquiry emphasised the importance of victim assistance as a fundamental component of an effective response mechanism.

The recommended changes (outlined in the table below) that relate to this area of practice include:

- New verifier for Cl 7.3.4:
- New and revised verifiers for CI 7.3.3.

4. Working with Partners
ACFID members often work with and through international and local partners overseas, including in humanitarian responses. This places a challenging but critical obligation on ACFID members to assess their partners’ capacity to implement safeguarding and risk policies including for child protection and the prevention of sexual exploitation and abuse. In the spirit of demonstrating organizational commitment to these issues, the Code will also require Members to include in their partner agreements, specific statements about child protection, prevention of sexual exploitation and abuse and serious incident reporting.

The recommended changes (outlined in the table below) that relate to this area of practice include:

- Revised Verifier for CI 5.1.2
- Revised Verifier for CI 5.2.1.

5. Incident reporting and Investigations Management
The ACFID Code of Conduct already has good coverage of the requirement for organisations to have a complaints policy, whistleblowing policy and child protection incident reporting procedures. However, the recommendation to include a new requirement for documented protocols for the reporting of serious incidents is intended to ensure that Members elevate and respond to serious incidents in a systematic way. It will ensure that governing bodies are aware of serious incidents and in a position to take appropriate action to protect beneficiaries, their organisation, and the broader sector. This provides governing bodies with the information they need to take responsibility for leadership and organizational culture in regards to important issues like sexual exploitation and abuse and provide greater assurance to the public, donors, and the communities they work with that they are committed to preventing sexual exploitation and abuse and accountability in this regard.

---

3 Inter-Agency Standing Committee, Inter-Agency PSEA-CBCM Best Practice Guide (2016)
The lack of appropriate procedures for responding to allegations and incidents on sensitive issues like sexual exploitation and abuse has been a major source of criticism by the media and authorities. This was the major concern related to the most recent allegations against international charities in their handling of sexual misconduct in humanitarian settings and has been the subject of deep discussion in Australia and globally in relation to handling incidents of sexual abuse. As such, recommended changes to the ACFID Code of Conduct also include a new requirement for members to have established investigation procedures, including for sensitive and specialised investigations such as allegations of sexual exploitation and abuse.

The recommended changes (outlined in the table below) that relate to this area of practice include:

- New and Revised Verifiers for CI 7.3.3.
- New Compliance Indicator 7.4.4
- New Verifier for new CI 7.4.4.

6. Addressing Gender and Power
Discussion in the sector about sexual exploitation and abuse has highlighted that unequal gender relations lie at the heart of sexual exploitation and abuse, and that the potential for this behaviour poses a threat to women and vulnerable people wherever they live or work. As sexual exploitation is substantially about gender inequality and abuse of power, this prompts us to ensure that any development or humanitarian initiative is informed by an analysis of power dynamics and issues of gender equality, and an assessment of risk from a protection and safeguarding perspective, particularly for humanitarian contexts.

The recommended changes (outlined in the table below) that relate to this area of practice include:

- Revised Verifiers for CI 4.2.1
- Revised Verifiers for CI 4.2.2.

The recommended changes are outlined in the table below using the existing architecture of the Code of conduct and the Quality Assurance Framework. Please note in the table that existing Commitments, Compliance Indicators and Verifiers are in normal font while recommended changes are **bold and underlined.**
7. RECOMMENDED CHANGES TO CODE & QAF

<table>
<thead>
<tr>
<th>Quality Principles &amp; Commitments</th>
<th>Compliance Indicators</th>
<th>Verifiers</th>
</tr>
</thead>
</table>
| 1. RIGHTS, PROTECTION & INCLUSION | New CI 1.5.1 for new Commitment 1.5: Members demonstrate their organisational commitment to the prevention of sexual exploitation and abuse. | New Verifiers for new CI 1.5.1:  
  - A prevention of sexual exploitation and abuse policy that describes the standard of behaviour for organisation’s staff, representatives and partners, specifically prohibiting sexual exploitation and abuse; and outlines how the policy is implemented throughout the organisation.  
  - Appointment of a prevention of sexual exploitation and abuse focal person. |
| 1.1 We respect and protect human rights. | | |
| 1.2 We respect and respond to the needs, rights and inclusion of those who are vulnerable and those who are affected by marginalisation and exclusion. | | |
| 1.3 We support people affected by crisis. | | |
| 1.4 We advance the safeguarding of children. | | |
| New Commitment 1.5 We advance the safeguarding of those who are vulnerable to sexual exploitation and abuse. | | |
| 2. PARTICIPATION, EMPOWERMENT & LOCAL OWNERSHIP | No changes | |
| 3. SUSTAINABLE CHANGE | No changes | |
### 4. QUALITY AND EFFECTIVENESS

| 4.1 | We articulate clear strategic goals for our work. |
| 4.2 | We analyse and understand the contexts in which we work. |
| 4.3 | We invest in the quality assessment of our work. |
| 4.4 | We reflect on, share and apply results and lessons with stakeholders. |

#### Current CI 4.2.1
Members’ planning and practice are informed by analysis of context, evidence and research, and inclusion of the perspectives and knowledge of primary stakeholders.

#### Revised Verifiers for CI 4.2.1
- Design or planning framework, tools, templates which require or approaches which consistently show context and stakeholder analysis, including the consideration of the perspectives and knowledge of primary stakeholders and analysis of power dynamics and issues of gender equality.
- Appraisal/selection process that requires designs to include systematic consideration of context and stakeholder analysis, evidence and research, and the perspectives and knowledge of primary stakeholders including analysis of power dynamics and issues of gender equality.

| 4.2.1 | Current CI 4.2.1: Members’ planning and practice are informed by analysis of context, evidence and research, and inclusion of the perspectives and knowledge of primary stakeholders. |
| 4.2.1 | Revised Verifiers for CI 4.2.1: Design or planning framework, tools, templates which require or approaches which consistently show context and stakeholder analysis, including the consideration of the perspectives and knowledge of primary stakeholders and analysis of power dynamics and issues of gender equality. Appraisal/selection process that requires designs to include systematic consideration of context and stakeholder analysis, evidence and research, and the perspectives and knowledge of primary stakeholders including analysis of power dynamics and issues of gender equality. |

---

### 5. COLLABORATION

| 5.1 | We respect and understand those with whom we collaborate. |
| 5.2 | We have a shared understanding of respective contributions, expectations, responsibilities and accountabilities of all parties. |
| 5.3 | We invest in the effectiveness of our collaborations and partnerships. |

#### Current CI 5.1.2:
Members undertake due diligence and capacity assessments of organisations with whom they work in formal partnerships.

#### Revised Verifier for CI 5.1.2:
A documented assessment process that includes:
- Alignment with Members’ values and objectives.
- Governance and legal registration.
- Financial systems.
- Reference checks of partners against prohibited entities listings.
- Capacity assessment for implementation of key safeguarding and risk policies (eg child protection and prevention of sexual exploitation and abuse).

| 5.1.2 | Current CI 5.1.2: Members undertake due diligence and capacity assessments of organisations with whom they work in formal partnerships. |
| 5.1.2 | Revised Verifier for CI 5.1.2: A documented assessment process that includes: Alignment with Members’ values and objectives. Governance and legal registration. Financial systems. Reference checks of partners against prohibited entities listings. Capacity assessment for implementation of key safeguarding and risk policies (eg child protection and prevention of sexual exploitation and abuse). |

---

| 5.2.1 | Current CI 5.2.1: Members negotiate shared goals and respective contributions with partners and those they collaborate with. |
| 5.2.1 | Revised Verifier for CI 5.2.1: For formal partnerships, partnership agreement template or examples of partnership agreements that consistently describe: Value and contribution of each party. Shared goals, roles and responsibilities of all parties. Financial and non-financial resources and support offered by and required of each |
6. COMMUNICATION

<table>
<thead>
<tr>
<th>Current CI 7.3.3:</th>
<th>Revised Verifier for CI 7.3.3:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Members enable stakeholders to make complaints to the organisation in a safe and confidential manner.</td>
<td>A documented complaints-handling policy that:</td>
</tr>
<tr>
<td>Current CI 7.3.3: Members enable stakeholders to make complaints to the organisation in a safe and confidential manner.</td>
<td>• Is readily accessible on the organisation’s website.</td>
</tr>
<tr>
<td>7. GOVERNANCE</td>
<td>• Provides a safe and discrete point of contact for stakeholders in Australia and countries where work is conducted, to raise concerns or complaints about the organisation.</td>
</tr>
<tr>
<td>7.1 We are not-for-profit and formed for a defined public benefit.</td>
<td>• Is responsive and fair.</td>
</tr>
<tr>
<td>7.2 We meet our legal and compliance obligations.</td>
<td>• Provides information to all stakeholders, including to Members of the communities where activities are implemented, about the reporting and complaints procedure.</td>
</tr>
<tr>
<td>7.3 We are accountable to our stakeholders.</td>
<td>• Provides information in a clear and easily understandable manner in appropriate forms and through appropriate media.</td>
</tr>
<tr>
<td>7.4 We have responsible and independent governance mechanisms.</td>
<td>• Ensures that requirements for filing a complaint take into consideration the needs of the most vulnerable and considers minority and disadvantaged stakeholders.</td>
</tr>
<tr>
<td></td>
<td>• Advises a complainant of the ability to make a complaint regarding an alleged breach of the Code to the ACFID Code of Conduct Committee.</td>
</tr>
<tr>
<td></td>
<td>• Provides information on how staff and volunteers are equipped to understand and implement the policy.</td>
</tr>
<tr>
<td></td>
<td>• Includes a process for reviewing and analysing complaint information within the organisation.</td>
</tr>
<tr>
<td></td>
<td>• <strong>Primary stakeholder input into the design of complaints mechanisms</strong></td>
</tr>
<tr>
<td></td>
<td>• <strong>Outlines a triage system for escalating serious incidents including child protection and sexual exploitation and abuse.</strong></td>
</tr>
</tbody>
</table>
| | • **Outlines a referral process for complaints that do not fall within the scope of the policy.** (e.g. Complaints that do not fall within the scope of the policy would include, for
example, complaints against an employee of another organisation or government department.)

- **Commits to providing assistance to victims.** *(e.g. Providing assistance to victims might include counselling, protection, medical, social, legal and financial assistance.)*

**New Verifier for CI 7.3.3:**
A documented investigation operating procedures, including for sensitive investigations such as allegations of sexual exploitation and abuse.

**Current CI 7.3.4**  
Members make information about their organisation and its work available to all stakeholders.

**Revised Verifier for CI 7.3.4:**  
Members will provide the following information on their website:

- Information on its governance: structure, responsible persons and organisational contact information
- ABN
- Information on their work, including key projects or programs
- Information on partners and their roles
- A statement of commitment to adherence to the Code
- The scope for and mechanism/process for lodging a complaint against the organisation, and a point of contact
- Identification of the ability to lodge a complaint alleging a breach of the Code with the ACFID Code of Conduct Committee, and a point of contact
- An Annual Report including the ACFID-Code-compliant financial statement in line with ACFID requirements (as outlined in 8.3.1 and 8.3.2)
- **Staff Code of Conduct (or equivalent)**
- Key policies relevant to the public including but not limited to, privacy, complaints, transparency non-development activity, child protection, prevention of sexual exploitation and abuse, and conflict of interest.

**New verifier for CI 7.3.4:**

- **Information is provided to communities on the expected behaviour of the organisation’s staff and local complaints mechanisms to be used if these**
<table>
<thead>
<tr>
<th>8. RESOURCE MANAGEMENT</th>
<th>No changes</th>
</tr>
</thead>
</table>

| 9. PEOPLE AND CULTURE |  
|-----------------------|-------------------------------------------------|
| 9.1 We have the human resource capacity and capability to deliver our work. | Current CI 9.3.1: 
Members are fair, transparent and non-discriminatory in their management of staff and volunteers. |
| 9.2 We protect, value and support our people. | Revised Verifier for CI 9.3.1: 
Human resource policies and procedures which address: 
- Recruitment and selection 
- Remuneration and benefits 
- Equity and diversity. 
- Staff learning and development. 
- Performance management 
- Family and carer leave provisions. 
- Conduct in the workplace. 
- Integrity (including confidentiality and conflict of interest). 
- Grievance and disciplinary procedures. 
- Workplace health and safety. 
- reference checking and vetting for former misconduct for all staff, including local staff and surge staff. |
| 9.3 We manage our people effectively and fairly. | Current CI 9.3.3 
Members manage the performance and grievances of their staff and volunteers |
| 9.4 We enable our people to conduct themselves professionally and according to our stated values. | New Verifiers for CI 9.3.3: 
- Performance management process for staff include adherence to their staff code of conduct and other Codes and Standards as relevant to their roles. 
- HR policies clearly define what constitutes staff misconduct and outline consequences |

**New CI 7.4.4:**
Members governing body responds appropriately to serious incidents in accordance with their mandate and responsibilities.

**New Verifier for new CI 7.4.4:**
- Documented protocols for the reporting of serious incidents to the governing body.
| Current CI 9.4.1 Members specify the expectation of professional conduct of all staff and volunteers. | **Revised Verifier for CI 9.4.1:**
- A documented code of conduct that specifies the values and expectations of professional conduct of all staff and volunteers. This must include reference to child safeguarding behaviours, prevention of sexual exploitation and abuse, anti-bullying and sexual harassment; and an obligation on staff to report wrongdoing. |
| --- | --- |
| Current CI 9.4.2 Members’ staff and volunteers work in accordance with agreed standards of practice. | **New Verifier for CI 9.4.2:**
- Documented evidence of induction and refresher training provided to all staff on the Members’ staff code of conduct and key policies including child protection, prevention of sexual exploitation and abuse, complaints and whistle blowing, including surge staff. |
8. ANNEX 1: INTERNATIONAL STANDARDS

As noted in the Introduction, the sector has not sat idle since reports of sexual exploitation and abuse began to emerge in 2002. Much effort has been made by the UN, NGOs, government donors and NGO representative bodies through research and reflection and the development of standards and good practices to prevent and protect primary beneficiaries and aid workers from sexual exploitation and abuse. The following commentary outlines the key initiatives which have occurred since 2002 and are currently guiding efforts towards preventing sexual exploitation and abuse.

Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse

The Inter Agency Standing Committee (IASC) Task Force on Protection from Sexual Exploitation and Abuse (PSEA) in Humanitarian Crises, composed of a number of UN and non-government entities was established in March 2002. The IASC Task Force advised the UN on specific measures, developed agreed definitions of sexual exploitation and sexual abuse, provided guidelines for investigations and adopted six standards of behaviour to be included in UN and NGO codes of conduct.

Since this time the IASC has published a number of key standards documents for use by UN and NGO personnel. The IASC Task Force on PSEA by humanitarian workers was established in January 2012 and the IASC Task Force on Accountability to Affected Populations was created in July 2012. The IASC Minimum Operating Standards – PSEA were published in January 2012 and are still considered the principal reference document internationally for standards regarding prevention of sexual exploitation and abuse.

The IASC Minimum Operating Standards – PSEA are based on:

- The Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel, August 2008
- The Global Review of protection from Sexual Exploitation and Abuse by UN, NGO, IOM and IFRC Personnel, July 2010

Building Safer Organisations Initiative

In 2004 NGO entities scrutinised their responses to complaints against staff and launched an initiative known as ‘Building Safer Organisations’ (BSO). The main purpose of BSO was to develop the capacity of NGOs to receive and investigate allegations of sexual exploitation and abuse brought by persons of concern. The main activities of BSO were to develop materials and deliver training on investigating cases of sexual exploitation and abuse.

BSO was originally hosted by the ICVA, but moved to the Humanitarian Accountability Partnership (HAP) International when it merged with the organisation People in Aid in 2015. The new organisation formed from this merger is known as the CHS Alliance.

The Core Humanitarian Standard and the CHS Alliance

The ‘Core Humanitarian Standard on Quality and Accountability’ is a voluntary standard which seeks to assure the effectiveness and impact of assistance to people and communities vulnerable to risk and affected by disaster, conflict or poverty.
Protection from sexual harassment, exploitation and abuse of affected populations and staff is directly or indirectly referred to in the CHS in the following commitments:

- **Key Action 3.6:** identify and act upon potential or actual unwanted negative effects in a timely and systematic manner, including areas of... sexual exploitation and abuse by staff.
- **Organisational Responsibility 5.6:** Communities and people affected by crisis are fully aware of the expected behaviour of humanitarian staff, including organisational commitments made on the prevention of sexual exploitation and abuse.
- **Organisational Responsibility 8.7:** code of conduct be in place, which establishes, at a minimum, the obligation of staff not to exploit, abuse or otherwise discriminate against people.
- **Organisational Responsibility 8.2:** staff adhere to the policies that are relevant to them and understand the consequences of not adhering to them.

The CHS Alliance is the guardian of the CHS. It is a global body with a membership of more than 240 organisations who are headquartered in 55 capitals and operating in more than 160 countries worldwide.

**Humanitarian Quality Assurance Initiative**

In the wake of the current crisis, organisations and policy-makers alike have called for independent mechanisms and control bodies to assure stakeholders that humanitarian organisations have the mechanisms in place to avoid, detect, remedy and communicate cases of sexual harassment, exploitation and abuse. One of the existing mechanisms which is doing so is the Humanitarian Quality Assurance Initiative (HQAI), an independent organisation that provides a verification service for organisations seeking to demonstrate their application of the CHS.

In accordance with BSO, HAP and then CHS, many international NGOs developed policies and systems that reflected their commitment to the prevention and response to sexual harassment and exploitation in the workplace. This included complaints mechanisms, staff codes of conduct that addressed sexual harassment and sexual exploitation and abuse, and policies to promote accountability of staff towards programme participant communities regarding harassment and exploitation and abuse. 17 organisations are currently certified as fully meeting the CHS by HQAI.

**InterAction Standards**

InterAction is the US based alliance organisation representing 180 development and humanitarian NGOs. InterAction member organisations must be compliant with InterAction’s Private Voluntary Organisation (PVO) Standards, which explicitly address sexual exploitation and abuse. Between 2010 to 2013, InterAction developed prevention of sexual exploitation abuse related training curricula and offered workshops. This has included resources to assist InterAction member organisations in developing and implementing policies to prevent and respond to sexual exploitation and abuse, and three online learning courses on sexual exploitation and abuse.

**ACT Alliance**

ACT Alliance members, together with their partners, support or implement humanitarian, development and advocacy programmes in more than 120 countries around the world. The management of every ACT member organisation and the ACT Secretariat have a responsibility to ensure that all staff are aware of this Code of Conduct, that they understand what it means in concrete behavioural terms and how it applies to their
programme context. Dissemination of this Code of Conduct is supported by ACT guidance and policy documents, namely, the ACT Alliance Guidelines for the Prevention of Sexual Exploitation and Abuse, ACT Child Safeguarding Policy and Policy Guidance Document and the ACT Alliance Guidelines for Complaints Handling and Investigations. The Code of Conduct applies to all the work performed by all members of the ACT Alliance and defines required behaviour of staff.

**The ACFID Code of Conduct**

The ACFID Code of Conduct and the Quality Assurance Framework sets high quality standards for ACFID members, which addresses both development and humanitarian work. It already has good coverage of human rights, accountability and social safeguards, including child protection. However, the Code of Conduct does not currently include specific statements related to the prevention of sexual exploitation and abuse. This is an area in which the ACFID Code of Conduct could be more explicit and its good practice resources strengthened.
9. ANNEX 2: GOOD PRACTICE RESOURCES

Prevention of Sexual Exploitation and Abuse Taskforce
On this site you can explore the subject of protection from sexual exploitation and abuse by personnel of the UN, NGOs and other international organisations. The site includes guidance to help you to perform your duties related prevention of sexual exploitation and abuse as staff member, prevention of sexual exploitation and abuse focal point or senior manager. It offers relevant tools and resources, and it has a helpdesk link.
http://www.prevention of sexual exploitation and abusetaskforce.org/

CHS-Alliance prevention of sexual exploitation and abuse resources
All CHS Alliance members are required to report on the implementation and monitoring of their code of conduct and their other work on prevention of sexual exploitation and abuse. The site offers advice and guidance on prevention of sexual exploitation and abuse as well as capacity building and learning opportunities.
https://www.chsalliance.org/what-we-do/prevention of sexual exploitation and abuse

IASC Task Team on Accountability to Affected Populations and Protection from Sexual Exploitation and Abuse (AAP/PSEA)
The IASC Task Team on AAP and PSEA has collected a wide range of resources including translations of the prevention of sexual exploitation and abuse principles in over 50 languages.
IASC-TT-Resources

Building Safer Organisations 2007, Handbook; Training materials on receiving and investigating allegations of abuse and exploitation by humanitarian workers. ICVA


InterAction Prevention of Sexual Exploitation and Abuse Tools
InterAction convenes a sexual exploitation and abuse Working Group (WG) which meets bi-monthly. It also has a series of guidance tools, including on-line training, to help organizations develop and implement policies to prevent and respond to sexual exploitation and abuse.
https://www.interaction.org/work/sea