



**VICTORIAN INSTITUTE
OF FORENSIC MEDICINE**



SHAPING THE PATH

NOVEMBER 2018

Independent Review into the Practice and Response of
ACFID Members in the Prevention of Sexual Misconduct

FOREWORD



The aid sector impacts the lives of countless women and girls and men and boys across the world. For those who live in conflict and humanitarian settings, it often provides the only opportunity for survival and relief from the worst horrors of war and other emergencies. Yet we are increasingly aware that many women and girls can experience further risk from the staff from the very sector that is supposed to protect them. This grave injustice compounds their trauma. Further, there have been reports from around the world that staff within the aid sector have themselves experienced sexual violence from other colleagues in the course of their work. In 2018 the development aid sector has started a process of reflection - , reviewing past actions and policies and committing itself to a new path that centres on the safeguarding of vulnerable people.

This review is a very important step in the process for the Australian Council For International Development. A key finding is that there is much very good practice within the development aid sector, but there are substantial areas where there is need for improvement. Foundational for these is the culture within the sector ('the Elephant'). Changing sectoral culture requires moving gender issues from the edge of the sector into a central arena in all areas of the sectors work, both on 'traditional' gender issues and non-traditional. Understanding gender and engaging with gender issues needs to be made a non-negotiable

element in preparation for work in the sector and all activities for all men and women in the aid sector.

There is a considerable amount of guidance and policy on how to institutionalise safeguarding within the sector. Practice, whilst mostly very good, can be improved. A welcome finding of this report is the recognition that reforming the sector requires a survivor-centric approach, as is strongly argued in this report, so that responses to the problem from the type of reporting mechanism to the process and redress, place the needs and concerns of survivors first.

Safeguarding needs to start from the point of recruitment and induction into the sector. This is a key finding on the path to changing the sector's environment and the report makes many very valuable recommendations for strengthening the environment and effectively institutionalising change. This report will make a very valuable contribution to the protection of vulnerable people and staff within the aid sector and has important guidance for the sector globally.

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Professor Rachel Jewkes

Gender and Health Research Unit
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STATEMENT FROM THE REVIEWERS

The Victorian Institute of Forensic Medicine exists to provide:

- Quality-driven, ethically-grounded, independent forensic medical and scientific services for the justice system;
- To expand and share our knowledge locally and globally; and
- To make a positive contribution to the health and safety of our community.

We acknowledge the leadership of the Australian Council for International Development (ACFID) its members, as well as the Department of Foreign Affairs and Trade (DFAT), in commissioning and funding this Independent Review for the betterment of the sector and victim/survivors in particular.

We thank 1800RESPECT for offering crisis support for people affected by issues arising out of this Review.

We appreciate the generous cooperation of the ACFID Members and other contributors who participated in this Review. Their free and active participation speaks to a drive for continual improvement in their sector.

We pay our respects to the victim/survivors of sexual misconduct, as members of the global community whom we exist to serve.

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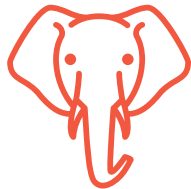
Glossary – Abbreviations

ABS	Australian Bureau of Statistics
ACFID	Australian Council for International Development
ACNC	Australian Charities and Not-for-profits Commission
AFP	Australian Federal Police
AHP	Australian Humanitarian Partnership
AHRC	Australian Human Rights Commission
ANCP	Australian NGO Cooperation Program
ANGO	Australian Non-government Organisation
CASA	Centre Against Sexual Assault
CC	Code of Conduct
CCC	Code of Conduct Committee
CCF	Cambodian Children’s Fund
CEO	Chief Executive Officer
CHS	Core Humanitarian Standard
CoP	Communities of Practice
CP	Child Protection
CPP	Child Protection Policy
DFAT	Department of Foreign Affairs and Trade (Australia)
DFID	Department for International Development (UK)
ECS	External Conduct Standards
FWCC	Fiji Women’s Crisis Centre
IASC	Interagency Standing Committee
IDC	International Development Committee (of the UK Parliament)
IO	International Organisation
NFP	Not-for Profit
NGO	Non-governmental Organisation
PNG	Papua New Guinea
PSEA	Prevention of Sexual Exploitation and Abuse
PSEAH	Prevention of Sexual Exploitation, Abuse and Harassment
QAF	Quality Assurance Framework
RCS	Reportable Conduct Scheme
RDI Network	Research for Development Impact Network
RIT	Reported Incidents Tool
SEA	Sexual Exploitation and Abuse
SEAH	Sexual Exploitation, Abuse and/or Harassment
SHA	Sexual Harassment and Abuse
SM	Sexual Misconduct
SRU	Safeguarding Resource Unit
UN	United Nations
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNFPA	United Nations Population Fund
VIFM	Victorian Institute of Forensic Medicine
WHO	World Health Organization

Glossary – Icons



Rider



Elephant



Path



Best Practice Review



Good Practice Example



Tools/
Resources list



ACFID Member Survey



Reported Incidents Tool



Field Trip



ACFID Member Interviews



Focus Group



Stakeholder Consultation



Confidential email/phone submissions



PART 1:

KEY FINDINGS AND RECOMMENDATIONS

Part 1: Key Findings and Recommendations

Aid organisations have to withstand significant scrutiny from donors and the public. They are under constant pressure to do more with less, to maximise service delivery and minimise overheads. Reputation is critical to an aid organisation's ability to function. This is why developments in the UK aid sector reverberated so powerfully through the global aid community. When an organisation that purports to do good through its work in assisting the people most at risk is found wanting, it is a hard road to recover public trust and respect.

This Review was commissioned by the Board of ACFID (Australian Council for International Development) in order to evaluate its members' abilities to:

- *Provide a safe and trusted environment which safeguards all who have contact with the organisation including staff, volunteers, partner organisations and beneficiary communities from sexual misconduct;*
- *Set an organisational culture that prioritises safeguarding against sexual misconduct, so that it is safe for those affected to come forward and to report incidents and concerns with the assurance they will be handled sensitively and properly; and*
- *Have adequate safeguarding policies, procedures and measures to protect people and these are shared and understood.*

The Review has found that ACFID Member Organisations are in many ways better prepared than their international counterparts for the adoption and implementation of stronger prevention of sexual exploitation and abuse measures. This is because of member safeguarding practices and the established implementation of the ACFID Code of Conduct (the Code) and related Quality Assurance Framework (QAF) which draws on the good practice of a number of ACFID members who have been working on these matters for a long time. The influence of the Department of Foreign Affairs and Trade (DFAT)'s strong gender, disability and child protection policy frameworks have also created a sound platform on which to add anticipated new safeguarding protections for adults.

However we are aware that the requirements to have in-country partners mirror these requirements can create significant resource drains on ACFID Members. We understand that there will be a lot of work in localising and ensuring the active uptake and understanding of these policies by partner organisations. However we have also found that this work creates significant capacity benefits for the partner organisations across many aspects of organisational development and service delivery. The value of this work goes beyond meeting DFAT compliance requirements.

In our Review we have identified some capability gaps in the sector, the most significant being a lack of meaningful and available information on sexual misconduct incident reporting by Australian aid organisations; and a related lack of central understanding about the nature, location and patterns of relevant reported behaviours and an inability to effectively monitor responses. We have therefore made a recommendation that the Australian Charities and Not-for-profits Commission (ACNC), with support from the Commonwealth Government, establish a Reportable Conduct Scheme for Australian charities undertaking development work internationally. This will give the regulator and other interested parties such as DFAT and ACFID access to de-identified data which could inform prevention and response measures. Such a scheme would strengthen DFAT's policy commitment for safeguarding of adults and provide the agency with base-line data which can be used to measure policy effectiveness.

Power imbalances are a key barrier to reporting. Organisations need to build an internal culture of trust and respect and to replicate this with implementing partners and communities. This needs to be led and supported by senior management and governing boards. Our best practice review identifies leadership and organisational culture as priority areas for improving prevention of and response to sexual misconduct. People should feel safe to report without fear of retaliation or stigmatisation. Gender equity awareness requires governance and senior management attention as both an internal organisational priority and a program priority. Sexism and overt harassment should not be tolerated.

We have also emphasised that a focus on the needs of the victim/survivor must be the primary concern in all responses to incidents of sexual misconduct. Support must be immediate and sustained and the wishes of the victim/survivor identified and respected.

The Review has found that ACFID members have strong policies and procedures and in many areas demonstrate good practice. ACFID provides practical support and guidance to its members across a range of governance, program, human rights and organisational development areas. All ACFID's work is undertaken within a strong ethical and values-based framework and a demonstrated commitment to:

- *Sustainable and inclusive development*
- *Peace and human security; and*
- *Strong and effective civil society.*

ACFID's membership ranges from large organisations delivering a range of programs multiple nations to very small organisations with a particular focus. While ACFID's membership represents just less than a quarter of Australia's development non-government organisations (NGOs), three-quarters of people who work in the sector are employed by ACFID Members. ACFID therefore represents a significant portion of Australia's aid sector in terms of reach, service delivery and influence. ACFID is therefore well positioned to drive and support improved sexual misconduct prevention and response capabilities in its members but it will need additional resourcing to do so. We hope that DFAT will see merit in funding ACFID's ability to scale up its internal safeguarding support capacity for members.

The Review has made a number of recommendations for both ACFID and its Member Organisations which we believe will strengthen their ability to prevent and respond to sexual misconduct on- and offshore. Some of these relate to governance and the need for senior management and governing bodies to pay close attention to all forms of sexual misconduct and to do so with a focus on support for the victim/survivor. We also recommend that organisations become more comfortable in talking about sexual behaviour and conduct with their staff, particularly those who are deploying to field work; and extending these

conversations to in-country national staff and staff in implementing partners. The Code of Conduct and related policies have to be animated and understood through conversations.

Other recommendations relate to improving internal and program complaints mechanisms, investigation capacities, training in a range of skills, resource development and sharing. This sector is already very collaborative and we believe that there is a significant opportunity for the central development of resources for ACFID Members and their in-country partners.

We were concerned to find a reluctance to report serious sexual misconduct to law enforcement authorities in international jurisdictions because of concerns about the capability of local authorities. This clearly indicates a development priority for Australian aid. Australia has excellent expertise in the investigation of sexual violence in adults and children in police services, victim/survivor support services, medico-legal services and in prosecution and judicial systems which could be utilised to support areas of defined need.

The Report contains extensive references to best practice from ACFID Members, their partners, the broader aid sector and other sectors. Not all of this practice has been reflected in the Recommendations.

We are confident that ACFID and its members have the commitment to undertake concrete steps to improve safeguarding in their workplaces and programs. This is occurring at a time when DFAT has also stated its commitment to improving safeguarding through its funding and programs and the ACNC is focusing on the offshore conduct of the charities it regulates. The national regulator, the key national government agency and the peak industry body, form a powerful and committed group which together with ACFID Member Organisations have a significant opportunity to collaborate to develop and support a world class safeguarding system.

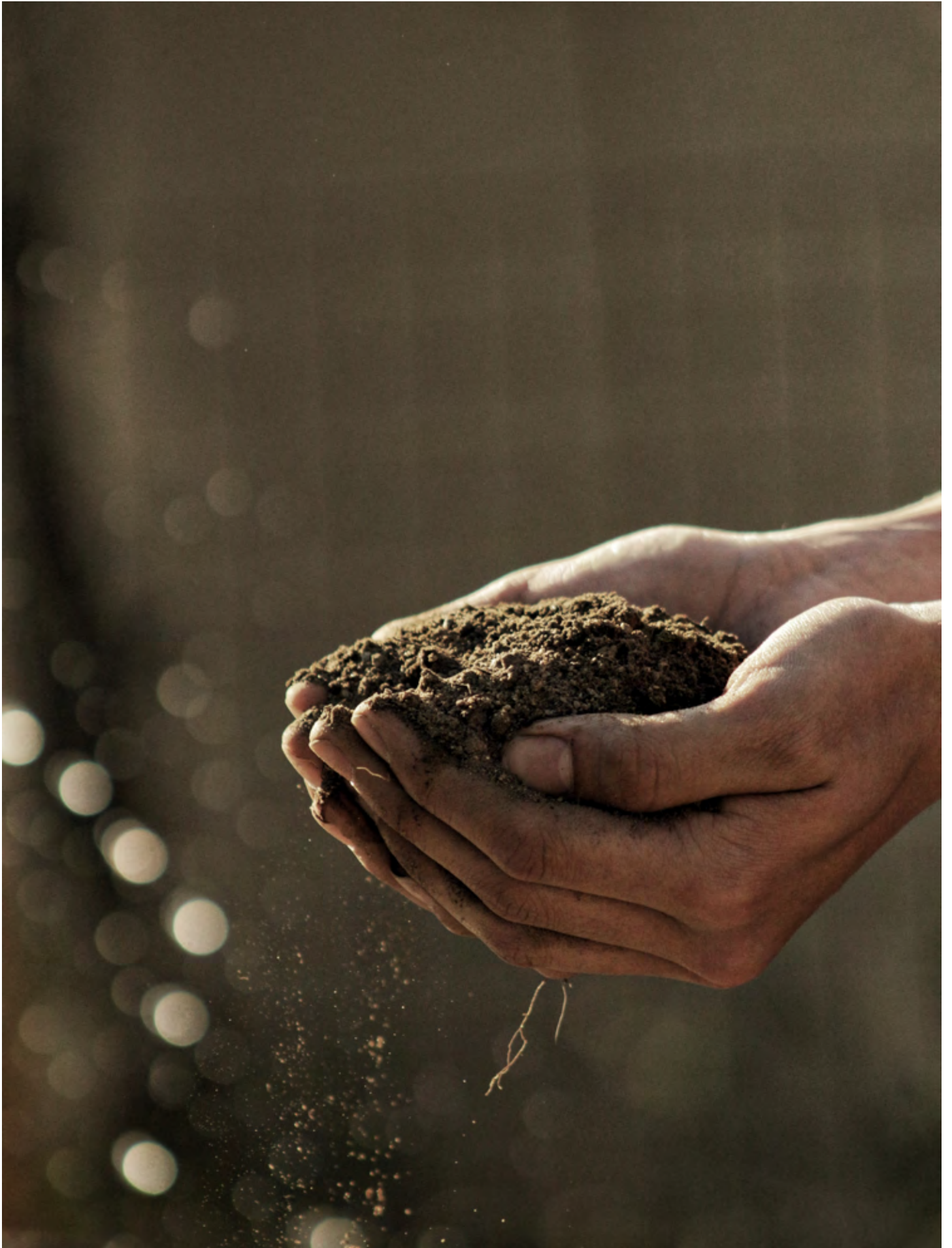
#	Recommendation	Domain 1	Owner	Importance
R01	Establish a Reportable Conduct Scheme (RCS) subject to funding and legislative requirements to apply to all organisations subject to the ACNC External Conduct Standard	1.Policies and Regulation	ACNC	Critical
R1.1	RCS should apply to all allegations of sexual exploitation and abuse, including child protection (substantiated or unsubstantiated) and cases of sexual harassment where governance or reputational implications apply.			
R1.2	RCS should include oversight of investigations and undertake random audits of completed investigations			
R1.3	RCS should monitor and evaluate data to inform practice and response			
R1.4	RCS should report publicly on aggregate trends, subject to amendments in ACNC secrecy provisions			
R1.5	RCS should align with other compulsory reporting obligations including DFAT's contractual reporting for funded organisations and domestic child protection reporting requirements under State and Territory Reportable Conduct Schemes.			
R02	ACFID and DFAT should develop a policy that allegations involving criminal sexual misconduct should be reported to local enforcement authorities as a default position. This should be regardless of local mandatory obligations, unless this is at odds with the wishes or welfare of the affected person or the life or serious welfare of the alleged perpetrator.	1.Policies and Regulation	ACFID; DFAT	Critical
R03	ACFID should monitor and engage in the development of multi-lateral international humanitarian passporting and registration schemes and other forms of regulation-tech.	1.Policies and Regulation	ACFID	Moderate
R04	ACFID Member Organisations should publicise all steps that they have in place to prevent and respond to sexual misconduct in their on and off-shore activities through their web sites.	1. Policies and Regulations	ACFID	High
R05	DFAT and ACFID work together to advocate for international donor cross-recognition and accreditation of the ANCP accreditation system and ACFID Code of Conduct and ancillary Quality Assurance Framework systems.	1.Policies and Regulation	DFAT;	Moderate

#	Recommendation	Domain 2	Owner	Importance
R06	ACFID Member Organisations should ensure that pre-deployment training includes scenario-based discussions about power imbalances, status and workplace cultures of the destination nation and how these factors can impact on work and personal relationships	2. Social Norms and Attitudes	CEOs & Boards of ACFID Members	High
R07	ACFID Member Organisations should embed psychological welfare within their HR program as part of sexual misconduct prevention processes.	2. Social Norms and Attitudes	CEOs & Boards of ACFID Members	Moderate
R08	ACFID Member Organisations should support the understanding of healthy sexual relationships through training of field managers and regular local workshops for staff.	2. Social Norms and Attitudes	CEO & Board of ACFID Members	Moderate
R09	ACFID Member Organisations should actively adopt measures to prevent and respond to transactional sex in field work (particularly in humanitarian response work) by making changes to Codes and policies, and through training and recruitment.	2. Social Norms and Attitudes	CEOs & Boards of ACFID Members	High
R10	ACFID Member Organisations should align approaches to sexual harassment, child protection and exploitation and abuse within a wider framework of gender equity whilst acknowledging the need for different responses to each.	2. Social Norms and Attitudes	CEOs & Board of ACFIDs Members	Moderate
R11	ACFID through its Child Rights Community of Practice should consider a primary prevention strategy for child sexual abuse in the aid sector that may include promoting awareness of the Stop it Now! Campaign.	2. Social Norms and Attitudes	ACFID	Low
R12	ACFID should consider the development of generic sexual misconduct materials with a focus on gender inequity and power imbalances that can be localised by small Member organisations for implementing partners.	2. Social Norms and Attitudes	ACFID	Moderate
R13	ACFID Member Organisations should preferentially document all misconduct incidents even if the management response is “informal”, taking into account the wishes and welfare of the victim/survivor.	2. Social Norms and Attitudes	CEOs & Boards of ACFID Members	High

#	Recommendation	Domain 2	Owner	Importance
R14	ACFID Member Organisations should add gender and safeguarding expertise to the desirable skills and experience sought when recruiting new members for governing bodies.	2. Social Norms and Attitudes	CEOs & Boards of ACFID Members	High
R15	ACFID Member Organisations should have safeguarding as a standing agenda item for governing body meetings and all misconduct incidents should be reported to senior management and governing bodies (in addition to compliance with contractual reporting requirements).	2. Social Norms and Attitudes	CEO & Board of ACFID Members	High
R16	ACFID Member Organisations should develop a leadership charter for governing members and senior managers which include a commitment to gender equity and safeguarding.	2. Social Norms and Attitudes	CEOs & Boards of ACFID Members	High
R17	ACFID Member Organisations should ensure that gender equity is an internal organisational priority as well as a program priority.	2. Social Norms and Attitudes	CEOs & Board of ACFIDs Members	High
R18	ACFID Member Organisations should work with their staff, partners and communities to challenge male attitudes towards girls and women, which permit or excuse sexual misconduct internally and in program activities.	2. Social Norms and Attitudes	CEOs & Board of ACFIDs Members	High
R19	ACFID Member Organisations should ensure that implementing partners have an informed understanding of what behaviours are inappropriate and how to report, investigate, document and manage sexual misconduct incidents.	2. Social Norms and Attitudes	CEOs & Board of ACFIDs Members	High
R20	ACFID Member Organisations should ensure that commitment to the rights of women and LGBTI+ persons and bystander responsibility training is included in sexual misconduct prevention training.	2. Social Norms and Attitudes	CEOs & Board of ACFIDs Members	High

#	Recommendation	Domain 3	Owner	Importance
R21	ACFID Member Organisations should ensure that appropriate staff members are trained in international investigation of sexual misconduct or outsource investigations to specialist providers.	3. Systems and Resources	CEOs & Boards of ACFID Members	High
R22	ACFID Member Organisations should provide feedback to the person making a misconduct complaint within applicable privacy provisions and in consideration of victim/survivor needs.	3. Systems and Resources	CEOs & Boards of ACFID Members	High
R23	ACFID Member Organisations should develop a survivor –centered sexual misconduct response protocol based on guides, such as those produced by the Core Humanitarian Standard (CHS) Alliance, to support internal investigations and UN Women.	3. Systems and Resources	CEOs & Boards of ACFID Members	High
R24	ACFID Member Organisations should include reparation for victim/survivors such as long term access to medical and legal services and other forms of support in sexual misconduct policy design.	3. Systems and Resources	CEOs & Boards of ACFID Members	High
R25	ACFID Member Organisations should be prepared to provide long-term support to victim/survivors even after the employee has ceased employment in cases of sexual harassment, assault and rape.	3. Systems and Resources	CEOs & Boards of ACFID Members	High
R26	DFAT and other donors should recognise the central cost of sexual misconduct safeguarding expertise as an eligible program cost for offshore work.	3. Systems and Resources	DFAT	High
R27	ACFID should create a Safeguarding Peer to Peer Mentor Scheme.	3. Systems and Resources	ACFID	High
R28	ACFID should establish a Safeguarding Community of Practice (that aligns with, but is separate from, Child Protection and other related Community of Practice (CoP))	3. Systems and Resources	ACFID	High

#	Recommendation	Domain 3	Owner	Importance
R29	ACFID should document enhanced safeguarding good practice and tools in its Good Practice Toolkit for the Code of Conduct	3. Systems and Resources	ACFID	High
R30	DFAT,ACFID & ACNC should work together to ensure the accessible provision of safeguarding resources. This may be through the proposed International Safeguarding Hub or through domestic arrangements.	3. Systems and Resources	ACFID	High
R30.1	Resources should include practical implementation guides for localisation of sexual misconduct policies for implementing partner organisations.			
R30.2	Resources should include a Safeguarding Expertise Register for specialist investigation agencies and investigation trainers; medico-legal services and ethics advisory bodies.			
R31	DFAT should consider capacity development in the investigation of sexual violence as an aid priority for justice and health systems in nations where it is determined that there is clear service failure.	3. Systems and Resources	DFAT	High

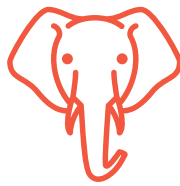


PART 2:

EXECUTIVE SUMMARY

Part 2: Executive Summary

The Review identifies issues and makes recommendations that will provide a roadmap for lasting improvements in the prevention of and response to sexual exploitation, abuse and sexual harassment by ACFID Member Organisations. For the purposes of the Review sexual misconduct includes situations typically referred to as exploitation and abuse, child sexual abuse and exploitation and sexual harassment. This involves considerations at organisational and sectoral level and tangible and cultural factors.



We have used the analogy of the Rider, the Elephant and the Path¹ to denote the rational, emotional and environmental aspects that effect change to describe our findings. The Rider, or the rational aspect of an entity, representing the sector's policies and regulations in this Review, appears to be in charge, but the Elephant, or the emotional aspect, representing the sectors norms and attitudes, is much stronger. The Path, or the environment, represented by the sector's systems and resources, shapes the surroundings to facilitate travel. All three of these elements intersect and need to be addressed in order to enable purposeful forward momentum.

While our focus is on ACFID and its Member Organisations we have also taken account of the roles, authority, goals and influence of two other key entities, the Department of Foreign Affairs and Trade (DFAT) and the Australian Charities and Not-for-profits Commission (ACNC). We believe that these organisations working in concert with ACFID and its Member Organisations will form a powerful group which will have a significant effect on improving the Australian international aid sector's ability to prevent and respond to sexual misconduct in on and offshore workplaces and programs.

Some important ethical considerations

As a general principle, the best interests of the victim/survivor should be the primary concern in matters of sexual misconduct. This is informed by the principle of autonomy, that is, their expression of informed choice, and by the principle of beneficence, that is, their best interests. In our view, however, this priority is not absolute and may require contextual balance, particularly where there are serious conflicts with

interests of other people or the wider community. In cases where such conflicts arise, expert medico-legal or ethical advice should be sought. In our view victim/survivor-centric organisational and institutional responses will minimise the risk of conflicts. This will be discussed at relevant stages throughout this Report.

¹ Based on Joannathan Haidt's analogy popularised in Heath C & Heath D (2011). *Switch: How to change things when change is hard*. Cornerstone. London

Methods

This Review is based on broad consultation with international and national stakeholders and primary research with ACFID Member Organisations and their partners.



Best Practice:

A systematic literature review of national and international research publications, industry and government reports, media reports and the content of relevant social media channels in order to identify current best practice with respect to improving, preventing and responding to sexual misconduct in the aid sector.



Stakeholder Consultation:

Consultation with national and international organisations including the Department of Foreign Affairs and Trade (DFAT), the Australian Federal Police (AFP), The Australian Council For International Development (ACFID), the Australian Charities Not-for-profits and Charities Commission (ACNC), the UK Department For International Development (DFID), the Core Humanitarian Standard (CHS) Alliance, the United Nations Population Fund (UNFPA), the World Health Organisation (WHO), Bond (UK), the Fiji Women's Crisis Centre (FWCC) and individual experts.



Online Survey:

Distribution of an on-line survey tool to all 119 ACFID Member Organisations, receiving an excellent 80% response rate. The survey was designed to better understand policy implementation and practice as it relates to all aspects of organisational practice from recruitment and governance through to funding, program design and management and interaction with donors and partners.



Reported Incidents Tool (RIT):

Distribution of an incident report tool which provided detailed fields regarding sexual misconduct reports received by ACFID Member Organisations over the three year period 2015-2017. This was distributed to all ACFID Member Organisations with a 72% response rate. This was the first time that ACFID Members had been asked to report this information (other than those who have donor or confederation reporting requirements) to a third party.



Focus Groups:

Conducted two half day focus groups, in Sydney and Melbourne respectively and each attended by representatives from ten ACFID Member Organisations. Focus group discussions were designed to address sector-wide issues.



Interviews:

Conducted a total of 40 interviews with ACFID Member Organisations with a sub-set of organisations receiving a 'deep dive' which entailed multiple interviews with individuals who have different roles, including board members.



Field Trip Data Collection:

Undertook a four day visit to Fiji to conduct 16 meetings with ACFID Member Organisations, partner organisations and stakeholders.

Receptive Consultation:

Establishment of a free confidential reporting line, 1800-00-PSEA and an email address to allow confidential reporting and contributions to the Review.



Figure A.

Summary of Results from Reported Incidents²

A total of 76 alleged incidents of sexual misconduct pertaining to ACFID Member Organisations were reported by 20 organisations (66 organisations reported no incidents and 33 did not respond).

- It is not possible to ascribe prevalence to these incidents as the number of people at risk is not known and there are no directly comparable data with regard to reportable incidents. It is likely to represent under-reporting of sexual misconduct to ACFID Members.
- It is not possible to determine why 66 organisations did not report any incidents. Possible causes are absence of reporting of incidents within those organisations or under-reporting into our Review. It is also possible, though very unlikely, based on known community prevalence of sexual misconduct, that no sexual misconduct occurred affecting people involved with those organisations.

²Detailed quantitative results are presented in Part 5 of this report and full results are presented in the Appendices

- The two main forms of misconduct were sexual assault/abuse which was the most commonly reported form of sexual misconduct between aid workers and individuals from affected populations and sexual harassment which was the most commonly reported form of sexual misconduct between aid workers.
- Aid worker victim/survivors were most frequently head office (Australia) staff, followed by national and expatriate field staff. There was typically no reporting line relationship for incidents between aid workers (although this was poorly reported).

Table a. Incident Characteristics according to the Relationship between Victim/Survivor(s) and Perpetrator(s)

(This table shows a selection of behaviours fully represented in Table 4 in Appendix E)

Type of sexual misconduct ^a	By aid worker(s) against individual(s) from affected population n = 26 (%)	Between aid workers n = 31 (%)	Total n = 76 (%)
Sexual harassment ^b	3 (11.5)	28 (90.3)	35 (46.1)
Sexual assault ^c / abuse	8 (30.8)	0 (0.0)	15 (19.7)
Unwanted sexual touching	1 (3.8)	2 (6.5)	7 (9.2)
Inappropriate/exploitative sexual relationship	4 (15.4)	0 (0.0)	4 (5.3)
Rape	2 (7.7)	0 (0.0)	4 (5.3)
Aggressive sexual behaviour (including threats)	0 (0.0)	0 (0.0)	0 (0.0)
Request for sexual favours in exchange for support	0 (0.0)	0 (0.0)	0 (0.0)
Other	4 (15.4)	1 (3.2)	6 (4.9)
Children exposed to pornography	1 (3.8)	0 (0.0)	2 (2.6)
Indecent exposure	2 (7.7)	0 (0.0)	2 (2.6)
Domestic violence	0 (0.0)	1 (3.2)	1 (1.3)
Grooming behaviour	1 (3.8)	0 (0.0)	1 (1.3)
Not stated	4 (15.4)	0 (0.0)	5 (6.6)

^a Where multiple forms of sexual misconduct were present, the most severe form is reported.

^b Includes unwanted sexual comments.

^c Includes one attempted sexual assault.

- The most common offshore locations of incidents were Papua New Guinea (PNG), Vanuatu and Timor-Leste. Relative to ACFID member funding activity³, the highest proportion of incidents occurred in PNG, Vanuatu and Zambia. The number of incidents is low, however this does highlight that these countries should be considered to be the focus for in-country sexual misconduct programs.

Table b: The most common international locations of incidents were Papua New Guinea, Vanuatu and Timor Leste

(See Table 4 in Appendix E for incident characteristics stratified by victim-perpetrator relationship.)

Papua New Guinea	13 (17.1)
Vanuatu	7 (9.2)
Timor Leste	5 (6.6)
Cambodia	4 (5.3)
Zambia	4 (5.3)
India	3 (3.9)
Pakistan	3 (3.9)
Fiji	2 (2.6)
Nepal	2 (2.6)
Sri Lanka	2 (2.6)
Thailand	2 (2.6)
Bangladesh	1 (1.3)
Bolivia	1 (1.3)
Indonesia	1 (1.3)
Laos	1 (1.3)
Nauru	1 (1.3)
Solomon Islands	1 (1.3)
South Africa	1 (1.3)
Vietnam	1 (1.3)
Not stated	3 (3.9)

Most incidents of sexual misconduct between aid workers were allegedly perpetrated by head office staff members who were direct employees of their respective aid organisations. On the other hand, most incidents allegedly perpetrated by aid workers against individuals from affected populations involved national employees of partner organisations. This indicates a need to focus on national staff and staff employed by partner organisations with regard to sexual misconduct intervention programs.

Table c. Alleged Perpetrator Characteristics according to the Relationship between Victim/Survivor(s) and Perpetrator(s)

This table shows a selection of behaviours fully represented in Table 8 in Appendix E

	By aid worker(s) against individual(s) from affected population n = 26 (%)	Between aid workers n = 31 (%)	Total n = 76 (%)
Gender			
Male	23 (88.5)	25 (80.6)	66 (86.8)
Female	0 (0.0)	3 (9.7)	3 (3.9)
Not stated	3 (11.5)	3 (9.7)	7 (9.2)
Role (if aid worker)^a			
Head office	1 (3.8)	18 (58.1)	20 (34.5)
Field ex-pat (paid)	3 (11.5)	0 (0.0)	3 (5.2)
Field ex-pat (volunteer)	0 (0.0)	0 (0.0)	0 (0.0)
Field national (paid)	17 (65.4)	12 (38.7)	29 (50.0)
Field national (volunteer)	0 (0.0)	1 (3.2)	1 (1.7)
Not stated	5 (19.2)	0 (0.0)	5 (8.6)
Employment status (if aid worker)^a			
Direct employee	8 (30.8)	23 (74.2)	32 (55.2)
Partner employee	13 (50.0)	4 (12.9)	17 (29.3)
Sub-contractor (including consultants)	2 (7.7)	0 (0.0)	2 (3.4)
Other	0 (0.0)	1 (3.2)	1 (1.7)
Volunteer	-	1 (3.2)	1 (1.7)
Not stated	3 (11.5)	3 (9.7)	6 (10.3)

- Most victim/survivors from affected populations were children. This could indicate a reporting bias due to strong child protection reporting mechanisms be in place. However it does indicate that children are at risk in environments where ACFID Members operate.
- The most commonly reported outcome was psychological injury/trauma, followed by stigmatisation and effects on the victim/survivors ability to work (although this was poorly reported).

Allegations were more often substantiated than unsubstantiated, though this was frequently not specified. Among incidents perpetrated by aid workers against individuals from affected populations, the most common reason for unsubstantiated allegations was the complaint being unfounded. Among incidents between aid workers, the most common reasons for unsubstantiated allegations were the victim/survivor not wishing to progress the investigation and other reasons (namely, the alleged perpetrator failing to respond or resigning during the investigation, or difficulty following up case details).

These findings indicate that investigative processes may be lacking.

- In the majority of cases, the perpetrator(s) received some penalty or disciplinary action for the sexual misconduct. This most commonly took the form of suspension or dismissal from the aid organisation. For incidents involving a victim/survivor from an affected population, referral to a law enforcement agency was another common penalty, and for incidents between aid workers, warnings and resignations were additional common penalties. Other reported penalties imposed on perpetrators included counselling and behavioural monitoring/supervision.

Of incidents where the gender of the victim/survivor was reported, all but five were female. Of the male victim/survivors all but one were aid workers where the incident involved another aid worker. There was only one male victim/survivor from an affected population.

Of incidents where the gender of the alleged perpetrator was reported, all but three were male. Of the female alleged perpetrators, all were aid workers where the incident involved another aid worker. There were no females who allegedly perpetrated against people from an affected population.

This indicates that sexual misconduct in the aid sector is gendered and most commonly perpetrated by men against women. However, this difference is less pronounced in incidents between aid workers where 12% of victims were male.

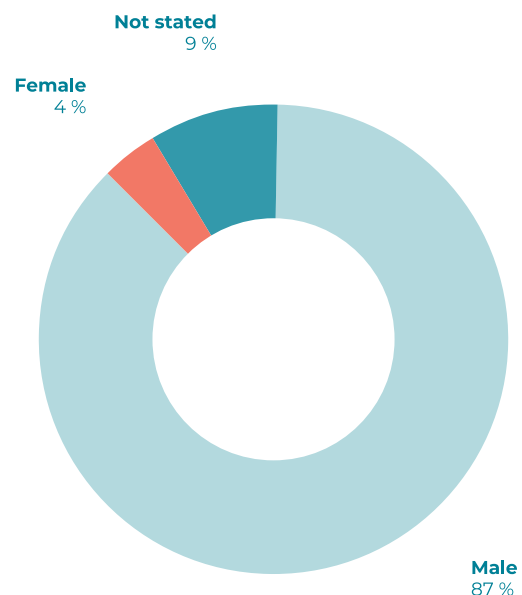


Figure B. Gender of alleged perpetrators

We note that this is the first time that ACFID Member Organisations have been asked to provide this information to a third party (other than through contractual requirements to DFAT or to a federation partner). The request was voluntary and strongly advocated by ACFID. While we were pleased with the eventual response rate we had no ability to compel organisations to address the gaps in data provision. The Review has identified a lack of mandatory external reporting to a central entity and related paucity of data on the prevalence of sexual misconduct as a major gap in addressing prevention of and response to sexual misconduct in the aid sector.

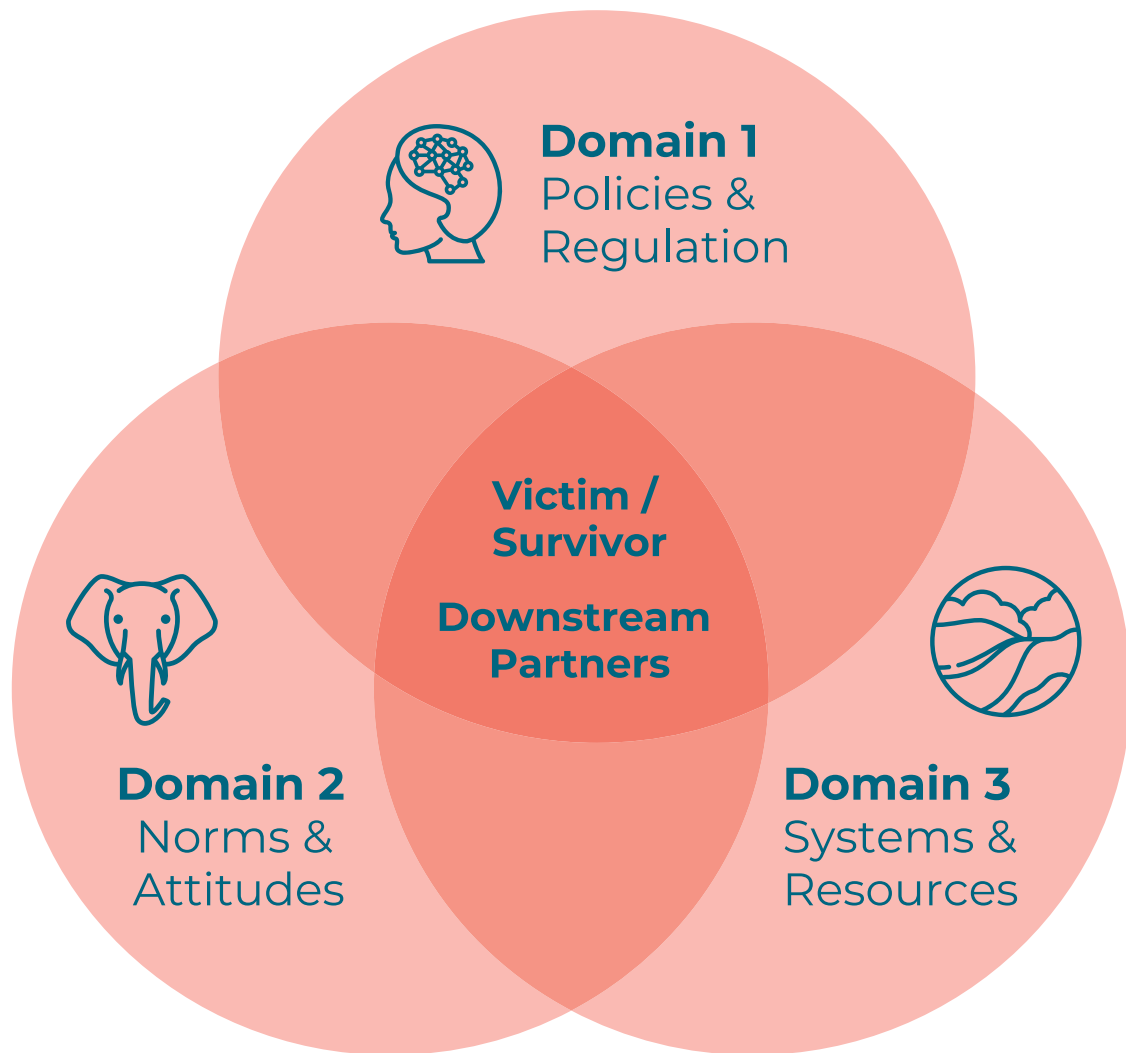


Figure C.

The Detailed Findings are divided into three key domains intersected with two threads:

These Domains relate to the three components of the analogy, the Rider, the Elephant and the Path respectively. The threads relate to “victim/survivor responses and downstream partners respectively.

1. Policies and Regulation

In the examination of policies and regulation at the organisation and sector level we paid close attention to; donor requirements, flow-on responsibilities for downstream partners and intersection with international jurisdictions and sector developments in this field. We identified that there was a need to require Australian sector-wide reporting data collection to ensure monitoring of incident management and inform future prevention and response initiatives.



DFAT

Donors have a very powerful influence on organisations through their funding arrangements, including contractual requirements to follow specified policies and reporting requirements. Under its Australian NGO Cooperation (ANCP) program, DFAT has a number of front-end risk management systems that are required for participating Australian non-government organisations (NGOs), including ACFID Members that receive funding.

DFAT revised its accreditation framework in May 2018. It includes numerous sexual misconduct-relevant requirements such as complaints handling, whistleblowing and incident management systems. DFAT's child protection policy (CPP) applies to all DFAT-funded partners including downstream partners. Mandatory reporting requirements pertain to any behaviour that is suspected of being child exploitation and abuse or policy non-compliance by any individual associated with a DFAT-funded project and extends to

any Australian citizen. Approximately one quarter of child protection notifications to DFAT involve Australian NGOs (ANGOs). Over the past decade DFAT has operationalised its CPP across the whole agency and has played an international leadership role in embedding CPP in international operations and humanitarian response and development work. Following a review of DFAT policies and procedures for managing sexual exploitation and abuse risks, a new sexual misconduct policy is being developed for expected publication in early 2019.

We find that DFAT's Child Protection Policy is comprehensive and robust for those organisations it funds.

ACFID

The ACFID Code of Conduct (the Code) is a voluntary, self-regulatory sector code of good practice and is governed through the Code of Conduct Committee. In May 2018 the Code of Conduct Committee instituted an independent review of the Code in relation to sexual misconduct provisions and a related compliance review by ACFID which reported in August 2018. The independent review of the Code made a number of recommendations, including ones relating to recruitment and governance. The compliance review found very high compliance with child

protection indicators; however, a significant minority of organisations required remedial action in other relevant indicators, with nearly half requiring remedial action with regard to whistleblowing policies (a new requirement under “the Code”)

We find that ACFID Member Organisations are in many ways well placed in terms of relevant organisational safeguarding policies and processes through the Code. ACFID is active in the practical implementation of relevant policies, through the Toolkit and ACFID Communities of Practice.

ACNC

The Australian Charities and Not-for-profits Commission (ACNC), is the nation’s charity regulator. The ACNC has stated that harm to beneficiaries is one of its key priority areas of focus especially in relation to children and vulnerable adults. It can receive reports of misconduct from within or without charitable organisations and can also identify possible cases through the analysis of data, including information in annual information statements. The ACNC states that it wishes to build on a culture of voluntary disclosure and improve its communication channels and understanding of sexual misconduct reporting requirements whilst balancing one of its objects which is to reduce unnecessary regulatory burden.

The ACNC Act provides for External Conduct Standards (ECS) which have recently been drafted by the Department of Treasury to provide a minimum level of assurance that registered entities meet appropriate standards of governance and behaviour when operating outside Australia.

We advise an approach that is based on the risk profile of the organisation and the affected people, rather than characteristics such as size of organisation and that this approach should also apply to downstream partners.

External Reporting

In Australia, other than DFAT child protection notifications under contract, there are no legislative or Commonwealth Departmental requirements for ACFID members to report sexual misconduct incidents within Australia. (Other obligations may exist to other international donors, or internally within International Non-government Organisation (INGO) Federations.)

In our survey, we learned that in addition to donor reporting obligations, 87.4% of respondents reported that they had a process for disclosure of incidents of sexual misconduct and furthermore that:

- **20%** of respondents had an obligation to report incidents to international federations (majority by medium-sized organisations)
- **30.5%** of respondents had an obligation to report incidents to other organisations (the majority were medium and large organisations)
- **38.9%** of respondents reported that they had no obligations to report incidents of sexual misconduct to another entity
- **3.2%** of respondents reported that they did not know what obligations their organisation had to report incidents of sexual misconduct to another organisation.

Where voluntary requests for reported incidents are made such as through this Review, the response rates are lower than those for compulsory requirements, although still higher than average when compared with other voluntary requests for information in surveys. When data on reported incidents that were voluntarily submitted to the Review was compared with compulsory DFAT data for the same time frame, nine of the 12 (75%) incidents that were reported to DFAT were not provided to us indicating that within the organisations that responded to us voluntarily, they likely underreported incidents. (We have no evidence that there is underreporting to DFAT.)

We find that even within a sector that is engaged and participatory, voluntary requests for information are not comprehensive and are not complete.

In consultation with ACFID, they have told us that ACFID can manage matters in relation to their Code, dealing with policies, processes and systems but it is not the right body to receive sexual misconduct incident report data as it does not have powers of compulsion to investigate or in-house expertise in safeguarding.

“We think that the issue of reporting is critical and that some entity needs to gather reports. We think that post Royal Commission [into institutional responses to child abuse] it is not tenable for charities to deal with it themselves and we think it is better for them to have regulatory oversight.”

Senior ACFID Officer

The ACNC told us that it was ready, willing and able to administer a reportable conduct scheme for international development NGOs should Parliament and Treasury decide that this be appropriate, subject to the required legislative change and funding support.

Recommendation

R01	Establish a Reportable Conduct Scheme (RCS) subject to funding and legislative requirements to apply to all organisations subject to the ACNC External Conduct Standard	1.Policies and Regulation	ACNC	Critical
R1.1	RCS should apply to all allegations of sexual exploitation and abuse, including child protection (substantiated or unsubstantiated) and cases of sexual harassment where governance or reputational implications apply.			
R1.2	RCS should include oversight of investigations and undertake random audits of completed investigations			
R1.3	RCS should monitor and evaluate data to inform practice and response			
R1.4	RCS should report publicly on aggregate trends, subject to amendments in ACNC secrecy provisions			
R1.5	RCS should align with other compulsory reporting obligations including DFAT’s contractual reporting for funded organisations and domestic child protection reporting requirements under State and Territory Reportable Conduct Schemes.			

It is our view that the reporting of incidents by organisations in their public annual reporting should be encouraged but not compelled.

Local Authorities

There is significant variation in the capacity of local authorities including police, prosecutors, medical practitioners and the judiciary in developing nations to deal effectively with cases of sexual misconduct. The Review has, however, observed a widespread reluctance by ACFID Member Organisations to report alleged incidents to local law enforcement authorities and a related over-reliance on internal reporting, support services and investigation processes. The ACFID Code mentions authority reporting obligations but does not specify that these should include local authorities. The DFAT CPP requires organisations to adhere to local laws but is otherwise silent on reporting obligations to local authorities.

The Australian Federal Police has powers in relation to Australians who travel overseas to engage in, encourage or benefit from sexual activity with children (under 16 years of age). According to the Australian Federal Police “this legislation is ‘only part of the answer’ and the more effective way to combat the sexual abuse of children is to enhance domestic law enforcement capabilities in destination countries for this activity. The offences should only operate as fall back provisions if and when other efforts fail”.

We acknowledge that reporting to local authorities has potential implications for the victim/survivor, particularly in jurisdictions where gender equality is not advanced and that this may have adverse effects on the welfare of the individual.

Recommendation

R02	ACFID and DFAT should develop a policy that allegations involving criminal sexual misconduct should be reported to local enforcement authorities as a default position. This should be regardless of local mandatory obligations, unless this is at odds with the wishes or welfare of the affected person or the life or serious welfare of the alleged perpetrator.	1.Policies and Regulation	ACFID; DFAT	Critical
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Pre-Employment Screening

The re-employment of perpetrators of sexual misconduct has been a prominent theme in the current debate around this issue and has featured strongly in interviews, stakeholder consultation, focus groups and the literature. Staff members are very concerned about how their information can be lawfully shared with future employers, particularly when it pertains to non-criminal conduct without violating privacy legislation or industrial agreements.

In interviews and surveys we found that there are some screening processes in place amongst the majority of ACFID Member Organisations. It is our opinion, however, that these processes currently do not go far enough in screening candidates.

The UK DFID recently announced a pilot with Interpol for a register to improve background checks for aid workers test a passport for aid workers and a sector-wide disclosure of misconduct scheme. We are aware of changes to vetting and screening that are anticipated in the ACFID Code of Conduct and DFAT PSEA Policy. We have noted the emphasis on regulation-tech at the ACFID Annual Conference 2018 and commend the use of innovation to address challenges⁴, we advise that it should also include mandatory international police checks.

⁴ Australian Council for International Development. (2018). Aid NGO-Sector Puts Spotlight on Safeguarding at Annual Conference. Retrieved from <https://acfid.asn.au/media-releases/aid-ngo-sector-puts-spotlight-safeguarding-annual-conference>

Recommendation

R03	ACFID should monitor and engage in the development of multi-lateral international humanitarian passporting and registration schemes and other forms of regulation-tech.	1.Policies and Regulation	ACFID	Moderate
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Interaction Between Systems and Requirements

Australian aid organisations form part of a complex network of partnerships with other international actors. Furthermore, the localisation agenda has driven an increase in localised responses. The result is a complex interplay of inter-jurisdictional policies, processes and laws. Nationally we have observed that the major agencies; DFAT, ACFID and ACNC have close relationships and interaction.

At the international Safeguarding Summit held in the UK in October 2018, donors made commitments to clearly communicate requirements for the reporting of incidents and to work towards aligned reporting practices. We heard in stakeholder consultations, interviews and in focus groups that organisations found it difficult to integrate requirements from different organisations. In interviews, there was a sense that addressing sexual misconduct is an emerging area of compliance within the aid and development sectors and the focus has been on child safety. Many of the participants had little to no experience managing sexual misconduct incidents and by default were discussing their processes in place to protect children from abuse.

We find that there is reasonable, although not universal integration of systems and requirements within organisations. We found that organisational size is a major factor in how successfully these systems are integrated and that the larger, better resourced organisations have a stronger capacity for such integration. This is discussed further in Domain 3.

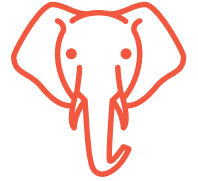
We recognise that international recognition of the ACFID Code of Conduct and related Quality Assurance Framework process would simplify reporting processes for organisations. We advise ACFID and DFAT to actively seek this in international donor discussion arising out of the commitment to align practices.

We note that DFAT and ACFID intend to keep child protection (CP) separate from its adult sexual misconduct reporting requirements. We have noted that these delineations can be complex and confusing for members and special attention should be paid to aligning these and supporting their implementation.

Recommendation

R04	ACFID Member organisations should publicise all steps that they have in place to prevent and respond to sexual misconduct in their on and off-shore activities through their web sites.	1. Policies and Regulations	ACFID	High
R05	DFAT and ACFID work together to advocate for international donor cross-recognition and accreditation of the ANCP accreditation system and ACFID Code of Conduct and ancillary Quality Assurance Framework systems.	1.Policies and Regulation	DFAT; ACFID	Moderate

Domain 2. Social norms and attitudes



In the examination of social norms and attitudes we explored the key cultural factors that enable sexual misconduct and inhibit the reporting of sexual misconduct. We found that understanding and responding to behaviours and creating a safe reporting culture is key to motivating people and organisations to change behaviours.

Recognising and Understanding Behaviours

It is normal for people to form relationships with people who are around them. However there are unique factors in the aid environment which means that there is a greater potential for relationships to be inappropriate and potentially constitute misconduct. Field work is characterised by blurred boundaries between work and leisure and can involve displacement from existing home-based social networks. Maladaptive responses to stress either directly or through the misuse of alcohol or drugs can increase the risk of sexual misconduct.

There is no clear definition of sexual exploitation or consent. Consensual relationships between adults who may have different degrees of power have the potential to be exploitative. This includes sex that involves the transaction of money or services. Factors affecting such a power differential are usually socio-economic factors which may include adversity through conflict, crisis or disaster or marked age differential.

For this reason sex between aid workers and people from an affected population has a greater potential to be exploitative, possibly inherently so, during humanitarian crises. However most incidents reported to us occurred in a development context and we acknowledge that there are unique risk factors for sexual misconduct associated with long term placement within a population. ACFID told us that organisations need to be aware of how behaviours from their staff can be perceived as being reasonable or safe when organisations consider responses.

We heard and observed a sectoral reluctance to engage in conversations with staff about sex. At the same time, managers will increasingly be expected to undertake conversations with field staff about personal relationships that may be seen to breach codes of conduct.

We need to have those tricky conversations because people are going to have sex.

Recommendation

R06	ACFID Member Organisations should ensure that pre-deployment training includes scenario-based discussions about power imbalances, status and workplace cultures of the destination nation and how these factors can impact on work and personal relationships	2. Social Norms and Attitude	CEOs & Boards of ACFID Members	High
R07	ACFID Member Organisations should embed psychological welfare within their HR program as part of sexual misconduct prevention processes.	2. Social Norms and Attitudes	CEOs & Boards of ACFID Members	Moderate
R08	ACFID Member Organisations should support the understanding of healthy sexual relationships through training of field managers and regular local workshops for staff.	2. Social Norms and Attitudes	CEO & Board of ACFID Members	Moderate
R09	ACFID Member Organisations should actively adopt measures to prevent and respond to transactional sex in field work (particularly in humanitarian response work) by making changes to Codes and policies, and through training and recruitment.	2. Social Norms and Attitudes	CEOs & Boards of ACFID Members	High
R10	ACFID Member Organisations should align approaches to sexual harassment, child protection and exploitation and abuse within a wider framework of gender equity whilst acknowledging the need for different responses to each.	2. Social Norms and Attitudes	CEOs & Board of ACFIDs Members	Moderate

Downstream Translation

As noted in our results, most incidents in the field that were allegedly perpetrated by aid workers against people from an affected population involved national staff employees and downstream partner staff. Participants in interviews and focus groups told us that there were significant challenges in implementing sexual misconduct policies with downstream partners. In incidents reported to us, the highest number and proportion to funding activity occurred in Papua New Guinea, Vanuatu and Zambia.

In our systematic best practice review in relation to sexual misconduct we found consultation and inclusion of national staff, in-country partnerships and cultural context to be important themes.

This should involve:

- Consultation and incorporating feedback from national staff regarding prevention strategies.
- Ensuring that individuals from affected populations are made fully aware of the expected behaviour of humanitarian aid and development workers, including organisational commitments to sexual misconduct prevention.

- Establishing and maintaining community trust in affected populations through early consultation with community representatives. Consideration must be given to cultural context, logistical constraints, existing complaint and victim assistance structures, and desires of the community.
- Establishing a response structure for humanitarian aid and development organisations partners that is context and survivor appropriate.
- Supporting partners to build capacity to increase awareness among affected populations to empower them to report sexual misconduct via community-based response mechanisms.
- Engaging field offices in the design, development, implementation and monitoring of community based reporting mechanisms.

There are many challenges in supporting downstream partners to adopt and operationalise relevant safeguarding policies and practices, but we observed a sophisticated understanding of the myriad challenges and a practical ability of ACFID Members to understand and work around these hurdles and to adapt to local cultural contexts. The flow-on of safeguarding governance requirements to downstream partners generates partner organisational benefits that are beyond contractual compliance. This is especially the case for those with higher risk because their core focus is children or otherwise vulnerable adults.

Barriers to reporting by individuals from affected populations mostly relate to culture, power and knowledge. Furthermore, there is incongruity between Australian and overseas legislation that could cause confusion when reporting unlawful behaviour.



In the field trip, we saw flow-on requirements to downstream partners for child protection and related considerations, such as gender equity and disability rights and access, have a profound and probably under-recognised capacity to develop benefits for partner organisations. While this work could be seen as peripheral to the core activity that might be the provision of emergency sanitation facilities, it has long term effects. The requirement to support downstream partners through this process contributes to organisational capacities in governance, service delivery and reporting. It also deepens the relationship between the partner entities and supports the cause of localisation

Recommendation

R11	ACFID through its Child Rights Community of Practice should consider a primary prevention strategy for child sexual abuse in the aid sector that may include promoting awareness of the Stop it Now! Campaign.	2. Social Norms and Attitudes	ACFID	Low
R12	ACFID should consider the development of generic sexual misconduct materials with a focus on gender inequity and power imbalances that can be localised by small Member Organisations for implementing partners.	2. Social Norms and Attitudes	ACFID	Moderate

Leadership, Governance and Reporting Norms

Victim/survivor approaches are required to improve a reporting culture and change the norms perceptions within organisations. This forms part of a virtuous circle that helps build an organisational environment which can reduce or prevent the likelihood of sexual misconduct. Poor organisational cultures for reporting workplace sexual misconduct can create a 'nothing to see here' environment where a lack of reports can be erroneously interpreted by leadership as a sign that there are no workplace issues. This can then feed into a perception by victim/survivors and potential perpetrators that sexual misconduct is tolerated within the organisation. We heard that under-reporting was a big problem within organisations. This is consistent with findings from Australian national surveys and there is no evidence to suggest that under-reporting is more or less of a problem within the aid sector than elsewhere.

While organisations favour formal reporting mechanisms these reporting structures can be intimidating. Bystander training can equip staff with the confidence and skills to identify and take action when they either witness sexual harassment or hear about it after the event⁵. This in turn contributes to a workplace culture which does not tolerate sexual harassment. This can be a powerful step towards building a reporting culture in which all staff take responsibility for calling out inappropriate behaviours. It is important for senior leadership staff to model appropriate behaviour and a zero tolerance to inaction towards gender inequity, homophobia and sexual misconduct through their words and actions.

We found a strong alignment of participants with the values of the organisation and a strong commitment to safeguarding and safe work cultures. However, there may be underrepresentation of diversity within some organisations, particularly at senior management and Board level.

⁵ According to the Australian Human Rights Commission bystanders are four times more likely to report than the victim of harassment, with 82% of people who saw harassment taking some kind of action Australian Human Rights Commission. Taking bystander action against sexual harassment in the workplace: A fact sheet for employees. Retrieved from <https://www.humanrights.gov.au/sites/default/files/Bystander%20fact%20sheet%20%28employees%29%20amended%20final.docx>

Recommendation

R13	ACFID Member Organisations should preferentially document all misconduct incidents even if the management response is “informal”, taking into account the wishes and welfare of the victim/survivor.	2. Social Norms and Attitudes	CEOs & Boards of ACFID Members	High
R14	ACFID Member Organisations should add gender and safeguarding expertise to the desirable skills and experience sought when recruiting new members for governing bodies.	2. Social Norms and Attitudes	CEOs & Boards of ACFID Members	High
R15	ACFID Member Organisations should have safeguarding as a standing agenda item for governing body meetings and all misconduct incidents should be reported to senior management and governing bodies (in addition to compliance with contractual reporting requirements).	2. Social Norms and Attitudes	CEO & Board of ACFID Members	High
R16	ACFID Member Organisations should develop a leadership charter for governing members and senior managers which include a commitment to gender equity and safeguarding.	2. Social Norms and Attitudes	CEOs & Boards of ACFID Members	High
R17	ACFID Member Organisations should ensure that gender equity is an internal organisational priority as well as a program priority.	2. Social Norms and Attitudes	CEOs & Board of ACFIDs Members	High
R18	ACFID Member Organisations should work with their staff, partners and communities to challenge male attitudes towards girls and women, which permit or excuse sexual misconduct internally and in program activities.	2. Social Norms and Attitudes	CEOs & Board of ACFIDs Members	High
R19	ACFID Member Organisations should ensure that implementing partners have an informed understanding of what behaviours are inappropriate and how to report, investigate, document and manage sexual misconduct incidents.	2. Social Norms and Attitudes	CEOs & Board of ACFIDs Members	High
R20	ACFID Member Organisations should ensure that commitment to the rights of women and LGBTI+ persons and bystander responsibility training is included in sexual misconduct prevention training.	2. Social Norms and Attitudes	CEOs & Board of ACFIDs Members	High

Domain 3: Systems and Resources



In examining the sector's systems and resources we have determined processes for environmental change that can help to shape the path of sexual misconduct response.

Best practice in prevention of and responding to sexual misconduct involves a growing knowledge base which is derived from the work of large organisations such as United Nations bodies and large federated aid organisations as well as platforms and organisations such as the CHS Alliance. The translation of some of the best practice approaches will need to be prioritised and scaled in relation to the size and activity base of ACFID Member Organisations.

We identified three key themes that applied across all aspects of sexual misconduct prevention and response. They are:

- Victim/survivor-centric responses including confidentiality
- In-country partnerships
- Training

Prevention:

Organisations should make a clear commitment to the prevention of sexual misconduct in recruitment processes and have clear pre-employment screening. When on-boarding, organisations should ensure that staff receive clear explanations of the organisation's definitions, policies and procedures, mechanisms for investigation, and measures of accountability relevant to sexual misconduct and that ongoing refresher training be provided through multiple mediums (such as staff meetings, training, web-sites, communication forums).

Detection and Reporting:

Victim/survivor outreach and communication channels are very important in sexual misconduct detection and reporting. We note and commend that the independent review of the Code of Conduct recommended that all ACFID Member Organisations appoint a focal point as a verifier for the organisation's commitment to advance safeguarding.

Protocol development is important in misconduct reporting. These protocols should be:

- clearly explained,
- easily accessible,
- clearly delineate 'formal reporting' from any 'informal reporting' system that may be in place,
- include a mechanism outside the regular chain of reporting, and include multiple reporting entry points and mechanisms.

Where the alleged sexual misconduct constitutes a criminal allegation and it is not against the informed choice or best interests of the victim/survivor, a report should also be made to the local authorities. Where there are apparent conflicts, medico-legal or ethical advice should be sought. DFAT and the AFP may act as sources of local information in such instances.

Investigations & Response

Organisations are obliged to investigate reports where their staff are involved or where it relates to a program risk. Whilst ensuring a victim/survivor focus, investigations should ensure professional, transparent and impartial conduct is also afforded to an alleged perpetrator. Consideration should be given to whether or not the person should remain in their role, while the investigation is undertaken.

It is important that investigations adhere to the best possible principles and uphold the relevant standard of proof, that of the non-criminal standard of “balance of probabilities”, fairly and transparently. Investigations should be conducted by appropriately trained personnel who may be internal staff or external

specialists. Pooling of sexual misconduct investigative capacity can help to maximise resources and expertise. Investigative capacity and robustness is also enhanced by a peer-review process between aid organisations. Confidentiality was mentioned as a concern in most of the confidential submissions to the Review.

We note and commend that the Independent Reviewers of the ACFID Code of Conduct Review recommend a new requirement in the Code for “members to have established investigation procedures, including for sensitive and specialised investigations such as allegations of sexual exploitation and abuse”.

Recommendation

R21	ACFID Member Organisations should ensure that appropriate staff members are trained in international investigation of sexual misconduct or outsource investigations to specialist providers.	3. Systems and Resources	CEOs & Boards of ACFID Members	High
R22	ACFID Member Organisations should provide feedback to the person making a misconduct complaint within applicable privacy provisions and in consideration of victim/survivor needs.	3. Systems and Resources	CEOs & Boards of ACFID Members	High
R23	ACFID Member Organisations should develop a survivor – centered sexual misconduct response protocol based on guides, such as those produced by the CHS Alliance, to support internal investigations and UN Women.	3. Systems and Resources	CEO & Board of ACFID Members	High

Accountability and Redress

Institutionalising a culture of ‘zero tolerance to inaction’ for sexual misconduct inaction requires robust policies for sanctioning perpetrators, and ensuring that substantiated allegations result in appropriate disciplinary action (such as dismissal or suspension). It is important that they have access to timely and professional physical, psychological, emotional, legal, social and career support services.

Recommendation

R24	ACFID Member Organisations should include reparation for victim/survivors such as long term access to medical and legal services and other forms of support in sexual misconduct policy design.	3. Systems and Resources	CEOs & Boards of ACFID Members	High
R25	ACFID Member Organisations should be prepared to provide long- term support to victim/ survivors even after the employee has ceased employment cases of sexual harassment, assault and rape.	3. Systems and Resources	CEOs & Boards of ACFID Members	High

• Resources Funding

The aid sector experiences great pressures on resources due to an almost infinite need balanced against a finite funding environment. Administrative costs are a real disincentive to downstream safeguarding measures and it can be difficult to advocate for allocation of resources to donors, the public and also to beneficiaries. Larger organisations had established very strong systems for reporting, investigations and management. Smaller organisations, whilst making the best use of

the resources they have, are limited to more direct engagement with employees and partners to ensure a robust reporting and management strategy is in place and this often relies on outsourcing expertise. Participants told us it is difficult to report on an absence [of sexual misconduct reports] and conversely increased awareness of sexual misconduct and the creation of opportunities to report can result in an increase of reports that can (counter intuitively) be seen as a 'good' indicator.

Recommendation

R26	DFAT and other donors should recognise the central cost of sexual misconduct safeguarding expertise as an eligible program cost for offshore work.	3. Systems and Resources	DFAT	High
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• Skills & Knowledge

Sexual misconduct, or at least that which is distinct from child protection, is an emerging area of compliance within the aid sector and that the priority focus until now has been child safety.

The priorities areas for resources are:

- Victim/survivor-centred sexual misconduct policies;
- Complaint mechanisms;
- Investigation;
- Ethics and medico-legal advice providers;
- Downstream partner safeguarding capacity building;
- Monitoring of sexual misconduct prevalence trends and trends;
- Monitoring and dissemination of international best practice in safeguarding.

ACFID already has a good practice toolkit, which is a significant pool of resources to support members to meet code compliance requirements. The CHS Alliance also has relevant resources. We note that international donors committed to exploring options for an international Resource and Support Hub at the Safeguarding Summit in October 2018.

Recommendation

R27	ACFID should create a Safeguarding Peer to Peer Mentor Scheme.	3. Systems and Resources	ACFID	High
R28	ACFID should establish a Safeguarding Community of Practice (that aligns with, but is separate from, Child Protection and other related Community of Practice (CoP))	3. Systems and Resources	ACFID	High
R29	ACFID should document enhanced safeguarding good practice and tools in its Good Practice Toolkit for the Code of Conduct	3. Systems and Resources	ACFID	High
R30	DFAT, ACFID & ACNC should work together to ensure the accessible provision of safeguarding resources. This may be through the proposed International Safeguarding Hub or through domestic arrangements.	3. Systems and Resources	ACFID	High
R30.1	Resources should include practical implementation guides for localisation of sexual misconduct policies for implementing partner organisations.			
R30.2	Resources should include a Safeguarding Expertise Register for specialist investigation agencies and investigation trainers; medico-legal services and ethics advisory bodies.			

- **Capacity building**

Organisations have relied excessively on internal investigation and reporting. Consideration should be given to international capacity development in the investigation of sexual violence for those services that play key roles in this process including police, prosecutors, the judiciary, medical practitioners and victim/survivor support services. This needs to be a system-wide endeavour. From primary and secondary research undertaken in this review that in the Pacific region PNG, Timor-Leste and Vanuatu should be priorities for this work.

Recommendation

R31	DFAT should consider capacity development in the investigation of sexual violence as an aid priority for justice and health systems in nations where it is determined that there is clear service failure.	3. Systems and Resources	DFAT	High
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PART 3:

INTRODUCTION

Part 3: Introduction

The international aid and development sector (hereafter “aid”) sector helps to save and improve the lives of millions of people across the globe. Within the sector, aid workers characterise their motivations as being driven by the need to help others. Aid workers often experience higher levels of stress and receive lower levels of remuneration relative to their skills and education than they might earn in other sectors. The Australian aid sector is characterised by a high return on money spent on fundraising. The sector is committed to focus their attention where the need is high.⁶

The Australian Council for International Development (ACFID) is the peak body for Australian non-governmental organisations (NGOs) involved in international development and humanitarian action. ACFID unites 119 organisations to strengthen their collective impact against poverty. ACFID members are one fifth of international development NGOs but represent 75% of the money spent and 80% of employed staff. ACFID members range from small NGOs with a development spend of under \$1 million annually (comprising approximately 35% of members) to globally federated NGOs. One third of ACFID members are faith based.

Reports of sexual misconduct by people associated with the international aid sector have shocked many around the world. These include stories of the sexual assault of adult program beneficiaries by aid workers, the sexual assault of aid workers, sexual harassment between aid workers and the sexual abuse of children. Both Government and the broader community have been appalled by such media reports.

However, we are also reminded in this context that sexual violence is common in society and recent reports of sexual misconduct abound from the entertainment industry, hospitality, politics and health sectors.

The aid sector has now entered a period of accelerated self-reflection on sexual misconduct and it is within this context that this Review was commissioned.

ACFID and our members are totally committed to safeguarding the people we seek to help and who we work alongside. We want to send a clear message that we are listening to the concerns that have been raised following the reports in the UK and will work to ensure that we are meeting world’s best practice in Australia when it comes to preventing and responding to sexual misconduct. ACFID and our members will unceasingly assess how we can improve practice.

Marc Purcell, ACFID CEO

⁶ Australian Council for International Development. (2018). State of the sector report. Retrieved from <https://acfid.asn.au/about/state-sector>

At its October 2018 Annual Conference in Sydney the ACFID Council adopted a resolution to:

1. Acknowledge the critical importance of sector leadership to establish an enabling environment for preventing sexual misconduct, exploitation, abuse and harassment in ACFID member agencies;
2. Affirm the importance of adopting a transformative approach to preventing sexual misconduct, exploitation, abuse and harassment in our organisations, by challenging gendered power relations and individual and systemic gender norms, ensuring allocation of resources to achieve change, and adopting ethical frameworks to promote changes to organisational policies, procedures, and cultures. and
3. Assert the prioritisation of the rights, needs, and wishes of the survivor, while ensuring natural justice for all parties to a complaint as guiding principles for ACFID member agencies in preventing sexual misconduct, exploitation, abuse and harassment in our organisations;
4. Ensure that our organisations use the VIFM Report recommendations as the starting point to drive the prevention of sexual misconduct, exploitation, abuse and harassment, and undertake to do so within the shortest practicable timeframe following the release of the VIFM Report⁷.

This Review, in line with its terms of reference, has assessed relevant areas of misconduct across multiple intersecting planes in line with the Gender at Work Framework reproduced below.⁸ The Framework highlights the interrelationship between gender equality, and organisational change and institutions held in place by power dynamics within communities. (See figure D. page 35)

The Review has adopted a change model to assess the sector in terms of three key areas, based on an analogy of the Rider, the Elephant and the Path.⁹ In the analogy, the Rider, or the rational aspect of an entity, appears to be in charge, but the Elephant, or the emotional aspect, is much stronger and influential. The Path, or the environment, shapes the surroundings to facilitate travel. All three of these elements intersect to enable purposeful forward momentum.

In the first part of the Review, we discuss the Rider, represented by the sector's policies and regulations. We will discuss the extent to which the policies and regulations create effective frameworks for specific actions and tactics to prevent and address sexual misconduct.

In the second part of the Review, we discuss the Elephant, represented by the sector's culture, norms and attitudes and the extent to which these are influential in relation to sexual misconduct and also how they may be influenced and galvanised to effect change.

In the final part of the Review, we discuss the Path, namely the sector's environment, its practical landscape, and demonstrate that improvements in systems and resources can support positive change to occur.

⁷ Australian Council For International Development. (2018). ACFID resolutionNo.2/2018.

<https://acfid.asn.au/media-releases/aid-ngo-sector-puts-spotlight-safeguarding-annual-conference>

⁸ Gender at work. (2018). Gender at work framework: explained. Retrieved from <https://genderwork.org/analytical-framework/>

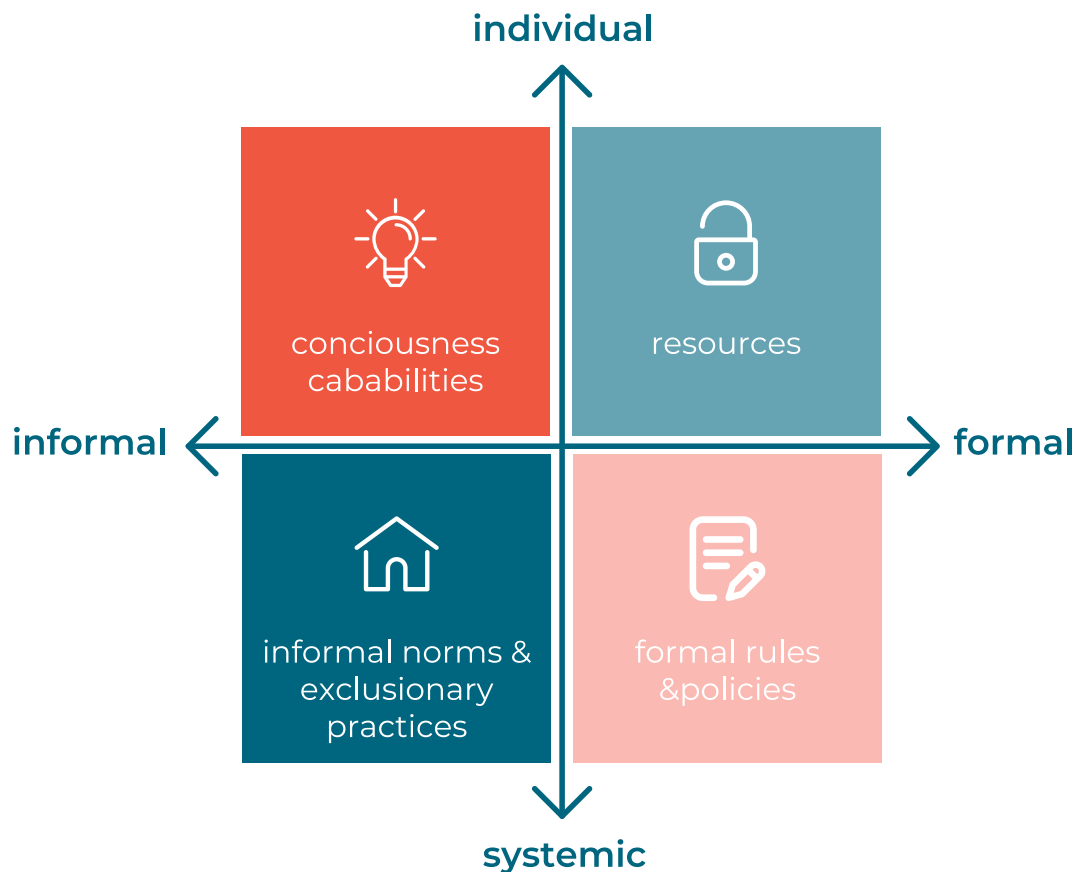


Figure D. Domains and mechanisms for change

3.1 USE OF LANGUAGE IN THIS REPORT

For the purpose of this report the following choices have been made in relation to language:

On the basis that people with lived experience of violence may have differing preferences for the language that is used to describe their experiences we will from here on use the terminology of victim/survivors as used by the Centre Against Sexual Assault¹⁰.

In **sexual violence and safeguarding** we recognise that there is no single definition of these terms. For the purposes of the Review, we will use the term ‘**sexual misconduct**’ as an all-encompassing term as defined by our terms of reference. This includes exploitation and abuse, child sexual abuse and exploitation, sexual harassment and any other form of sexual violence. However, where specific literature, documents or participants refer to a subset of these terms, the term from the original source will

be used to avoid confusion with other terms where that is not the intent of the source. Similarly, where reference is made to a specific behaviour that forms a subset of sexual misconduct, such as sexual abuse, then that term will be used instead. In particular, SEA or SEAH, referring to sexual exploitation and abuse (SEA) and/or harassment (SEAH), may be used in some instances to differentiate the concepts being discussed from child protection issues. A particular example where this is the case is in relation to new policies relating to sexual misconduct that are broader than child protection policies, where the latter pre-exist.

⁹ Based on Jonathan Haidt’s analogy popularised in Heath C & Heath D (2011). Switch: How to change things when change is hard. Cornerstone. London

¹⁰ Centre Against Sexual Assault. Language. http://www.casahouse.com.au/index.php?page_id=144

Sexual Exploitation –

Any actual or attempted abuse of 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. (Of note, sex work is not inherently exploitative. This is discussed further in Domain 2 of Part 5.)

Sexual Abuse –

Actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. This includes against a child.

Sexual Harassment –

Sexual harassment refers to prohibited conduct in the work context and can be committed against staff and related personnel. In the context of humanitarian aid organisations, sexual harassment primarily describes prohibited behaviour against another humanitarian aid organisation staff member or related personnel, which may also include nationals of the host state. It involves any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. This includes sexual harassment that is conducted

online or via social media. Sexual harassment is not sexual exploitation and abuse (SEA) although sexual harassment behaviours are part of a spectrum of behaviour within SEA.

Sexual Violence –

Sexual violence includes, rape/attempted rape, sexual abuse and sexual exploitation. Sexual violence is also ‘any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic a person’s sexuality, using coercion, threats of harm or physical force, by any person regardless or relationship to the victim, in any setting, including but not limited to home and work.’ Sexual violence takes many forms, including rape, sexual slavery and/or trafficking, forced pregnancy, sexual harassment, sexual exploitation and/or abuse, and forced abortion.

Child Sexual Abuse –

The involvement of a child in sexual activity that he or she does not fully comprehend, , or for which the child is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society. This may include but is not limited to:

- *The inducement or coercion of a child to engage in any unlawful sexual activity;*
- *The exploitative use of a child in prostitution or other unlawful sexual practices;*
- *The exploitative use of children in pornographic performance and materials.¹¹*

¹¹ Consultation on Child Abuse Prevention (1999:Geneva, Switzerland), World Health Organization

- Acknowledging that individuals in communities receiving aid may have differing preferences in the language that is used to describe them, we have used the term ‘**beneficiaries**’ consistent with common usage, except where alternative terms such as “person from affected population” or “primary stakeholder” has been used by the source of the information.
- The “**aid sector**” comprises a wide range of actors including governmental, non- governmental, international organisations, other donors, private companies, contractors, local and international staff and private citizens. Whilst acknowledging the interrelatedness of many issues, when we detail matters pertaining to the “sector”, we specify the particular context and ask the reader to remain mindful of limitations of generalisability to the ACFID Members on whose practice and response the Review focuses.
- Considering that of the aid delivered by NGOs, activities are divided into three main areas of activity, namely **humanitarian** relief, involving the response to major disasters, long-term community **development**, to empower poor communities to find solutions to problems, and **advocacy and education**, to influence business and government policy.¹² These are collectively considered as aid work, acknowledging that there may be relevant differences between each with regards to the practice and response to sexual misconduct.
- With regard to **ACFID Member organisational size**, classification is according to annual funding disbursed to international programs, program support costs and community education, with this amount being less than \$1 million for organisations classified as small, between \$1 million and \$10 million for organisations classified as medium and \$10 million or more for organisations classified as large.¹³

¹² World Vision Australia. (2015). What are the different types of aid? Retrieved from [https://www.worldvision.com.au/docs/default-source/school-resources/what-are-the-different-types-of-aid-\(updated\).pdf?sfvrsn=0](https://www.worldvision.com.au/docs/default-source/school-resources/what-are-the-different-types-of-aid-(updated).pdf?sfvrsn=0)

¹³ Australian Council for International Development. (2018). Membership Fees. Retrieved from <https://acfid.asn.au/content/membership-fees> World Vision Australia. (2015). What are the different types of aid? Retrieved from [https://www.worldvision.com.au/docs/default-source/school-resources/what-are-the-different-types-of-aid-\(updated\).pdf?sfvrsn=0](https://www.worldvision.com.au/docs/default-source/school-resources/what-are-the-different-types-of-aid-(updated).pdf?sfvrsn=0)

In commenting on our findings, these terms have been used to define the people we refer to:

ACFID Member Participant is used to refer to the organisational representatives who contributed to the Review through involvement in any of the following: Interviews, the on-line survey, the reported incidents tool, focus group, field trip meetings or through making a direct submission to the Review.

Child is defined as any individual under the age of 18, irrespective of local country definitions of when a child reaches adulthood.

Complainant is used to describe an individual who has reported an incident or incidents of sexual misconduct. This may be a victim/survivor or another person who is aware of the wrongdoing.

Contractor is used for an individual or organisation contracted for short term work in humanitarian response or development projects.

Downstream Partner¹⁴ refers to an in-country NGO or government agency that works with the ACFID Member Organisation as an implementing partner.

Field Expatriate Worker is an employee who is not a national of the host country. Field National Worker is an employee who is a national of the host country.

Head Office Worker is an employee who is working in an Australian office of the organisation (regardless of nationality).

LGBTIQ+: refers to people who identify as lesbian, gay, bisexual, transgender, intersex, queer (or questioning) with the + acknowledging there are many other sexual orientations, gender identities, and gender expressions.

Perpetrator is used to describe people who have perpetrated sexual misconduct. Where it is not established whether sexual misconduct was perpetrated by them they will be referred to as 'alleged perpetrator'.

Review Contributor includes a stakeholder, an individual with relevant expertise or a confidential contributor. If the material is specific to their role then the organisation may be attributed as the source.

¹⁴ We acknowledge that implementing partner is another term used to describe organisations that work with ACFID members to implement programs. The term "downstream partner" was chosen at the data collection stage in consultation with ACFID and the Reference Group and will be used throughout this report for consistency. Australian Council for International Development. (2018). Membership Fees. Retrieved from <https://acfid.asn.au/content/membership-fees>

Some Important Ethical Considerations

We recognise that there are many relevant ‘individuals’ when discussing sexual misconduct. They include the people involved, the ACFID Member organisation and other entities including donors and regulators. In this Report we hold to the following principles. As a general principle, the interests of the victim/survivor should be the primary concern. Their interests are informed by the principle of autonomy, that is, their expression of informed choice, and secondly, by the principle of beneficence, that is, their best interests.

For a person to make an informed choice they need to have capacity (that is, they need to be able to understand the information, remember it, weight it up to make a decision and communicate that decision), be given adequate information, be given a reasonable opportunity, that is time, to make a decision and be able to consent freely without pressure.

Where a person does not have capacity to make an informed choice, by virtue of age¹⁵ or intellectual capacity, or if their choice cannot be established, for example, if after reasonable efforts they are not identifiable or otherwise uncontactable, then a decision should be made in the best interests of that person.

We hold a view, however, that this priority is not absolute. Prioritisation may require contextual balance, particularly where there are conflicts with other interests, either those relating to beneficence, or justice. That is, the interests of the wider community. In cases where such conflicts arise, medico-legal or ethical advice should be sought.

Aligned with this is the notion often stated in the literature and media of zero tolerance towards sexual misconduct. Whilst we strongly support the principle of zero tolerance and recognise the importance this has in the response to prevention of sexual misconduct, we acknowledge that a zero tolerance policy has the potential to conflict with other interests. For this reason, in this review, we will advocate for a “zero tolerance to inaction” which allows for victim/survivor-centric responses whilst acknowledging that on occasion conflicts may require interests to be balanced.

We hold a view that victim/survivor-centric organisational and institutional responses will minimise the risk of conflicts. This will be discussed at relevant stages throughout this Report.

3.2 Scope and Approach

What We Have Been Asked To Do

On the 24th May 2018, ACFID announced that its Board had commissioned the Victorian Institute of Forensic Medicine (VIFM) to conduct an independent review of ACFID Members’ current understanding and application of global best practice in the identification, response to and prevention of sexual misconduct.¹⁶ ACFID developed comprehensive terms of reference for the Review requiring an assessment of the robustness of ACFID’s current system and the identification of new or improved approaches and practices. The delivery of the Review was managed through ACFID’s internal taskforce and the ACFID Review Reference Group.

The Review aims to identify issues and make recommendations that will provide a roadmap to drive lasting improvements in the prevention of and response to sexual exploitation, abuse and sexual harassment by ACFID Members.

¹⁵ Age does not preclude a person’s ethical capacity to consent, although different legal jurisdictions may vary in their recognition. Generally, mature minors (that is children aged 16 and 17) can be taken to have capacity, but if their wishes conflict with what others consider to be in their best interests, then further advice should be sought.

¹⁶ Australian Council for International Development. (2018). Independent review to improve practice and response of ACFID members in the prevention of sexual misconduct. Retrieved from <https://acfid.asn.au/news/independent-review-improve-practice-and-response-acfid-members-prevention-sexual-misconduct>

The need for a Review

The real level of prevalence of sexual misconduct is unknown because these behaviours often go unreported, however we do know that:

- Sexual misconduct, in a range from sexual harassment to sexual violence ending in death, happens in all societies.
- Women and children are most often the victims of this.
- Men are most often the perpetrators.
- Gender inequality, poverty, displacement and disability are factors that make sexual misconduct more likely.
- In many nations, inadequate legal protections, and ill-informed police, medical and prosecutorial investigations contribute to impunity for perpetrators.
- Sexual misconduct can have a life-long and ruinous effect on the lives of individuals in the form of psychological, physical and emotional trauma that can lead to drug and alcohol dependence, other risky behaviours and suicide.
- There is a significant societal burden in terms of the cost of justice and health services, lost productivity and a lack of confidence in justice systems.

We have known about some forms of sexual violence in the global aid sector since 2002. The sector has responded with wide-ranging commitments, policies and procedures to protect vulnerable people, and children in particular, from sexual violence. Notably, there has been an Inter-Agency Standing Committee (IASC) Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises. Subsequently the Humanitarian Accountability Project²⁰, and more recently the Core Humanitarian Standard (CHS) Alliance²¹ have been powerful initiatives supporting the response to safeguarding.

In recent years, other aspects of sexual violence in the international aid sector have become evident. These include violence perpetrated against aid workers, as well as violence previously documented as being perpetrated by aid workers against beneficiaries.²²⁻²³ Over the last year worldwide recognition of the prevalence of sexual harassment and violence has been reinforced through the '#MeToo'²⁴. This has been credited with triggering global action and increased reporting, particularly in media, politics and entertainment industries before flowing on to the aid sector.

¹⁷ Naik, A. (2002). Protecting children from the protectors: Lessons from West Africa. *Forced Migration Review*, 15, 16-19.

¹⁸ Save the Children UK. (2006). *From camp to community: Liberia study on exploitation of children*. Monrovia: Save the Children UK.

¹⁹ Inter-Agency Standing Committee. (2018). *Protection from sexual exploitation and abuse by our own staff*. Retrieved from <http://www.pseataskforce.org/>

²⁰ Doane, D. (2000). *The Humanitarian Accountability Project: A voice for people affected by disaster and conflict*. *Humanitarian Exchange*, 17, 19.

²¹ CHS Alliance. (2018). *Who we are*. Retrieved from <https://www.chsalliance.org/who-we-are>

²² Nobert, M. (2017). *Addressing sexual violence in humanitarian organisations: Good practices for improved prevention measures, policies, and procedures*. Report the Abuse. Retrieved from <https://www.interaction.org/document/report-abuse-addressing-sexual-violence-humanitarian-organisations-good-practices-improved>

²³ Mazurana, D., and Donnelly, P. (2017). *STOP the sexual assault against humanitarian and development aid workers*. Somerville: Feinstein International Center, Tufts University.

²⁴ The MeToo movement refers to awareness of the widespread nature of sexual violence in society first founded by Tarana Burke in 2006 and subsequently used to represent the global social-media galvanised movement that was reignited in October 2017 following misconduct allegations against Harvey Weinstein.

In February this year, reports²⁵ of sexual misconduct by staff employed by Oxfam-GB in Haiti in 2011 and Oxfam's subsequent response drew widespread condemnation with regard to exploitation and abuse within the sector. Subsequent reports of harassment within Save the Children UK raised concerns about the extent to which cultural and governance factors may enable sexual misconduct within the sector.

In 2018 a spotlight has been put on sexual misconduct in the aid sector with key international events, including:

- Independent Commission on Sexual Misconduct, Accountability & Culture Change within Oxfam and the wider humanitarian and development sector, which will publish findings by May 2019²⁶.
 - The UK International Development Committee Report on Sexual Exploitation in the Aid Sector²⁷, which found that sexual exploitation and abuse is endemic across the broader aid sector, including peacekeeping and UN operations and that the sector had failed to engage in the issue adequately.
 - The International Safeguarding Summit, in October 2018, organised by the UK government that coincided with the final stages of this Review report.
- In Australia, the following has occurred:
- The ACFID Board announced this Independent Review into the Practice and Response of its members in the prevention of sexual misconduct in May 2018. We published our Interim Report in August 2018.²⁸
 - The ACFID Code of Conduct Committee:
 - Commissioned an independent Review of the Code of Conduct in May 2018 and the report was received in August 2018.²⁸
 - Conducted a compliance review of its Quality Assessment Framework in relation to indicators relevant to sexual misconduct.
 - The Department of Foreign Affairs and Trade (DFAT) conducted an internal review of its approach to sexual misconduct and is preparing a new policy that is due to be published in early 2019.
 - A review of the legislation pertaining to the Australian Charities and Not-for-profits Commission (ACNC) by The Treasury Department was tabled in Federal Parliament in August 2018.

²⁶ Independent Commission on Sexual Misconduct, Accountability & Culture Change. Why we are here.

Retrieved from <https://independentcommission.org/>

²⁷ International Development Committee (2018). Sexual Exploitation in the Aid Sector. <https://www.parliament.uk/business/committees/committees-a-z/commons-select/international-development-committee/news-parliament-2017/sexual-exploitation-report-publication-17-19/>

²⁸ Victorian Institute of Forensic Medicine (2018). Interim Report for the Independent Review into the Practice and Response of ACFID Members in the Prevention of Sexual Misconduct. Victorian Institute of Forensic Medicine. Retrieved from <http://www.vifm.org/2018/08/independent-review-begins-into-prevention-of-sexual-misconduct-2/>

3.3 How we obtained information

We used a multi-modal approach and selected specific tools to help us obtain information relevant to each aspect of the terms of reference for the Review.



Figure E. How we consulted



We asked Members to report their incidents of sexual misconduct to us

We developed a standardised reporting tool known as the reported incidents tool (RIT) to ask Member Organisations about the number and nature of sexual misconduct incidents formally reported to them for the calendar years 2015, 2016 and 2017. The same tool was also completed by DFAT for incidents involving Australian NGOs that it funds. Eighty-six organisations responded and information regarding 76 incidents was

recorded. A de-identified summary of these incidents is found in Appendix E, in Part 3 (Quantitative Results Summary) and in Part 4 (Detailed Findings), throughout the Domains. This is the first time that ACFID Members have been asked to provide reports of incidents of sexual misconduct to an external third party other than DFAT or another donor.



We listened to ACFID Members in focus groups

We conducted two focus groups; one in Melbourne and one in Sydney. Twenty ACFID Member Organisations were represented, ten at each focus group session. Participant invitations were based on purposeful sampling to ensure adequate representation across ACFID Member Organisation characteristics. We asked questions according to a facilitation instrument with a focus on sector-wide issues.

Focus groups were audio taped for accuracy (with permission from participants) and written notes were also taken. The audio tape recordings were professionally transcribed and checked against written notes. This information was then themed into relevant categories for analysis. The findings from the focus groups are presented within the detailed findings of this report.



We interviewed ACFID Members

We conducted forty interviews with ACFID Member Organisations. Eight of those interviews were with ACFID Members or their partners in the field in Fiji. Five organisations were selected for “deep dives” involving contact with people from multiple different levels of the organisation. Purposeful sampling techniques were applied to ensure coverage of a representative group of ACFID Member Organisations. The interviews were semi-structured and designed to address the issues pertaining to organisational questions in our terms of reference. The interviews

were either face-to-face or by teleconference.

Interviews were also audio taped for accuracy (with permission from participants) and written notes were taken. The audio tape recordings were professionally transcribed and checked against written notes. The audio tape recordings were professionally transcribed and checked against written notes. This information was then coded and themed into relevant categories for analysis. The findings from the interviews are presented within the detailed findings of this report.



We sent out a survey

We sent a survey to all 119 ACFID Members. This was created and disseminated using a platform called “Qualtrics”. The survey consisted of 27 questions structured as a combination of free text and categorical variables designed to identify and examine governance structures and policy frameworks.

A total of 22 organisations declined to participate and one organisation provided insufficient data for inclusion. A univariate and bivariate descriptive statistical analysis was conducted on categorical variables with content analysis of free text variables. A de-identified summary of the responses is found in Appendix F of this report and other findings are presented within Parts 3 (Data summary) and 4 (Detailed findings).



We spoke to stakeholders

We held meetings with multiple stakeholders. Some meetings were with key sectoral stakeholders within Australia including DFAT, the ACNC and the Australian Federal Police (AFP). We also held meetings with overseas stakeholders including the UK Department for International Development (DFID), the UK aid sector peak body, Bond an international aid sector peak body, CHS Alliance, along with stakeholders

in the field including DFAT, the Fiji Women’s Crisis Centre (FWCC), the United Nations Population Fund (UNFPA), the AFP and the World Health Organization. Alongside the ACFID Taskforce and Review Reference Group we approached individuals with relevant expertise. We took notes from these meetings and the findings are presented within the body of the report.



We were available to listen

We established a free confidential reporting line, 1800-00-PSEA and a confidential email address so that those individuals with lived experience or other opinions could contribute to the Review. The reporting options were governed by a disclosure and privacy policy. Calls were answered by a forensic physician

with expertise in supporting people affected by interpersonal violence. Whilst relatively few people made use of these reporting options, key themes were identified from those individuals that did report. These themes are presented within the detailed findings of this report.



We travelled to the field

In recognition that policies are only as good as their implementation, and that there are significant challenges in translating policies and practices into the complex environments in which ACFID Members work, we undertook a field visit. Fiji was selected following discussion with the ACFID Review Reference Group, on the basis that it offered the opportunity to meet with a range of ACFID member field offices and partner

organisations as well as specialised UN agencies with Pacific-wide remits. Additionally, Fiji had recently experienced a number of tropical cyclones requiring humanitarian responses. Over four days we met with sixteen organisations. This included six ACFID Member Organisations, four partner organisations, four stakeholders and two local organisations that provide services to victim/survivors of sexual violence.



We learnt from written material

We undertook a review of more than three hundred documents, including nine which were provided to us in confidence from stakeholders to learn about established ideas and practice.

We also conducted a Best Practice review of scientific research literature, reports, newspaper articles and social media using systematic methods adapted from the Preferred Items for Systematic Reviews and Meta-Analyses (PRISMA)²⁹. Material was selected for inclusion where it contained information on best practice approaches to the: i) Prevention; ii) Identification/detection; iii) Reporting; iv) Investigation; or v) Outcome of incidents of sexual misconduct in the

humanitarian and development aid sector. Twenty-seven grey literature articles were selected, themed, coded and analysed according to the key categories.

The top 100 tweets posted between 01/02/2018 and 11/09/2018 that contained the #AidToo hash tag were subject to analysis. Key word searches of the tweets indicated the top key words that appeared in tweets. The tweets included a total of 98 hyperlinks of which 16 appeared in more than one tweet. All tweets were coded independently by two researchers. The framework used involved coding according to the terms 'prevention', 'detection', 'investigate', 'response', 'report', 'redress', and 'accountability'.

²⁹ Moher, D., Liberati, A., Tetzlaff, J., & Altman, D. G. (2010). Preferred reporting items for systematic reviews and meta-analyses: the PRISMA statement. *International Journal of Surgery*, 8(5), 336-341. doi:10.1016/j.ijsu.2010.02.007

Who participated

Approach to the review

The Review has been undertaken in two phases and involved:

- **Review of best practice** (Phase 1)
We undertook a desk-top review of international sector-wide initiatives and new innovations to understand best practice with regard to policy, processes and laws designed to prevent sexual misconduct.
- **Structured primary and secondary data collection** (Phase 2)
We obtained qualitative and quantitative data regarding the Australian aid sector on individual, organisational and sector-wide considerations through structured data collection tools.
- **Consultation with sector members and stakeholders** (Phases 1 & 2)
We examined relevant organisational processes and policies and obtained the views and experiences of individual professionals through consultation with sector members and stakeholders.

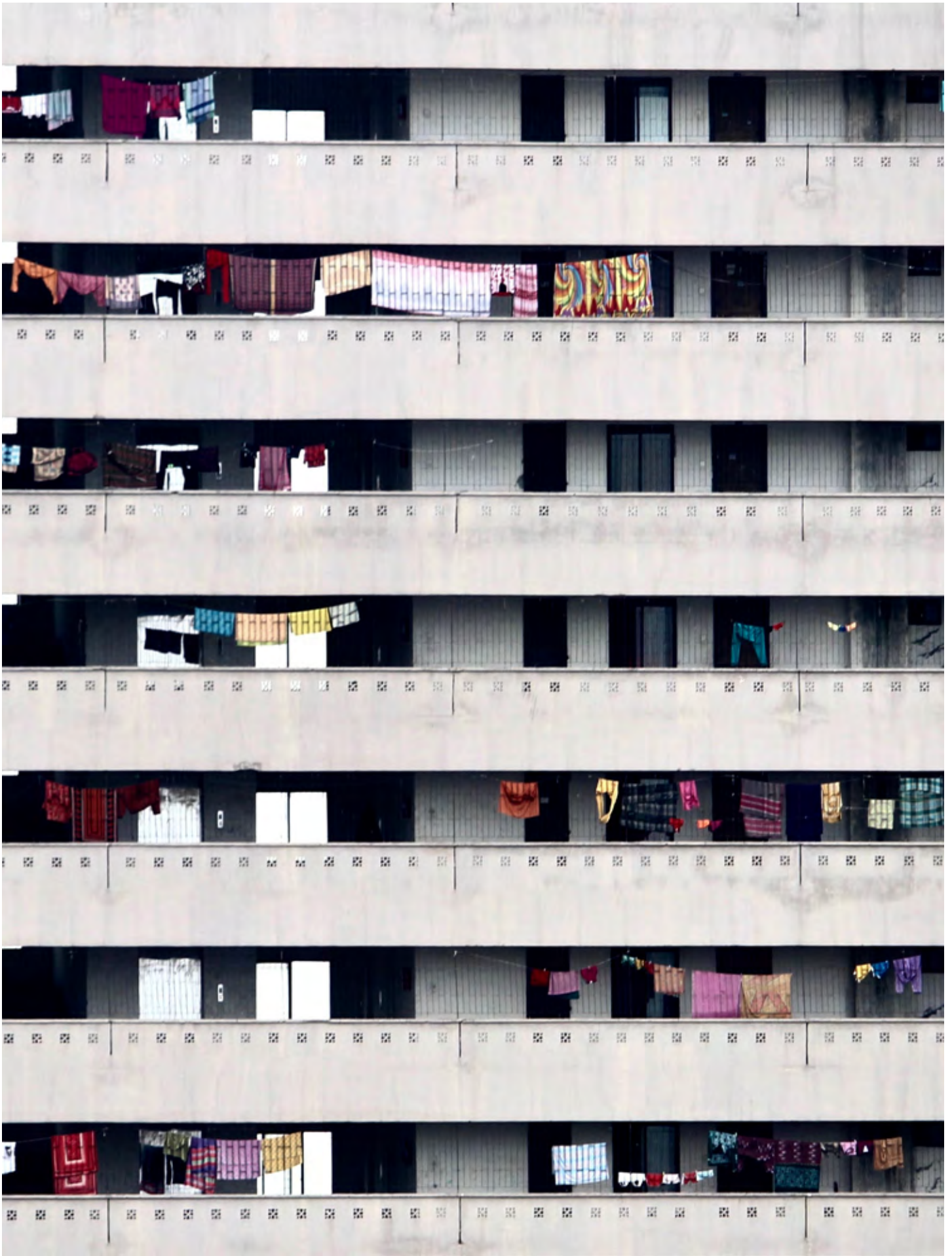
We published our **Interim Report** in August 2018 which identified the following emerging themes:³⁰

- Adopting and adhering to victim-centric donor and regulator safeguarding policies and processes is part of successful approaches to safeguarding in aid organisations.
- Where existing child protection frameworks have been tested as robust, this creates an opportunity to build on this capacity to address safeguarding for adults.
- The need to recognise the translation of internal organisational behaviours to program cultures and practices and the related continuum of behaviours that move from gender attitudes and sexual harassment to sexual exploitation, abuse and violence.
- Processes to readily identify perpetrators (groups or individuals) are vital to prevent further exploitation for example, to prevent re-employment in the sector.
- Strong leadership is required from aid organisations, donors and regulators for the development and support of a strong reporting culture in the aid sector

Privacy and confidentiality considerations

The Review was subject to an Ethics Framework and Privacy and Confidentiality Framework covering consent, data protection, confidentiality and disclosures.

³⁰ Victorian Institute of Forensic Medicine (2018). Interim Report for the Independent Review in to the Practice and Response of ACFID Members in the Prevention of Sexual Misconduct. Victorian Institute of Forensic Medicine. Retrieved from <http://www.vifm.org/2018/08/independent-review-begins-into-prevention-of-sexual-misconduct-2/>



PART 4:

QUANTITATIVE RESULTS

Part 4: Summary of Quantitative Findings

In this part, the elements of the original quantitative data, that is of the survey and the reported incidents tool, will be presented. This is because these findings, as opposed to the qualitative findings, namely the focus groups, interviews, consultations and best practice are new, and less reflective of information that is already in the public domain. For this reason, we feel that it is useful to present these findings explicitly so that the reader is able to place the discussion of the more detailed findings, presented in Part 5, into

a more refined context. All the quantitative findings can be found in detail in the appendices to this Report.

Certain results have been subject to further discussion, in order to provide a general background for thematic analysis in Part 5. A comprehensive discussion of all the considerations that may be relevant to the findings is, unfortunately, beyond the scope of this Review. (We have discussed the need for further research in Part 5 of this Report.)



Reported incidents of Sexual Misconduct from ACFID Member Organisations 2015-2017³¹

- Of the 119 ACFID Member Organisations invited to participate in the Reported Incidents Tool, 66 (55.5%) reported no incidents, 20 (16.8%) reported at least one incident, and 33 (27.7%) did not respond. The majority of responding organisations were ANCP accredited at base or full level, whereas most non-responding organisations were not ANCP accredited. (See Table 1 in Appendix E)

Table d: The Size and ANCP Accreditation Status of Participating and Non-Participating Organisations

	Participants n = 86 (%)	Non-participants n = 33 (%)
Organisation size		
Small	37 (43.0)	18 (54.5)
Medium	28 (32.6)	13 (39.4)
Large	21 (24.4)	2 (6.1)
ANCP accreditation status		
Full accreditation	34 (39.5)	5 (15.2)
Base accreditation	16 (18.6)	1 (3.0)
No accreditation	36 (41.9)	27 (81.8)

A 72.3% response rate is considered a good response rate for voluntary requests for information, particularly at a time when many organisations were experiencing competing requests for information. We think this indicates a high level of engagement. A discussion on the factors that determine voluntary reporting of incidents follows in Part 5 of this Report.

³¹ Full findings are in Appendix E of this report; discussion on these findings is provided within the Detailed Findings in Part 5

It is not possible to determine why 66 organisations did not report any incidents. Possible reasons are absence of reporting of incidents within those organisations or under-reporting into our Review. (The possibility of under-reporting into our Review is discussed in Part 5 of this report). It is also possible, though very unlikely, based on known community prevalence of sexual misconduct, that no sexual misconduct occurred affecting people involved with those organisations.

- A total of 76 alleged incidents of sexual misconduct pertaining to ACFID Member Organisations were reported; 67 (88.2%) were derived from ACFID Member Organisations themselves and an additional 9 (11.8%) were reported by DFAT as pertaining to ACFID Member Organisations. Incidents involving multiple victims were counted separately, except where the number of victims was not stated.

Discussion with regard to incident reporting and prevalence

Prevalence is the measure of how common something is and is presented as the proportion of a population who have a specific existing characteristic in a given time period. Community surveys are often used to understand prevalence as they can be administered to large populations and are easier to standardise but are expensive, may not reach all members of a population and difficult to carry out regularly.

Incident reporting refers to the number of new incidents brought to the attention of a particular administrative authority during a particular period of time. In sexual assault, police reports are often used as a measure of incidence. In our tool, the incident reporting refers to the number of incidents reported to the ACFID Member Organisation. Incident reporting is not a good measure of prevalence but can be useful to assess reporting trends and to obtain information about incidents that are reported.

Examples of prevalence surveys in sexual misconduct include the following:

- Australian Bureau of Statistics' (ABS) 2016 Personal Safety Survey reported that 1.7 million (18% or 1 in 5) women and 428,800 (4.7% or 1 in 20) men had experienced sexual violence since 15 years of age and that 8/10 chose not to report it.³²
- The 2018 AHRC Workplace Survey found that approximately one in three workers in Australia said that they had been sexually harassed at work over the last five years and that 83% of those who experienced sexual harassment chose not to report it.³³

There is little prevalence data with regard to sexual misconduct in the aid sector. Prevalence research has focused on child sexual abuse with little data available regarding other forms of misconduct. Although there are limitations in interpreting data secondary to studies using different methods, estimates of lifetime prevalence of child sexual abuse are 15-20% for girls and 7-8% for boys.³⁴ Regional variation is noted with highest levels reported in Africa, Australia and Northern America and lowest in Asia. These rates may be influenced by reporting biases.³⁵ In self-reporting surveys,³⁶ the prevalence of sexual misconduct against women aid workers is approximately one in four.³⁷

³² Australian Bureau of Statistics. (2018). Personal Safety, Australia, 2016 (Cat. no. 4906.0). Retrieved from <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4906.0Main+Features100002016?OpenDocument>

³³ Australian Human Rights Commission. (2018) Everybody's Business: Fourth national survey on sexual harassment in Australian Workplaces. Retrieved from <https://www.humanrights.gov.au/our-work/sex-discrimination/publications/everyone-s-business-fourth-national-survey-sexual>

³⁴ Kelly, L. and Karsna, K. (2017). Measuring the scale and changing nature of child sexual abuse and child sexual exploitation: Scoping report. London: Centre of Expertise on Child Sexual Abuse.

³⁵ Stoltenborgh, M., Van Ijzendoorn, M., Euser, E., & Bakermans-Kranenburg, M. (2011). A global perspective on child sexual abuse: Meta-analysis of prevalence around the world. *Child Maltreatment*, 16(2), 79-101.

³⁶ Self-reporting surveys are likely to involve more reporting bias compared with randomised community surveys

³⁷ Mazurana, D., & Donnelly, P. (2017). *Stop the sexual assault against humanitarian and development aid workers*. Somerville: Feinstein International Center, Tufts University.

In relation to incident reporting of sexual misconduct, the existing reporting systems and their (stark) differences also restrict meaningful comparisons.

The following incident data is available:

- In 2017 the UN reported 138 allegations of sexual exploitation and abuse perpetrated by UN peacekeepers and civilian staff involving 209 victims of whom 154 were women, 49 were girls, 3 were boys, 2 were men and 1 unknown.³⁸
- The UK Charity Commission³⁹ requires prompt reporting of serious safeguarding incidents.⁴⁰ In a recent review of incidents⁴¹ registered charities that were classified as aid organisations reported 366 incidents between February and May 2018. According to best calculations, there are just over 11,000 aid organisations registered in the UK.⁴²

Overall⁴⁶

- There is a high quality body of evidence in relation to child sexual abuse globally.
- There is limited data on sexual exploitation and abuse in the aid sector, consisting of moderate to low quality studies for a few selected countries or emergencies. Those studies that exist have high levels of underreporting.

Based on other sources of information regarding the prevalence of sexual misconduct in the community, and on underreporting of sexual misconduct, it is likely that these 76 incidents represent significant under-reporting to within ACFID Member organisations.

In comparison to other sectors:

- There have been 4,444 allegations of sexual misconduct made against 1,880 Catholic priests, constituting 7% of all priests in Australia between 1980 and 2015.⁴³
- Estimates of prevalence of sexual abuse in sport range from 2% to 49% depending on the study design.⁴⁴

In practice, often a multimodal approach is required to establish how common and/or severe something is and therefore how much of a problem it is in society. Examples include the World Health Organization (WHO) multi-country study, in which 6-59% of women reported having experienced sexual violence by a partner in their lifetime, and 0.3-12% of women reported having been forced to engage in sexual intercourse or activity by a non-partner since the age of 15 years.⁴⁵

The best way to establish the true prevalence and extent of the underreporting in the aid sector would be based on a community prevalence survey. In the context of the aid sector this would be very challenging from a logistic and ethical point of view. In our view this should not be a priority currently.

In our view the most appropriate way to establish patterns of misconduct in the aid sector is to:

- Increase the reporting within organisations
- Increase the external reporting

This has the additional benefit of increasing accountability and transparency and is discussed in more detail in Part 5 of this report.

³⁹ The UK Charity Commission is not a statutory power and it is not a criminal offence for trustees to fail to submit this information. The requirement applies to charities with an income of over £25,000 and is recommended good practice for charities with income less than that.

⁴⁰ Defined as those incidents that result in harm to people who come into contact with the organisation through its work or results in harm to the charity's assets or reputation as delineated in this link <https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>. According to the Report, incidents categorised as safeguarding incidents are not limited to those involving sexual misconduct and would include, for example, a road traffic accident causing harm to a child or a bullying allegation Charity Commission for England and Wales. Corporate report final report of Charity Commission safeguarding taskforce. Retrieved from <https://www.gov.uk/government/publications/final-report-of-charity-commission-safeguarding-taskforce/final-report-of-charity-commission-safeguarding-taskforce>

⁴¹ Charity Commission for England and Wales. Corporate report final report of Charity Commission safeguarding taskforce. Retrieved from <https://www.gov.uk/government/publications/final-report-of-charity-commission-safeguarding-taskforce/final-report-of-charity-commission-safeguarding-taskforce>

⁴² This is based on calculations from the Charity Commission Safeguarding report which state that 6.7% of the UK's 167,000 registered charities are classified as aid organisations. We have not been able to find a more direct estimation.

⁴³ Royal Commission into Institutional Responses to Child Sexual Abuse. (2018). Final report. Retrieved from <https://www.childabuseroyalcommission.gov.au/>

⁴⁴ Mountjoy, M., Brackenridge, C., Arrington, M., Blauwet, C., Carska-Sheppard, A., Fasting, K., ... & Budgett, R. (2016). International Olympic Committee consensus statement: Harassment and abuse (non-accidental violence) in sport. *British Journal of Sports Medicine*, 50(17), 1019-1029.

⁴⁵ World Health Organisation. (2012). *Understanding and addressing violence against women: Sexual violence*. Geneva: World Health Organisation.

⁴⁶ Information derived from Violence Against Women and Girls Helpdesk. (2018). Globally, what can we say about the extent of sexual exploitation and abuse? (VAWG Helpdesk Presentation Q170). Privately provided to the VIFM review team by the Department for International Development.

- **The majority of reported sexual misconduct incidents were perpetrated by aid workers (75.0%) against individuals from affected populations or against other aid workers.** A smaller proportion of incidents were perpetrated by individuals from affected populations (22.3%) against aid workers or against other individuals from affected populations. (See Table 2 in Appendix E)

Table e: Relationship between Victim/Survivor(s) and Perpetrator(s) (n = 76)

	<i>n (%)</i>
Between aid worker(s) and individual(s) from affected population	35 (46.0)
By aid worker(s) against individual(s) from affected population	26 (34.2)
By individual(s) from affected population against aid worker(s)	9 (11.8)
Between aid workers	31 (40.8)
Between individuals from affected population	8 (10.5)
Not stated	2 (2.6)

As discussed above in relation to prevalence and reporting, there is little information in the public domain in relation to the nature of the relationship between people in sexual misconduct. A discussion about these relationships follows in Domain 2 of Part 5 of this Report.

Table f. Victim/Survivor Characteristics according to the Relationship between Victim/Survivor(s) and Perpetrator(s)

	Between aid workers n = 31 (%)
Gender	
Female	23 (74.2)
Male	4 (12.9)
Not stated	4 (12.9)
Role (if aid worker)^a	
Head office	18 (58.1)
Field ex-pat (paid)	0 (0.0)
Field ex-pat (volunteer)	0 (0.0)
Field national (paid)	9 (29.0)
Field national (volunteer)	3 (9.7)
Not stated	1 (3.2)

Although most participating organisations were small or medium, most sexual misconduct incidents were reported by large, secular organisations (See Table 3 in Appendix E).

A discussion on the relationship between organisation size and incident reporting follows in Domain 2 of Part 5 of this Report.

- Of incidents where the gender of the victim/survivor was reported, all but five were female. Of the male victim/survivors all but one were aid workers where the incident involved another aid worker. There was only one male victim/survivor from an affected population.
- Of incidents where the gender of the alleged perpetrator was reported, all but three were male. Of the female alleged perpetrators all were aid workers where the incident involved another aid worker. There were no females who allegedly perpetrated against people from an affected population.

This indicates that sexual misconduct in the aid sector is gendered and most commonly perpetrated by men against women. However, this is less pronounced in incidents between aid workers where 12% of victims were men.

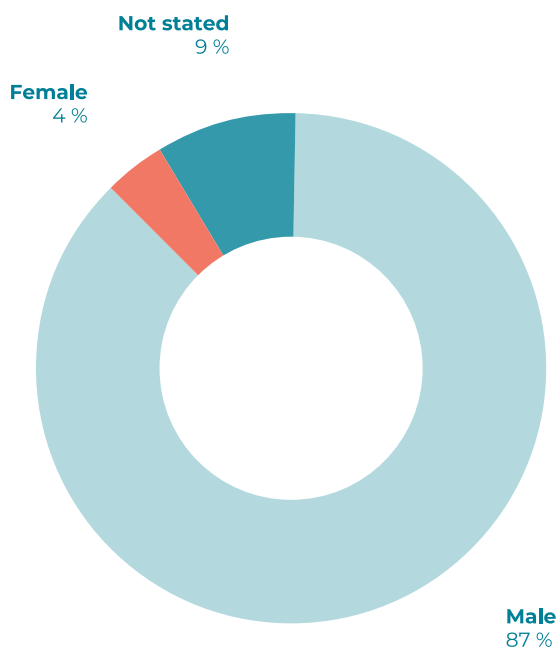


Figure F. Gender of alleged perpetrators

- Sexual assault/abuse was the most commonly reported form of sexual misconduct between aid workers and individuals from affected populations, whereas sexual harassment was the most commonly reported form of sexual misconduct between aid workers. The highest number of incidents occurred in 2017, followed by 2015 and 2016. Incidents involving individuals from affected populations typically occurred in development contexts, outside of work settings and after work hours; on the other hand, incidents between aid workers typically occurred in Australian contexts, in work settings and during standard work hours. However, the time of the incident was poorly reported.

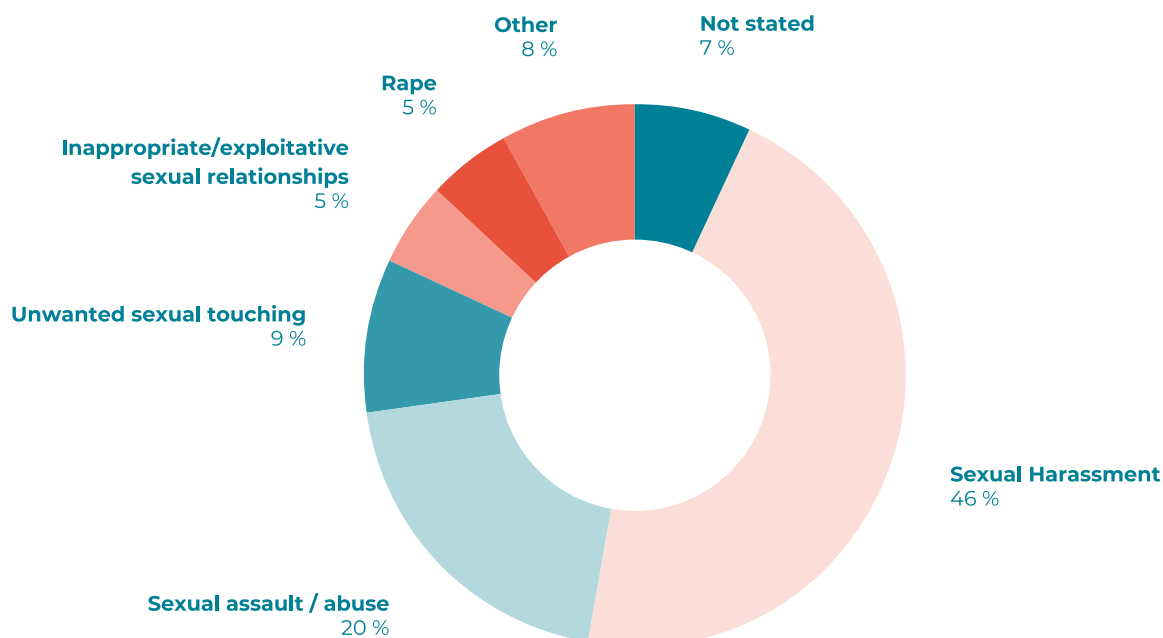


Figure G. Categories of Sexual Misconduct Incidents Reported

Table g. Incident Characteristics according to the Relationship between Victim/Survivor(s) and Perpetrator(s)

Type of sexual misconduct ^a	By aid worker(s) against individual(s) from affected population n = 26 (%)	Between aid workers n = 31 (%)	Total n = 76 (%)
Sexual harassment ^b	3 (11.5)	28 (90.3)	35 (46.1)
Sexual assault ^c / abuse	8 (30.8)	0 (0.0)	15 (19.7)
Unwanted sexual touching	1 (3.8)	2 (6.5)	7 (9.2)
Inappropriate/exploitative sexual relationship	4 (15.4)	0 (0.0)	4 (5.3)
Rape	2 (7.7)	0 (0.0)	4 (5.3)
Aggressive sexual behaviour (including threats)	0 (0.0)	0 (0.0)	0 (0.0)
Request for sexual favours in exchange for support	0 (0.0)	0 (0.0)	0 (0.0)
Other	4 (15.4)	1 (3.2)	6 (4.9)
Children exposed to pornography	1 (3.8)	0 (0.0)	2 (2.6)
Indecent exposure	2 (7.7)	0 (0.0)	2 (2.6)
Domestic violence	0 (0.0)	1 (3.2)	1 (1.3)
Grooming behaviour	1 (3.8)	0 (0.0)	1 (1.3)
Not stated	4 (15.4)	0 (0.0)	5 (6.6)

^aWhere multiple forms of sexual misconduct were present, the most severe form is reported.

^bIncludes unwanted sexual comments.

^cIncludes one attempted sexual assault.

Possible reasons for a higher rate of reporting of sexual harassment in head office compared with the field include higher rates of misconduct or more reporting due to greater access to reporting mechanisms. A discussion on the types and contexts of misconduct reported follows in Domain 2 of Part 5 of this Report.

- The most common offshore locations of incidents were Papua New Guinea (PNG), Vanuatu and Timor-Leste. Relative to ACFID member funding activity⁴⁷, the highest proportion of incidents occurred in PNG, Vanuatu and Zambia. The number of incidents is low, however this does highlight that these countries should be considered to be the focus for in-country sexual misconduct programs (See Table 5 in Appendix E for incident characteristics stratified by victim-perpetrator relationship).
- This is consistent with gender-based violence studies which show high prevalence rates in these nations.^{48 49 50} Violence against women in Papua New Guinea has reached an ‘emergency’ level according to Human Rights Watch in a recent report.

Table h: The most common international locations of incidents were Papua New Guinea, Vanuatu and Timor Leste.

(See Table 4 in Appendix E for incident characteristics stratified by victim-perpetrator relationship.)

Papua New Guinea	13 (17.1)
Vanuatu	7 (9.2)
Timor Leste	5 (6.6)
Cambodia	4 (5.3)
Zambia	4 (5.3)
India	3 (3.9)
Pakistan	3 (3.9)
Fiji	2 (2.6)
Nepal	2 (2.6)
Sri Lanka	2 (2.6)
Thailand	2 (2.6)
Bangladesh	1 (1.3)
Bolivia	1 (1.3)
Indonesia	1 (1.3)
Laos	1 (1.3)
Nauru	1 (1.3)
Solomon Islands	1 (1.3)
South Africa	1 (1.3)
Vietnam	1 (1.3)
Not stated	3 (3.9)

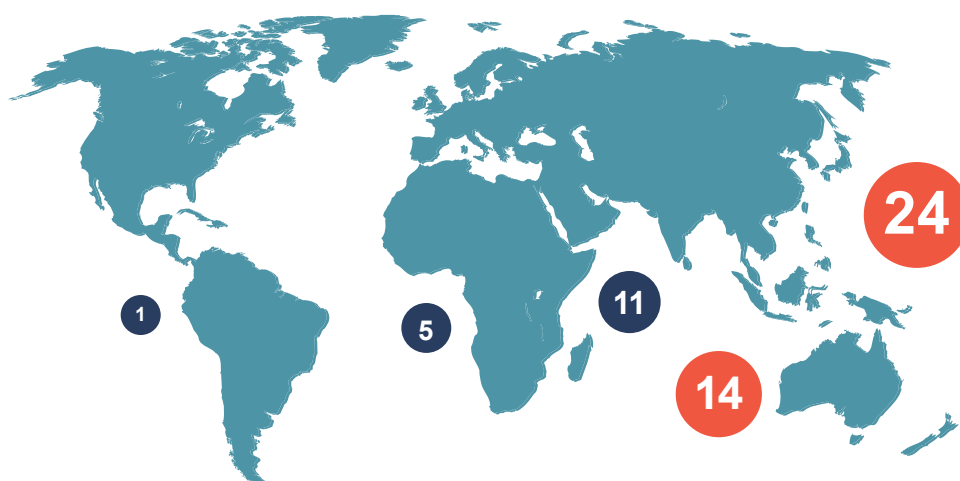


Figure H. Geographical distribution of reported incidents according to region

⁴⁷ Derived from Australian Council for International Development. (2017). Annual Report 2016-17. Retrieved from https://acfid.asn.au/sites/site.acfid/files/ACFID_Annual_Report_2016-2017.pdf

⁴⁸ Darko, E., Smith, W., & Walker, D. (2015). Gender Violence in Papua New Guinea: The cost to business, Overseas Development Institute. Retrieved from <https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/9886.pdf>

⁴⁹ Asia Foundation. Australia Aid. Australian Embassy Timor-Leste. (2016). Understanding Violence against Women and Children in Timor-Leste: Findings from the Nabilan Baseline Study – Main Report. The Asia Foundation: Dili. Retrieved from <https://asiafoundation.org/wp-content/uploads/2016/05/nabilan-main-report-screen-2016-06-01.pdf>

⁵⁰ Department of Foreign Affairs and Trade. (2016). Vanuatu-Australia Policing and Justice Program 2017-2020. Program Design Document. Retrieved from <https://dfat.gov.au/about-us/publications/Documents/vanuatu-australia-policing-and-justice-program-design-document.pdf>

- This is consistent with gender-based violence studies which show high prevalence rates in these nations.^{48 49 50} Violence against women in Papua New Guinea has reached an ‘emergency’ level according to Human Rights Watch in a recent report. More than two thirds of women have experienced family violence and 80% of men admit to sexual violence against their partners.^{51 52} A discussion on geographical distribution of cases follows in Domain 2 of Part 5 of this Report.
- Most incidents of sexual misconduct between aid workers were perpetrated by head office staff who were direct employees of their respective aid organisations. On the other hand, most incidents by aid workers against individuals from affected

Table i: Alleged Perpetrator Characteristics according to the Relationship between Victim/ Survivor(s) and Perpetrator(s)

	By aid worker(s) against individual(s) from affected population n=26(%)	By individual(s) from affected population against aid worker(s) n = 9 (%)	Between aid workers n = 31 (%)	Between individuals from affected population n=8(%)	Unspecified relationship n = 2 (%)	Total n = 76 (%)
Age						
Adult (≥18 years)	13 (50.0)	1 (11.1)	20 (64.5)	2 (25.0)	0 (0.0)	36 (47.4)
Child (<18 years)	0 (0.0)	0 (0.0)	0 (0.0)	2 (25.0)	0 (0.0)	2 (2.6)
Not stated	13 (50.0)	8 (88.9)	11 (35.5)	4 (50.0)	2 (100.0)	38 (50.0)
Gender						
Male	23 (88.5)	8 (88.9)	25 (80.6)	8 (100.0)	2 (100.0)	66 (86.8)
Female	0 (0.0)	0 (0.0)	3 (9.7)	0 (0.0)	0 (0.0)	3 (3.9)
Not stated	3 (11.5)	1 (11.1)	3 (9.7)	0 (0.0)	0 (0.0)	7 (9.2)
Role (if aid worker)^a						
Head office	1 (3.8)	-	18 (58.1)	-	1 (50.0)	20 (34.5)
Field ex-pat (paid)	3 (11.5)	-	0 (0.0)	-	0 (0.0)	3 (5.2)
Field ex-pat (volunteer)	0 (0.0)	-	0 (0.0)	-	0 (0.0)	0 (0.0)
Field national (paid)	17 (65.4)	-	12 (38.7)	-	0 (0.0)	29 (50.0)
Field national (volunteer)	0 (0.0)	-	1 (3.2)	-	0 (0.0)	1 (1.7)
Not stated	5 (19.2)	-	0 (0.0)	-	0 (0.0)	5 (8.6)
Employment status (if aid worker)^a						
Direct employee	8 (30.8)	-	23 (74.2)	-	1 (50.0)	32 (55.2)
Partner employee	13 (50.0)	-	4 (12.9)	-	0 (0.0)	17 (29.3)
Sub-contractor (including consultants)	2 (7.7)	-	0 (0.0)	-	0 (0.0)	2 (3.4)
Other	0 (0.0)	-	1 (3.2)	-	0 (0.0)	1 (1.7)
Volunteer	-	-	1 (3.2)	-	0 (0.0)	1 (1.7)
Student	-	-	0 (0.0)	-	0 (0.0)	0 (0.0)
Not stated	3 (11.5)	-	3 (9.7)	-	0 (0.0)	6 (10.3)

^aIn ‘Total’ column, the percentage of incidents involving aid worker perpetrators is reported (n = 58).

⁵¹ Human Rights Watch. (2015). Bashed Up: Family violence in Papua New Guinea. Retrieved from <https://www.hrw.org/report/2015/11/04/bashed/family-violence-papua-new-guinea>

⁵² Rasmussen, G. (2015). The country where rapists are proud and happy to pose for photos. News.com.au Retrieved from <https://www.news.com.au/world/pacific/the-country-where-rapists-are-proud-and-happy-to-pose-for-photos/news-story/98a6111a1a10a445760a91f206afc733>

populations were perpetrated by field national staff, who were partner employees of their respective aid organisations (See Table 8 in Appendix E for perpetrator characteristics stratified by victim-perpetrator relationship).

This indicates a need to focus on national staff and staff employed by partner organisations with regard to sexual misconduct intervention programs.

A discussion on the findings in relation to the perpetrators of sexual misconduct in the field follows in Domain 2 of Part 5 of this Report.

- Similar numbers of child and adult victim/survivors were present among the reported incidents, though most victim/survivors from affected populations were children and most victim/survivors working in the aid sector were adults. However, in almost one third of incidents reported, it was not specified whether the victim/survivor was an adult or child. Among the 16 (64.0%) child victims whose age in years was specified, the median age was 14 (range 9-17; interquartile range 12-15). Among the 11 (40.7%) adult victims whose age in years was specified, the median age was 32 (range 21-39; interquartile range 24-38).

This could indicate a reporting bias due to strong child protection reporting mechanisms be in place. However it does indicate that children are at risk in environments where ACFID Members operate.

The age of children involved in the incidents reported to us is similar to that in the literature. The 2006 Save the Children Report found that children as young as 8 were exploited, although this report was in relation to peacekeeping.⁵³

- Aid worker victim/survivors were most frequently head office staff, followed by national and expatriate field staff. Most were direct employees of their respective aid organisations, though a substantial proportion were volunteers. Among incidents which occurred between aid workers, more than half the reports did not specify whether a reporting line relationship existed between the victim/survivor and perpetrator; however, for those that did, there was typically no reporting line relationship.
- The effects of sexual misconduct on the victim/survivor were poorly reported; however, more than twice as many reports indicated some form of trauma or other outcome than none. The most commonly reported outcome was psychological injury/trauma, followed by stigmatisation and effects on the victim/survivors ability to work. (See Table 7 in Appendix E for victim/survivor characteristics stratified by victim-perpetrator relationship.)

⁵³ Beber, B., Gilligan, M. J., Guardado, J., & Karim, S. (2017). Peacekeeping, compliance with international norms, and transactional sex in Monrovia, Liberia. *International Organization*, 71(1), 1-30.

Table j: Alleged Perpetrator Characteristics according to the Relationship between Victim/Survivor(s) and Perpetrator(s)

	By aid worker(s) against individual(s) from affected population n=26(%)	By individual(s) from affected population against aid worker(s) n = 9 (%)	Between aid workers n = 31 (%)	Between individuals from affected population n=8(%)	Unspecified relationship n = 2 (%)	Total n = 76 (%)
Age						
Adult (≥18 years)	3 (11.5)	1 (11.1)	22 (71.0)	1 (12.5)	0 (0.0)	27 (35.5)
Child (<18 years)	17 (65.4)	0 (0.0)	0 (0.0)	7 (87.5)	1 (50.0)	25 (32.9)
Not stated	6 (23.1)	8 (88.9)	9 (29.0)	0 (0.0)	1 (50.0)	24 (31.6)
Gender						
Male	20 (76.9)	9 (100.0)	23 (74.2)	8 (100.0)	0 (0.0)	60 (78.9)
Female	1 (3.8)	0 (0.0)	4 (12.9)	0 (0.0)	0 (0.0)	5 (6.6)
Not stated	5 (19.2)	0 (0.0)	4 (12.9)	0 (0.0)	2 (100.0)	11 (14.5)
Role (if aid worker)^a						
Head office	-	1 (11.1)	18 (58.1)	-	-	19 (47.5)
Field ex-pat (paid)	-	0 (0.0)	0 (0.0)	-	-	0 (0.0)
Field ex-pat (volunteer)	-	8 (88.9)	0 (0.0)	-	-	8 (20.0)
Field national (paid)	-	0 (0.0)	9 (29.0)	-	-	9 (22.5)
Field national (volunteer)	-	0 (0.0)	3 (9.7)	-	-	3 (7.5)
Not stated	-	0 (0.0)	1 (3.2)	-	-	1 (2.5)
Employment status (if aid worker)^a						
Direct employee	-	0 (0.0)	21 (67.7)	-	-	21 (52.5)
Partner employee	-	0 (0.0)	2 (6.5)	-	-	2 (5.0)
Sub-contractor (including consultants)	-	0 (0.0)	0 (0.0)	-	-	0 (0.0)
Other	-	9 (100.0)	4 (12.9)	-	-	13 (32.5)
Volunteer	-	8 (88.9)	3 (9.7)	-	-	11 (27.5)
Student	-	1 (11.1)	1 (3.2)	-	-	2 (5.0)
Not stated	-	0 (0.0)	4 (12.9)	-	-	4 (10.0)
Reporting line relationship (if between aid workers)^b						
Yes	-	-	4 (12.9)	-	-	4 (12.9)
No	-	-	11 (35.5)	-	-	11 (35.5)
Not stated	-	-	16 (51.6)	-	-	16 (51.6)
Victim/survivor sustained trauma/ other outcomes						
Yes	8 (30.8)	1 (11.1)	15 (48.4)	4 (50.0)	0 (0.0)	28 (36.8)
No	4 (15.4)	1 (11.1)	6 (19.4)	2 (25.0)	0 (0.0)	13 (17.1)
Not stated	14 (53.8)	7 (77.8)	10 (32.3)	2 (25.0)	2 (100.0)	35 (46.1)

Table continues on next page

^aIn 'Total' column, the percentage of incidents involving aid worker victim/survivors is reported (n = 40).

^bIn 'Total' column, the percentage of incidents which occurred between aid workers is reported (n = 31).

	By aid worker(s) against individual(s) from affected population n=26(%)	By individual(s) from affected population against aid worker(s) n = 9 (%)	Between aid workers n = 31 (%)	Between individuals from affected population n=8(%)	Unspecified relationship n = 2 (%)	Total n = 76 (%)
Trauma/other outcomes of sexual misconduct (if applicable) ^c						
Psychological injury/trauma	5 (62.5)	0 (0.0)	9 (60.0)	2 (50.0)	-	16 (57.1)
Stigmatisation	3 (37.5)	0 (0.0)	5 (33.3)	0 (0.0)	-	8 (28.6)
Work effects ^d	1 (12.5)	1 (100.0)	3 (20.0)	1 (25.0)	-	6 (21.4)
Physical injury	1 (12.5)	0 (0.0)	0 (0.0)	1 (25.0)	-	2 (7.1)
Other	2 (25.0)	0 (0.0)	0 (0.0)	0 (0.0)	-	2 (7.1)
Pregnancy	1 (12.5)	-	-	-	-	1 (3.6)
Privacy violated by assessment	1 (12.5)	-	-	-	-	1 (3.6)

^cWithin columns, the percentage of incidents where victim/survivor sustained trauma/other outcomes is reported. Categories are not independent (i.e. respondents could select multiple options) and thus do not add to 100%.

^dIncludes inability or reluctance to return to work, impact on ongoing employment, etc.

A full discussion on the effects of sexual misconduct follows in Domain 3 of Part 5 of this Report.

- Allegations were more often substantiated than unsubstantiated, though this was frequently not specified. Among incidents perpetrated by aid workers against individuals from affected populations, the most common reason for unsubstantiated allegations was the complaint being unfounded. Among incidents between aid workers, the most common reasons for unsubstantiated allegations were the victim/survivor not wishing to progress the investigation and other reasons (namely, the perpetrator failing to respond or resigning during the investigation, or difficulty following up case details).

Discussion with regard to incident reporting and prevalence

In legal jurisdictions there are different burdens of proof, that is, the evidence that is required in order to satisfy the trier of fact as to the likelihood that a particular allegation occurred.

In jurisdictions with criminal justice systems based on a “British model”, the standard that is applied to determine whether the allegations against a defendant are substantiated is that encapsulated by the phrase beyond reasonable doubt, that is, that a reasonable person could not have a reasonable doubt about a person’s guilt. This is a very high standard of proof. According to Blackstone’s formulation, it is better that ten guilty persons escape than that one innocent suffer.⁵⁴

In these criminal justice systems there are multiple decision points that can result in attrition of cases. For example in Australia:⁵⁵

- Almost 70% of all alleged sexual offences are not reported.
- Approximately 80% of all sexual offences reported to police have no criminal proceedings instigated.
- Between a quarter and a third of sexual offences that appear before a court are dismissed without a hearing. Ultimately only between 2-10% of all alleged sexual offences in Australia result in a guilty outcome (or “substantiation” using the threshold of beyond reasonable doubt).

⁵⁴ Doolittle I.G. (1983). Sir William Blackstone and his commentaries on the laws of England (1765–9): A Biographical Approach, *Oxford Journal of Legal Studies*, 3 (1), 99–112. <https://doi.org/10.1093/ojls/3.1.99>

⁵⁵ Lievore, D. (2004). Prosecutorial decisions in adult sexual assault cases: An Australian study. Office of the Status of Women, Department of the Prime Minister and Cabinet. Retrieved from <http://www.ncjrs.gov/App/publications/abstract.aspx?ID=207419>

In a review of 141 sexual assault allegations in Australia in 2004 there were statistically significant differences between matters that proceeded and those that were withdrawn including:

- victim/survivor expression of non-consent,
- victim/survivor injury,
- force,
- use of weapons,
- additional evidence, and
- where the perpetrator was considered a stranger.⁵⁶

The factors that determine the likelihood of a reported sexual offence proceeding through the criminal justice system are likely to relate more directly to the quality of the evidence and not to whether or not the offence occurred.

In non-criminal jurisdictions other burdens of proof usually apply. The most common one, and the one recommended by the CHS Alliance Investigation Guide⁵⁷ and the Victorian Reportable Conduct Scheme Investigation Guide⁵⁸ is the balance of probabilities, that is, that a reasonable person, based on the evidence would conclude that an allegation is more likely to have occurred than not.

We do not know of rates of substantiation using the threshold of balance of probability in cases involving sexual misconduct. In Australia these cases would

relate to those where the victim/survivor sues the alleged perpetrator for damages in civil courts or where the victim/survivors applies for victim of crime compensation and the tribunal has to find on the balance of probability that the crime was committed. The former does not commonly occur and cases are likely to be subject to non-disclosure requirements. Statistics regarding the latter are not readily available.

The accepted standard of a false allegation is that which establishes after a thorough investigation, and therefore based on evidence, that a crime did not occur.⁵⁹ Evidence that an incident did not occur might include physical evidence or statements from credible witnesses. This is different from more general “credibility” evidence, such as a delayed report, apparent inconsistencies in statements, or a withdrawal of complaint. Rates of false reporting in sexual assault are between 2-10%, depending on the consistency with which the false report definition is applied.⁶⁰

Without reference data it is difficult to comment on the rates of substantiation and reasons for non substantiation in incidents reported to us. A further discussion on investigations in the context of sexual misconduct in the aid sector follows in Domain 3 of Part 5 below.

-
- In the majority of cases, the perpetrator(s) received some penalty or disciplinary action for the sexual misconduct. This most commonly took the form of suspension or dismissal from the aid organisation. For incidents involving a victim/survivor from an affected population, referral to a law enforcement agency was another common penalty, and for incidents between aid workers, warnings and resignations were additional common penalties. Other reported penalties imposed on perpetrators included counselling and behavioural monitoring/supervision.
 - The victim/survivor was provided some form of redress in approximately half of the reported incidents, though this too was often not specified. Redress most commonly took the form of counselling or similar support, irrespective of victim-perpetrator relationship type. Other forms of redress were common among incidents perpetrated by aid workers against individuals from affected populations and between aid workers. These included legal support and review and strengthening of policies, processes and procedures (See Table 9 in Appendix E for investigation characteristics stratified by victim-perpetrator relationship).

⁵⁶ Lievore, D. (2004). Prosecutorial decisions in adult sexual assault cases: An Australian study. Office of the Status of Women, Department of the Prime Minister and Cabinet. Retrieved from <http://www.ncjrs.gov/App/publications/abstract.aspx?ID=207419>

⁵⁷ CHS Alliance. (2015). A guide for humanitarian organisations on receiving and investigating allegations of abuse, exploitation, fraud or corruption by their own staff. Retrieved from: https://www.chsalliance.org/files/files/Investigation-Guidelines-2015_English.pdf

⁵⁸ Commission for Children and Young People. (2018). Guidance for Organisations. Investigating a reportable conduct allegation. Retrieved from <https://ccyp.vic.gov.au/assets/resources/Reportable-Conduct-Guidance/CCYP-Investigation-guide.pdf>

⁵⁹ Lisak, D. (2010). False allegations of sexual assault: An analysis of ten years of reported cases. *Violence Against Women*, 16: 1318-1334.

⁶⁰ Ibid.

Table K: Investigation Characteristics according to the Relationship between Victim/Survivor(s) and Perpetrator(s)

	By aid worker(s) against individual(s) from affected population n=26(%)	By individual(s) from affected population against aid worker(s) n = 9 (%)	Between aid workers n = 31 (%)	Between individuals from affected population n=8(%)	Unspecified relationship n = 2 (%)	Total n = 76 (%)
Allegation(s) substantiated						
Yes	16 (61.5)	0 (0.0)	15 (48.4)	5 (62.5)	0 (0.0)	36 (47.4)
No	7 (26.9)	0 (0.0)	8 (25.8)	1 (12.5)	0 (0.0)	16 (21.1)
Not stated	3 (11.5)	9 (100.0)	4 (12.9)	2 (25.0)	1 (50.0)	19 (25.0)
Not applicable	0 (0.0)	0 (0.0)	4 (13.0)	0 (0.0)	1 (50.0)	5 (6.5)
Informally resolved	-	-	2 (6.5)	-	0 (0.0)	2 (2.6)
Not investigated	-	-	2 (6.5)	-	0 (0.0)	2 (2.6)
Ongoing investigation	-	-	0 (0.0)	-	1 (50.0)	1 (1.3)
Reason(s) allegation(s) unsubstantiated (if applicable)^{a,b}						
Complaint unfounded	6 (85.7)	-	1 (12.5)	0 (0.0)	-	7 (43.8)
Victim declined investigation	1 (14.3)	-	3 (37.5)	0 (0.0)	-	4 (25.0)
Confidentiality issues	0 (0.0)	-	2 (25.0)	0 (0.0)	-	2 (12.5)
Lack of information	2 (28.6)	-	0 (0.0)	0 (0.0)	-	2 (12.5)
Sent to external jurisdiction	1 (14.3)	-	0 (0.0)	0 (0.0)	-	1 (6.3)
Complaint withdrawn	0 (0.0)	-	0 (0.0)	0 (0.0)	-	0 (0.0)
Lack of management supports	0 (0.0)	-	0 (0.0)	0 (0.0)	-	0 (0.0)
Other	1 (14.3)	-	3 (37.5)	1 (100.0)	-	5 (31.3)
Not stated	0 (0.0)	-	1 (12.5)	0 (0.0)	-	1 (6.3)
Perpetrator(s) received penalty/disciplinary action						
Yes	21 (80.8)	3 (33.3)	19 (61.3)	5 (62.5)	0 (0.0)	48 (63.2)
No	3 (11.5)	0 (0.0)	9 (29.0)	0 (0.0)	0 (0.0)	12 (15.8)
Not stated	2 (7.7)	6 (66.7)	2 (6.5)	3 (37.5)	1 (50.0)	14 (18.4)
Not applicable	0 (0.0)	0 (0.0)	1 (3.2)	0 (0.0)	1 (50.0)	2 (2.6)
Ongoing investigation	-	-	1 (3.2)	-	1 (50.0)	2 (2.6)
Penalty/disciplinary action (if applicable)^{a,c}						
Suspended or dismissed from organisation	11 (52.4)	1 (33.3)	7 (36.8)	0 (0.0)	0 (0.0)	19 (39.6)
Referred to law enforcement agency	8 (38.1)	0 (0.0)	0 (0.0)	3 (60.0)	0 (0.0)	11 (22.9)
Given warning	0 (0.0)	0 (0.0)	9 (47.4)	0 (0.0)	0 (0.0)	9 (18.8)
Resigned	1 (4.8)	0 (0.0)	6 (31.6)	0 (0.0)	0 (0.0)	7 (14.6)
Other	4 (19.1)	2 (66.6)	3 (15.8)	2 (40.0)	0 (0.0)	11 (22.9)
Victim/survivor provided redress						
Yes	17 (65.4)	7 (77.8)	12 (38.7)	4 (50.0)	0 (0.0)	40 (52.6)
No	2 (7.7)	0 (0.0)	9 (29.0)	0 (0.0)	0 (0.0)	11 (14.5)
Not Stated	7 (26.9)	2 (22.2)	10 (32.3)	4 (50.0)	2 (100.0)	25 (32.9)
Redress (if applicable)^{a,d}						
Counselling and other support	12 (70.6)	7 (100.0)	11 (91.7)	2 (50.0)	-	32 (80.0)
Apology	1 (5.9)	1 (14.3)	2 (16.7)	2 (50.0)	-	6 (15.0)
Medical treatment	3 (17.6)	0 (0.0)	0 (0.0)	0 (0.0)	-	3 (7.5)
Other internal support	1 (5.9)	0 (0.0)	0 (0.0)	0 (0.0)	-	1 (2.5)
Compensation	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	-	0 (0.0)
Other	8 (47.1)	0 (0.0)	4 (33.3)	0 (0.0)	-	12 (30.0)

^aCategories are not independent (i.e. respondents could select multiple options) and thus do not add to 100%.

^bWithin columns, the percentage of incidents where allegation(s) were unsubstantiated is reported.

^cWithin columns, the percentage of incidents where perpetrator(s) received penalty/disciplinary action is reported.

^dWithin columns, the percentage of incidents where victim/survivor was provided redress is reported.



Member Survey⁶¹

- Following exclusions, 95 ACFID Member Organisations were included in the analysis. This represented a response rate of 79.8%. The survey had 27 questions about organisational prevention and response to sexual misconduct.

When asked whether their safeguarding policies include a statement of their commitment to safeguarding, members gave the following response:

- Eighty-eight of the 95 (92.6%) respondents reported they had a statement of commitment to safeguarding in their policy. All 20 (100%) large sized organisations reported a commitment to safeguarding as did at least 80% of all other sized organisations. A detailed overview by organisation size among the 95 responding organisations is shown in Table 3 of Appendix F.
- Eighty-three of the 95 (87.4%) respondents answered the question regarding a zero tolerance statement on SEAH in their organisation's safeguarding policies. All 83 respondents stated that their safeguarding policy included a zero tolerance statement of SEAH. A detailed overview by organisation size among the 95 responding organisations is shown in Table 4.
- Seventy-eight of the 95 (82.1%) respondents reported that they kept a detailed register of safeguarding issues. Among these 78, the most frequent related to child protection (CP), SEA and SH (n=62, 79.5%). This ranged from 60.6% (n=20) for medium sized organisations to 80.0% (n=16) for large sized organisations. Thirteen of the 95 (13.7%) respondents reported that they did not keep a detailed register of safeguarding issues. A detailed overview by organisation size among the 95 responding organisations is shown in Table 5.
- Seventy-six of the 95 (80.0%) respondents reported that they kept a risk register for all programs. This ranged from 66.6% (n=24) for small sized organisations to 100.0% (n=20) for large sized organisations. Seventeen of the 95 (17.9%) respondents reported that they did not keep a risk register for all programs, of which ten (58.8%) were small sized organisations. A detailed overview by organisation size among the 95 responding organisations is shown in Table 6.

⁶¹ Full findings and tables are in Appendix F of this Report and discussed in the Detailed Findings in Part 5

When asked whether their recruitment processes include a criminal background check, working with children check, and two referees from previous employers, members gave the following response:

- Seven of the 95 respondents (7.4%) either did not respond to this question (n=2) or responded as not applicable (n=5). Among the remaining 88 responses, 13 (14.8%) reported that they conducted one of the following recruitment processes for all staff: A criminal background check; two referees from previous employers; a working with children check; or other check. This was reasonably evenly distributed across organisation size.
- A further 34 (38.6%) organisations reported that they conducted two recruitment processes for all staff. The most common combination was a criminal background check and two referees from previous employers (n=25, 73.5%). Again this process was common across small, medium and large organisations.
- Thirty-two (36.4%) organisations reported that they conducted three recruitment processes for all staff. The most common combination was a criminal background check, working with children check and two referees from previous employers (n=27, 84.4%). This process was most common among small and medium sized organisations. A detailed overview by organisation size among the 88 responding organisations is shown in Table 8A.
- Fifty-four (56.8%) of the 95 respondents either did not respond to this question (n=2) or responded as not applicable (n=52). Among the remaining 41 responses, 25 (61.0%) reported that they conducted one of the following recruitment processes for some staff: A criminal background check; two referees from previous employers; or a working with children check. This was reasonably evenly distributed across organisation size.
- A further nine (22.0%) organisations reported that they conducted two recruitment processes for some staff. The most common combination was a criminal background check and working with children check (n=4, 44.4%). Again this process was common across small, medium and large organisations.
- The remaining seven (17.1%) organisations reported that they conducted three (n=6) and four (n=1) recruitment processes for some staff. These all included as least a criminal background check and working with children check. A detailed overview by organisation size among the 41 responding organisations is shown in Table 8B.

When asked whether their organisation has a documented process in place for when a disclosure of sexual misconduct is made, Members gave the following response:

- Eighty-three (87.4%) of the 95 respondents reported that they had in place a process for disclosure of incidents of sexual misconduct. This ranged from 81.8% (n=27) for medium sized organisations to 94.4% (n=34) for small sized organisations. Eleven (11.6%) of the 95 respondents reported that they did not have a documented process for disclosure of incidents of sexual misconduct. (A detailed overview by organisation size among the 95 responding organisations is shown in Table 9 of Appendix F.)

When asked whether this documented process includes investigation and disciplinary procedures, Members gave the following response:

- Among the 83 (87.4%) respondents that reported their organisation had a documented process in place for when a disclosure of sexual misconduct was made, 82 responded to a subsequent question about whether this process includes investigation and disciplinary procedures. With the exception of two small sized organisations, all respondents reported that their process for when a disclosure of sexual misconduct was made, investigation and disciplinary procedures are included. (A detailed overview by organisation size among the 82 responding organisations is shown in Table 10 of Appendix F.)

When asked whether their organisation has a documented whistle-blowing policy, members gave the following response:

- Eighty-one (85.3%) of the 95 respondents reported that they had a documented whistle-blowing policy. This ranged from 78.8% (n=26) for medium sized organisations to 100.0% (n=20) for large sized organisations.
- Thirteen (13.7%) of the 95 respondents reported that they did not have a documented whistle-blowing policy. (A detailed overview by organisation size among the 95 responding organisations is shown in Table 11 of Appendix F.)

When asked whether their organisation require partners to report instances of sexual exploitation and abuse to them, Members gave the following response:

- Forty-nine of the respondents stated that they require partners to have their own child protection/safeguarding policies. Eight respondents reported a complaints or whistle-blowing policy as a requirement of partners. Five respondents stated that they encouraged partners to develop their own policies in addition to or instead of their own and a further five stated that they required a code of conduct policy. Four respondents stated that they required terrorism, sexual assault or harassment, environmental, inclusivity, vulnerable individual safeguarding and/or fraud policies. Two organisations stated that the policies they required their partners to have depended on the program being undertaken.

When asked who their organisation shares its child safeguarding/protection policy with, Members gave the following response:

- Four (4.2%) of the 95 respondents did not respond to this question. Among the remaining 91 respondents, 44 (48.4%) reported that they shared child safeguarding/protection policy with downstream partner organisations, bi-lateral partners and contractors/consultants. This was reasonably evenly distributed across organisation size. A further 26 (28.6%) of the 91 respondents reported that they shared child safeguarding / protection policy with two organisations, most frequently downstream partner organisations and contractors/consultants (n=17, 65.4%). This was most commonly by medium sized organisations (n=10, 58.8%). The remaining 21 (23.1%) respondents reported that they shared child safeguarding/protection policy with one of the following: downstream partner organisations, bi-lateral partners or contractors/consultants. The majority of child safeguarding/protection policy was shared with downstream partner organisations (n=14, 66.7%), particularly small and medium sized organisations (n=8 and n=6 respectively).
- A detailed overview by organisation size among the 91 responding organisations is shown in Table 12A of Appendix F.

When asked who their organisation shares its external complaints handling policy with, Members gave the following response:

- Eleven (11.6%) of the 95 respondents either did not respond to this question (n=4) or did not share their policy on external complaints handling (n=7). Among the remaining 84 respondents, 30 (35.7%) reported that they shared their policy on external complaints handling with downstream partner organisations, bi-lateral partners and contractors/consultants. This was most common among small sized organisations (n=13, 43.3%). A further 30 (35.7%) of the 84 respondents reported that they shared their policy on external complaints handling with one of the following: Downstream partner organisations, bi-lateral partners or contractors/consultants. This was most common among small (n=13, 43.3%) and medium sized organisations (n=11, 36.7%). The remaining 24 (28.6%) respondents reported that they shared their policy on external complaints handling with two organisations, most frequently downstream partner organisations and contractors/consultants (n=14, 58.3%). This was most commonly by medium sized organisations (n=8, 57.1%).
- (A detailed overview by organisation size among the 91 responding organisations is shown in Table 12B in Appendix F.)

When asked who their organisation shares its whistle-blowing policy with, Members gave the following response:

- Thirty-four (35.8%) of the 95 respondents either did not respond to this question (n=3) or did not share their policy on whistle-blowing (n=31). Among the remaining 61 (64.2%) respondents, 24 (39.3%) reported that they shared their whistle-blowing policy with one of the following: Downstream partner organisations, bi-lateral partners or contractors/consultants. This was most commonly by small (11, 45.8%) and medium (n=10, 41.7%) sized organisations. A further 23 (37.7%) respondents reported that they shared their policy on whistle-blowing with downstream partner organisations, bi-lateral partners and contractors/consultants. This was most common among small sized organisations (n=13, 43.3%). This was reasonably evenly distributed by organisation size. The remaining 14 (23.0%) respondents reported that they shared their policy on whistle-blowing with two organisations.
- (A detailed overview by organisation size among the 61 responding organisations is shown in Table 12C of Appendix F.)

When asked who their organisation shares its anti-bullying and harassment policy with, Members gave the following response:

- Forty-one (43.2%) of the 95 respondents either did not respond to this question (n=4) or did not share their policy on anti-bullying and harassment (n=37). Among the remaining 54 (56.8%) respondents, 24 (44.4%) reported that they shared their anti-bullying and harassment policy with one of the following: Downstream partner organisations, bi-lateral partners or contractors/consultants. This was most commonly by small (10, 41.7%) sized organisations. A further 16 (29.6%) respondents reported that they shared their policy on anti-bullying and harassment with downstream partner organisations and bi-lateral partners and contractors/consultants. This was also most common among small sized organisations (n=8, 50.0%). The remaining 14 (25.9%) respondents reported that they shared their policy on anti-bullying and harassment with two organisations.
- (A detailed overview by organisation size among the 54 responding organisations is shown in Table 12D of Appendix F.)

When asked who their organisation shares its staff code of conduct with, Members gave the following response:

- Twenty-seven (28.4%) of the 95 respondents either did not respond to this question (n=3) or did not share their staff code of conduct (n=24). Among the remaining 68 (71.6%) respondents, 26 (38.2%) reported that they shared their staff code of conduct with one of the following: Downstream partner organisations, bi-lateral partners or contractors/consultants. This was most commonly by medium (12, 30.8%) sized organisations. A further 22 (32.4%) respondents reported that they shared their staff code of conduct with two organisations, most commonly downstream partner organisations and contractors/consultants (n=11, 50.0%). The remaining 20 (29.4%) respondents reported that they shared their staff code of conduct with downstream partner organisations and bi-lateral partners and contractors/consultants. This was most common among small sized organisations (n=8, 40.0%).
- (A detailed overview by organisation size among the 68 responding organisations is shown in Table 12E of Appendix F.)

When asked whether their organisation requires its partners to have their own safeguarding policy, Members gave the following response:

- Eleven (11.6%) of the 95 respondents did not respond to this question. Among the remaining 84 (88.4%) respondents, 73 (86.9%) reported that they require partner to have their own safeguarding policy. This ranged from 63.9% (n=23) among small sized organisations to 90.0% (n=18) for large sized organisations.
- (A detailed overview by organisation size among the 84 responding organisations is shown in Table 13 of Appendix F.)

When asked whether their organisation monitors its partners' implementation of these policies, Members gave the following response:

- Eleven (11.6%) of the 95 respondents did not respond to this question. Among the remaining 84 (88.4%) respondents, 69 (82.1%) reported that they monitored partner's implementation of safeguarding policies. This ranged from 52.8% (n=19) among small sized organisations to 90.0% (n=18) for large sized organisations.
- (A detailed overview by organisation size among the 84 responding organisations is shown in Table 14 of Appendix F.)

When asked whether their organisation has a safeguarding policy for all programs, Members gave the following response:

- Among the 93 (97.9%) respondents, 81 (87.1%) reported that their organisations had a safeguarding policy for all programmes. This ranged from 83.3% (n=30) among small sized organisations to 90.0% (n=18) among large organisations.
- (A detailed overview by organisation size among the 93 responding organisations is shown in Table 15 of Appendix F.)

When asked whether a proportion of their organisation's budget is dedicated to safeguarding, Members gave the following response:

- Sixty-eight (71.6%) respondents reported whether a proportion of project budgets was dedicated to safeguarding. The remaining 27 (28.4%) was either not stated (n=17) or unknown (n=10). Fifty-three respondents reported that a proportion of project budgets was dedicated to safeguarding, most commonly by large organisations (n=15, 75%).
- (A detailed overview by organisation size among the 93 responding organisations is shown in Table 16 of Appendix F.)

In relation to a question about the presence of focal points, Members gave the following response:

- Eleven of the 95 (11.6%) respondents either did not respond to this question (n=1) or did not have any focal points in their organisations (n=10). Among the remaining 84 respondents, 31 (36.9%) reported three types of focal points, the most common being gender focal point, child protection focal point and safeguarding focal point (n=20, 64.5%). This was most common among small sized organisations (n=9, 45.0%). A further 29 (34.5%) of the 84 respondents reported two types of focal points, the most common being gender focal point and child protection focal point (n=17, 58.6%). This was most common among medium sized organisations (n=8, 47.1%). Seventeen (20.2%) respondents reported that they had one focal point, most commonly a child protection focal point (n=13, 76.5%), of which seven were reported by medium sized organisations. The remaining seven (8.3%) respondents reported four types of focal points: gender focal point and child protection focal point and safeguarding focal point and other focal point.
- (A detailed overview by organisation size among the 91 responding organisations is shown in Table 17 of Appendix F.)

When asked who safeguarding incidents are reported to, Members gave the following response:

- Among the 94 (98.9%) respondents, 69 (73.4%) stated that their organisation reported safeguarding incidents to the senior leadership and the Board. This ranged from 58.3% (n=21) among small sized organisations to 87.9% (n=29) among medium sized organisations.
- (A detailed overview by organisation size among the 94 responding organisations is shown in Table 18 of Appendix F.)

When asked whether their organisation has a gender equity policy that applies to internal processes, Members gave the following response:

- Among the 93 (97.9%) respondents, 82 (88.2%) reported that their organisation had a gender equity policy for internal processes. This ranged from 81.8% (n=27) among medium sized organisations to 95.0% (n=19) among large sized organisations.
- (A detailed overview by organisation size among the 93 responding organisations is shown in Table 19 of Appendix F.)

Further examination of the 15 respondents that reported that they did not have specific training on gender equity, safeguarding and whistle-blowing, showed that 10 (66.7%) reported they had taken steps to address their approach to sexual misconduct as a result of the increased focus of the issue over the past months.

When asked whether their organisation has specific training on gender equity, safeguarding and whistle-blowing, Members gave the following response:

- Sixteen of the 95 respondents (16.8%) either did not have specific training on gender equity, safeguarding or whistle-blowing (n=15) or did not respond to this question (n=1). Among the 79 remaining respondents, 32 (40.5%) reported that they had specific training on two training topics, most commonly gender equity and safeguarding (n=19, 59.4%). This was reasonably evenly distributed across organisation size. A further 27 (34.2%) respondents reported that they had specific training on three training topics: Gender equity, safeguarding and whistle-blowing. Again, this was reasonably evenly distributed across organisation size. The remaining 20 (25.3%) respondents reported that they had specific training on one of the topics, most commonly safeguarding (n=15, 75.0%).
- (A detailed overview by organisation size among the 79 responding organisations is shown in Table 20 of Appendix F.)

When asked when the training their organisation has is given and how often it is given, Members gave the following response:

- Sixteen of the 95 respondents (16.8%) either did not have specific training on gender equity, safeguarding and whistle-blowing (n=15) or did not respond to this question (n=1). Among the remaining 79 respondents, 36 (45.6%) respondents reported that this training is conducted at induction, which was most commonly conducted annually (n=16). A further eight (10.1%) respondents stated that training was conducted at staff meetings/forums/training days, all with the exception of one of which were conducted annually.

When asked how organisations made their policies accessible to staff, Members gave the following response:

- Respondents reported that the most common mechanism of making policies available to staff was during the induction/on boarding process (n=43). Other reported mechanisms included online formats such as: shared drives (n=40); intranet (n=25); website (n=21); Dropbox (n=6); and email (n=6). Note multiple responses were provided.

When asked whether their organisation had a policy in relation to staff members in the field being victims of sexual misconduct, Members gave the following response:

- Among the 90 (94.7%) respondents who answered this question, 56 (62.2%) reported that they had policies in relation to staff members in the field being victims of sexual misconduct. This ranged from 48.5% (n=16) among medium sized organisations to 75.0% (n=15) among large sized organisations. Among the 34 (37.8%) who did not have policies, almost half (44.1%) were medium sized organisations.
- (A detailed overview by organisation size among the 90 responding organisations is shown in Table 21 of Appendix F.)

Further examination of the 56 respondents that stated they had policies in relation to staff members in the field being victims of sexual misconduct, 14 were contained in general bullying/harassment/assault/wellbeing policies or procedures and nine were contained in specific sexual assault or harassment policies. Ten respondents stated that the issue was covered under complaints and/or whistle blower policies, four stated that the issue was covered under a child protection policy and three under a security/safeguarding policy. The remaining respondents stated that the issue was covered in other policies, such as: An organisational handbook/manual (n=5); a global or travel policy (n=4); an employee program (n=2); and unspecified policies (n=5).

When asked whether their organisation requires it partners to report instances of sexual exploitation and abuse to them, Members gave the following response:

- Among the 85 (89.5%) respondents who answered this question, 63 (74.1%) reported that they require partners to report to them instances of sexual exploitation and abuse. This ranged from 58.3% (n=21) among small sized organisations to 75.0% (n=15) among large sized organisations. Among the 22 (25.9%) who did not have policies, over 75% (n=17) were small and medium sized organisations.
- (A detailed overview by organisation size among the 90 responding organisations is shown in Table 22 of Appendix F.)

When asked whether their organisation conducts capacity building with partners around: child protection, sexual harassment, exploitation and abuse, Members gave the following response:

- Twenty-six of the 95 (27.4%) respondents did not respond to this question. Among the remaining 69 respondents, 31 (44.9%) reported three types of capacity building: Child protection and sexual harassment and exploitation and abuse. This was evenly distributed across organisation size. A further 27 (39.1%) of the 69 respondents reported capacity building with partners on child protection. This was most common among medium (n=11) and large (n=9) sized organisations.
- (A detailed overview by organisation size among the 90 responding organisations is shown in Table 23 of Appendix F)

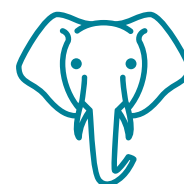


PART 5:

DETAILED FINDINGS



Domain 1



Domain 2



Domain 3

5.1 Domain 1: Policies & Regulation

In this section we will present our findings according to the three Domains mentioned in the introduction to Part 2. They are:

- **Domain 1** - Policies and regulation,
- **Domain 2** - Norms and attitudes,
- **Domain 3** - Systems and resources.

Findings will be presented according to a common theme. Relevant background considerations based on the literature review or stakeholder consultation will be followed by a review of our research results and conclusions including comments and/or recommendations.

Each group of findings will be identified by the method used to obtain the information and will be illustrated where appropriate by the use of good practice examples from Australian Council for International Development (ACFID)

Members or existing tools.

Within each Domain, two threads, or sub-themes will be interwoven. The first thread pertains to the role of victim/survivors. We have heard overwhelmingly in this Review that a victim/survivor-centric approach is crucial to reform. The role of victim/survivors will feature predominantly in Domains 1 and 3.

The thing that survivors need most is remarkably simple in theory, though difficult in execution. We need to be heard. Not just have our stories listened to, but to have those experiences be heard, acknowledged, and integrated into efforts moving forward. Without this, any efforts to address sexual violence in the aid sector will be for naught.

Review contributor

The second thread pertains to translation of practice to downstream partners. This thread will feature in all three Domains, but Domains 1 and 3 in particular.

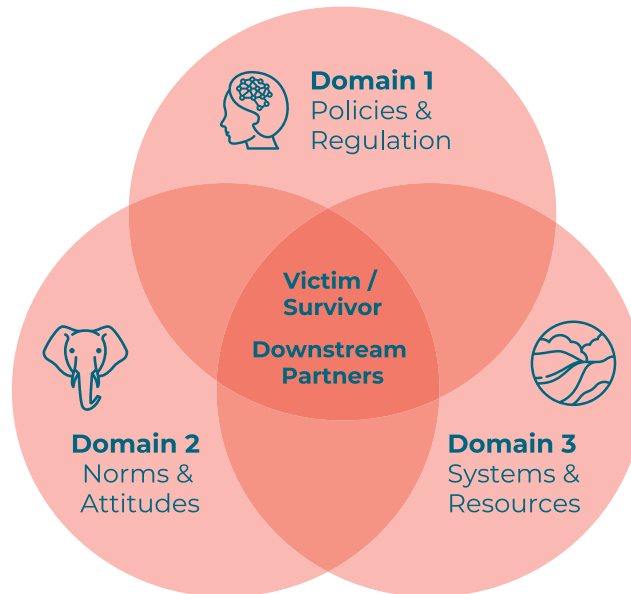


Figure I. Review Domains

5.1 Policies & Regulation



5.1.1 Introduction

In this Domain we discuss policies and regulations pertaining to ACFID Members in the context of the wider sector. We assess if relevant compulsory reporting systems are sufficient, and if they interact and operate in a way that is comprehensive, effective and in accordance with global best practice and comparable Australian requirements where vulnerable persons are involved. We also discuss whether ACFID Members have the required evidence in place to demonstrate their compliance with these requirements and if accountability, reporting and prevention processes are operating and effective.

ACFID Member Organisations

This Review focused on the practice and response of ACFID Member Organisations. ACFID membership currently comprises 119 organisations, although membership does undergo some fluctuations. To understand the reporting requirements, it is worth outlining the landscape of Member Organisations and their relationship to the various agencies in the sector.

ACFID membership is a pre-requisite for membership of the Australian NGO Cooperation Program (ANCP), a matched funding program for Australian non-government organisations (NGOs), which requires accreditation through the Department of Foreign Affairs and Trade (DFAT). Of the 119 ACFID Member Organisations, 57 are ANCP members. Organisations that are not part of the ANCP and do not receive other funding from DFAT are not required to comply with DFAT accreditation requirements.

All ACFID Members are also registered with the Australian Charities and Not-for-profits Commission (ACNC) as part of a bigger group of approximately 600 other organisations that self-classify as international “development NGOs.”⁶² Within this group of approximately 600 development NGOs:

- 64% of all NGOs with an income of over one million dollars in 2016 were ACFID Members,
- and more than 75% of all staff employed by development NGOs work for ACFID Members.⁶³

Development NGOs form part of a group of approximately 4,000 ACNC-registered charities that work overseas out of a total of 52,000 ACNC-registered charities.⁶⁴

Therefore, ACFID Members may be a numerically small group but in the context of Australian international aid work they represent the sector’s key organisations and play a significant thought leadership role. In terms of gross income, roughly 75% of all money earned (and spent) by development NGOs in 2016 was by ACFID Members and 80% of the estimated 5,500 people who work (full or part time) for Australian development NGOs work for ACFID Member Organisations.⁶⁵

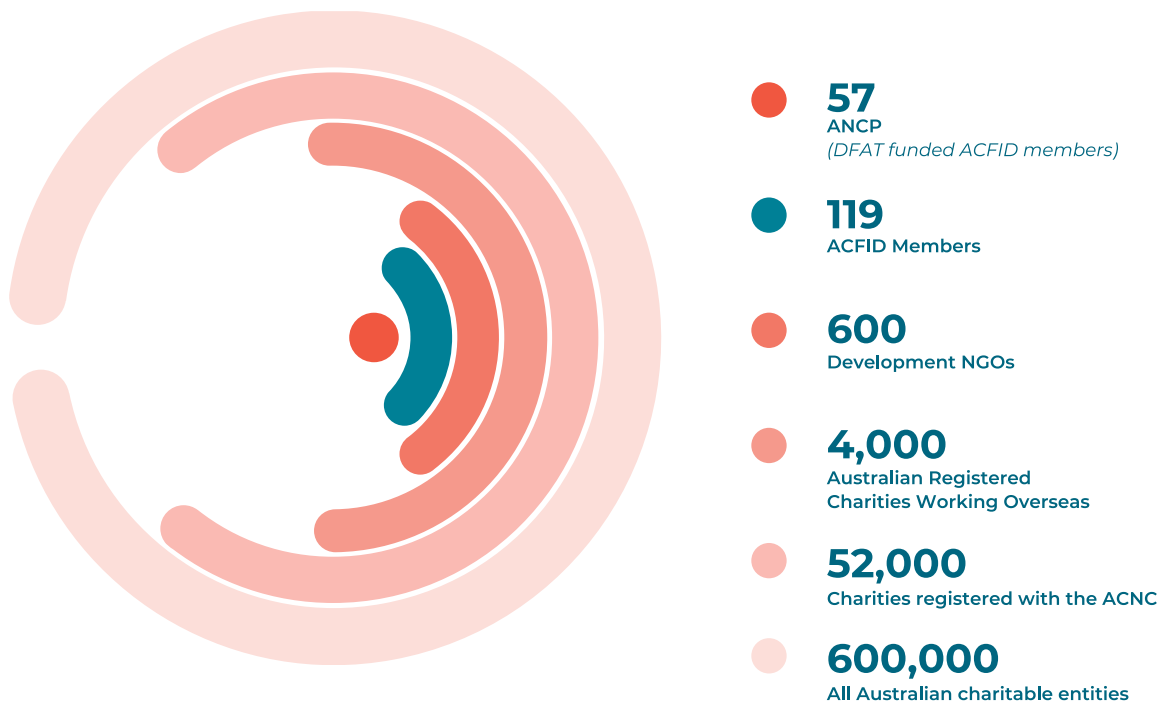


Figure j. ACFID Membership in Context

We acknowledge that private contractors and other ‘aid sector’ agencies also have requirement obligations, particularly those pertaining to donor contracts.

⁶² Australian Council for International Development. (2018). State of the sector report. Retrieved from <https://acfid.asn.au/about/state-sector>

⁶³ Ibid.

⁶⁴ Australian Charities and Not-for-profits Commission. (2016). ACNC reports. Retrieved from <http://edit.acnc.gov.au/tools/reports/australian-charities-report-2016>

⁶⁵ Australian Council for International Development. (2018). State of the sector report. Retrieved from <https://acfid.asn.au/about/state-sector>

5.1.2 DFAT Reporting Requirements

Although donors are not regulators, they have a powerful influence on organisations through their funding arrangements, including contractual requirements to follow certain policies and reporting requirements. DFAT has a stated focus on improving the capability of the organisations it funds through the provision of extensive support and guidance with policy implementation.

DFAT has a number of front-end risk management systems that are required of all Australian NGOs including ACFID Members that are eligible to receive funding. Those most relevant to sexual misconduct include its Due Diligence Framework, Australian NGO Cooperation Program (ANCP) accreditation and its Child Protection Policy (CPP), although child protection is embedded in numerous other policies including those relating to the Fraud and the Environmental Safeguarding Policy.

DFAT revised its accreditation framework in May 2018⁶⁶ to align accreditation criteria and processes with the needs of the Australian NGO (ANGO) community and to better accommodate emerging practice priorities including the prevention of sexual exploitation and abuse. The accreditation framework has numerous PSEA-⁶⁷ relevant requirements such as complaints handling, whistleblowing and incident management systems. ANGOs are now required to have a specific Safeguarding or PSEA⁶⁸ policy that guides recruitment, staff performance, a code of conduct, incident reporting and complaints. The policy must cover board members, contractors, partners and primary stakeholders/community members.

DFAT's CPP applies to all DFAT-funded partners including downstream partners. Mandatory reporting requirements apply to all staff or partners and pertain to any behaviour that is suspected of being child exploitation and abuse or policy non-compliance by any individual associated with a DFAT-funded project and extends to any Australian citizen.⁶⁸ Reported incidents are triaged for action by the DFAT Child Protection Compliance Section within the Contracting and Aid Management Division. If a

report concerns a local NGO that is an ANGO partner organisation or contractor, DFAT will advise the Australian downstream partner and expect them to manage the investigation and response. This will be agreed through a management plan developed with DFAT input and the results will be reported back to DFAT. DFAT also receives reports from third parties. Investigations are conducted if there is a breach of the duty to report and the response may depend on the reasons for the non-compliance with the aim of improving response robustness. For example, the Australian government immediately stopped the transfer of aid funds to Oxfam GB, a downstream partner of Oxfam Australia, until it could verify their systems and processes met its stringent requirements. If a reported matter is criminal it is processed and referred through the legal mechanisms in the relevant jurisdiction. Risk-based spot checks are undertaken on a five-yearly rolling process. Spot checks are also undertaken on matters flagged at audit.⁶⁹

Over the past decade DFAT has operationalised its CPP across the whole agency and has played an international leadership role in embedding CPP in international operations and humanitarian response and development work. DFAT also recognises that as a result of this policy requirement, DFAT-funded organisations tend to have more robust child protection capabilities when compared with aid organisations that do not have this requirement. DFAT believes that the established CPP framework provides a platform to shift the underlying culture, drive up standards and 'raise the tide' to better respond to sexual misconduct that affects adults.⁷⁰

We are aware that following a review of DFAT policies and procedures for managing sexual exploitation and abuse risks in its work a PSEA policy is being developed which is expected to be published in early 2019. This is expected to include a mandatory reporting requirement to DFAT of SEA allegations to be implemented through DFAT's contracts. This will apply to all DFAT-funded organisations and their downstream partners.

⁶⁶ Department of Foreign Affairs and Trade. (2018). DFAT child protection policy.

Retrieved from <http://dfat.gov.au/about-us/publications/Pages/child-protection-policy.aspx>

⁶⁷ PSEA is the term used by DFAT in these policies to differentiate adult safeguarding activities from those pertaining to child protection

⁶⁸ Department of Foreign Affairs and Trade. (2018). DFAT child protection policy. Retrieved from <http://dfat.gov.au/about-us/publications/Pages/child-protection-policy.aspx>

⁶⁹ DFAT interview, 21 June 2018

⁷⁰ Ibid.



In incidents reported to us by the DFAT Child Protection Compliance Team there were twelve incidents involving Australian NGOs in the three-year period covering 2015-2017. We note that this represents approximately one quarter of the total of 46 notifications during the same period (approximately) that DFAT reported in Senate Estimates in June, 2018⁷¹ with the notifications likely to derive from other non-NGO recipients of DFAT funding.

DFAT's child protection policy is widely respected as a best practice example in the sector according to multiple stakeholders we spoke to from multiple countries.

DFAT's child protection safeguarding is comprehensive. Leading. But it could do more on gender.

International Review Contributor



In our survey 41.1% of respondents reported they had an obligation to report incidents of sexual misconduct to donors. There is no indication that ANGOs are not contractually compliant with requirements. However we observe that donor requirements in relation to reporting are not applicable to all NGOs belonging to ACFID.



From ACFID Member interviews we found that all of the organisations required regular reporting throughout projects and at project-end. In these reports partners are expected to inform the organisations about incidents, including sexual misconduct and investigations. Approximately half of the interviewees stated that their organisation reported on gender equity and safeguarding to donors and many said that it is not a requirement, although they are committed to doing so. There was a sense that most of the organisations see reporting as a compliance issue and would prefer to invest resources into developing systems for prevention and response, rather than demonstrating compliance to governing organisations.



In relation to the reporting of incidents at the October 2018 Safeguarding Summit in the UK, donors, including DFAT, made a commitment, amongst 22 others, to ensure that relevant information about allegations are an integral part of reporting mechanisms.⁷²

We have found that DFAT's Child Protection Policy is comprehensive and robust for those organisations obliged to comply with it. Where ACFID members are required contractually or otherwise to report child protection incidents there is no evidence that they do not comply. We support the extension of this framework to sexual misconduct matters broader than child protection.

⁷¹ 007. Foreign Affairs, Defence and Trade Committee, Foreign Affairs and Trade Portfolio, Additional Estimates 2017-2018, Senate, 1 March, 2018, pp1-2.

⁷² Department for International Development. (2018). Commitments made by donors to tackle sexual exploitation and abuse and sexual harassment in the international aid sector. Retrieved from <https://www.gov.uk/government/publications/donors-commitments-to-tackle-sexual-exploitation-and-abuse-and-sexual-harassment-in-the-international-aid-sector>

5.1.3 ACFID Code of Conduct

The ACFID Code of Conduct⁷³ (the Code) is a voluntary, self-regulatory sector code of good practice. Its purpose is to improve international development and humanitarian action outcomes and increase stakeholder trust by enhancing the transparency, accountability and effectiveness of ACFID members. The Code was developed in 1997 and has undergone several revisions since then. The Code is governed through the Code of Conduct Committee which is an independent, voluntary body that monitors adherence and investigates complaints.

All members of ACFID are signatories to the Code and as such are expected to adhere to its principles and obligations. In managing the Code, ACFID balances the opportunity to learn with providing external assurance. It facilitates learning through a triennial self-assessment, the provision of a Good Practice Toolkit, tailored advice and support to members including training. ACFID provides assurance to external stakeholders by reviewing annual Code self-assessments, verifying compliance with selected aspects, overseeing an independent complaint handling process, reporting on Code compliance to stakeholders and conducting spot checks.

The ACFID Code references the international Core Humanitarian Standard which provides alignment in the global aid sector. Key ACFID standards cover the protection of staff and beneficiaries with explicit requirements for the protection of children. ACFID requires organisations to have a complaints policy, a whistle-blowing policy and child protection reporting procedures. A number of these requirements were introduced in the 2017 revision of the Code.

ACFID, and its Code in particular, sets a high performance standard for members, although it is not clear whether this translates into better performance amongst its members.

The Code of Conduct is a significant step forward in this field in terms of supporting respect and responsibility in this field. I have not seen this elsewhere ... there is a belief that ACFID Members are “ahead of NGOs who are not ACFID Members. But this is unverified. This may be true of some but there are also some good and effective non-ACFID Member Organisations.

Senior DFAT Official

The Code of Conduct Committee instituted a review in 2018 which consisted of an independent review⁷⁴ of the Code and a compliance review.⁷⁵ The compliance review had a 100% response and is obligatory on ACFID members. The independent review of the Code made a number of recommendations, including those relating to the following areas:

- **Recruitment:** Strengthening the Quality Assurance Framework for human resource policies was recommended with a new verifier that calls for “reference checking and vetting for former misconduct for all staff, including local staff and surge staff”.⁷⁶
- **Governance:** Organisations making an explicit policy commitment to PSEA and the reporting of serious SEAH⁷⁷ incidents to governing bodies was recommended.⁷⁸

⁷³ Australian Council for International Development. (2017). ACFID Code of Conduct. Retrieved from <https://acfid.asn.au/content/about-code>

⁷⁴ Lucas, B. and Thomson, J. (2018). Review of ACFID code of conduct regarding the prevention of sexual exploitation and abuse, recommendations to the code of conduct committee. Retrieved from <https://acfid.asn.au/sites/site.acfid/files/ACFID%20Code%20of%20Conduct%20PSEA%20Review%20Final%20Report%20by%20L4D%2028.8.18.pdf>

⁷⁵ Australian Council For International Development, PSEA Compliance Report, September, 2018.

⁷⁶ Lucas, B. and Thomson, J. (2018). Review of ACFID code of conduct regarding the prevention of sexual exploitation and abuse, recommendations to the code of conduct committee. from <https://acfid.asn.au/sites/site.acfid/files/ACFID%20Code%20of%20Conduct%20PSEA%20Review%20Final%20Report%20by%20L4D%2028.8.18.pdf>

⁷⁷ Term used by the authors

⁷⁸ P.8. Lucas, B. & Thomson, J., Prevention of Sexual Exploitation and Abuse: Recommendations for the ACFID Code of Conduct, August, 2018. Retrieved from <https://acfid.asn.au/sites/site.acfid/files/ACFID%20Code%20of%20Conduct%20PSEA%20Review%20Final%20Report%20by%20L4D%2028.8.18.pdf>

The compliance review found very high compliance (95%) with child protection indicators. However, a sizeable minority of organisations required remedial action in other relevant indicators. Nearly half (46%) required remedial action with regard to whistleblowing policies, which was a new responsibility under the Code. Non-compliance issues for complaints related to limitations in implementing complaints policies for primary stakeholders; a failure to meet the new requirement for their partner organisations to have complaints policies in place; and not having the complaints policy on their website.



In our survey we note that 71.6% of respondents, reported that they shared the Code of Conduct with one or more of the following: Downstream partner organisations, bi-lateral partners or contractors/consultants.

From our findings we note that ACFID Member Organisations are in many ways well placed in terms of relevant organisational safeguarding policies and processes. This can, in large part, be attributed to the ACFID Code of Conduct and its related Quality Assurance Framework, ACFID's active engagement

in supporting Members in the practical implementation of relevant policies, including through the ACFID Communities of Practice and also DFAT's accreditation and contractual requirements for the organisations it funds.

5.1.4 The ACNC

The Australian Charities and Not-for-profits Commission (ACNC), is the nation's charity regulator. It has been in existence since December 2012. The ACNC has stated that harm to beneficiaries is one of its key priority areas of focus especially in relation to children and vulnerable adults. Over the past two years safeguarding has been articulated as an area for priority and attention. However, this has not resulted in an increase in reports of sexual misconduct to the ACNC.⁷⁹

The ACNC can receive reports of misconduct from within or outside charitable organisations and can also identify possible cases for investigation through data matching. The ACNC states that charities are required under the ACNC Act (s65-5) to notify the ACNC of significant contraventions or non-compliance with the ACNC Act or Regulation. The ACNC is currently working to improve the sector's culture of disclosure. This includes the development of clear guidance on the types of matters that constitute a significant contravention or non-compliance and must

be reported and using the ACNC communication channels to promote this guidance and the reporting channels whilst balancing its mission to reduce regulatory burden.⁸⁰

The ACNC reported it has a very positive working relationship with the sector it regulates. It has a Professional Users Group and a Sector Users Group. The Sector User Group comprises invited representatives of the charity sector and government agencies that interact with charities. The Professional User Group brings together professional advisers along with representatives of government agencies. It has described it as a genuinely collaborative approach, where the ACNC draws on the expertise within the sector.

A review of the ACNC legislation was commissioned by the Department of Treasury in December 2017 to make recommendations on appropriate reforms. The final report was tabled on 22 August 2018.⁸¹ Of particular relevance to sexual misconduct are the following considerations.

⁷⁹ ACNC Interview, 10 July 2018

⁸⁰ Ibid.

⁸¹ The Treasury. Australian Government. Review of Australian Charities and Not-for-profits Commission (ACNC) legislation. Retrieved from <https://treasury.gov.au/review/acnc-legislation-review/>

A charity's "responsible persons" are the individuals who "manage" or govern the charity. For example, if the charity is a company, the directors are its responsible persons. Currently there is no "fit and proper person test" to determine who may or may not be eligible for this role. The Treasury Review recommended that such a test be introduced which would "disqualify a person from being a responsible person if they have a conviction for terrorism, terrorism financing, money laundering, fraud, importation or distribution of illicit drugs or a child sexual offence under Commonwealth, State or Territory law".

The ACNC is bound by strict secrecy provisions which protect the confidentiality of "protected ACNC information" which includes that relating to investigations, decisions (with the exception of the use of specific enforcement powers). These restrictions apply regardless of the public value in disclosure and are more restrictive than those of other comparable regulators such as the Australian Securities and Investment Commission (ASIC) and the Australian Prudential Regulation Authority (APRA). The ACNC has submitted that the secrecy provisions may impede public confidence in the ACNC's compliance activities in relation to its compliance activity or the actions it has taken to address non-compliance. It also submitted that the provisions should be amended

so that the ACNC may share bulk data with other Australian government agencies for data-matching purposes, research and intelligence purposes. The Report recommended that the secrecy provisions be amended.

At the time of writing, the government has not yet announced if the recommendations pertaining to secrecy, the fit and proper person test and others from the Review will be implemented. We are supportive of these changes.

To date, ACNC legislation and regulation has not differentiated between domestic charities and those operating in the international aid sector. However, the ACNC recognises that charities operating internationally are more difficult to monitor and face greater risks through the nature of their aid and humanitarian response work. This could apply to up to 600 development NGOs. The ACNC Act provides for the making of External Conduct Standards (ECS) to provide a minimum level of assurance that registered entities meet appropriate standards of governance and behaviour when operating outside Australia. The standards are intended to promote transparency and confidence in the not-for-profit sector. These standards are currently under development after a period of consultation.



In interviews we heard that participants were looking to the ACNC to increase oversight with regard to sexual misconduct.

We are regulated by the ACNC. I'd like to ask them [if] they think they've got adequate oversight [and] safeguard measures in place for sexual misconduct? Most of their focus is on governance and judiciary responsibilities, proper conduct and delivery on mission, and not abusing... their tax privilege position. But I think this question needs to be discussed and on the table... [with] the ACNC.

ACFID Member Participant

5.1.5 External reporting

We are in an era where numerous major institutions across a range of sectors have demonstrated systemic failures to manage serious misconduct through in-house regulatory mechanisms. The Royal Commission into Institutional Responses to Child Sexual Abuse (RCIRCSA) has stated that in-house responses ensured that allegations remained secret and shielded institutions from public scrutiny or accountability. Furthermore, it stated that in the absence of legal obligations, many institutions and staff did not report abuse outside the institution.⁸² These observations are replicated in recent investigations of other institutions in the banking and finance, insurance, superannuation and aged care sectors.

In Australia, other than DFAT child protection notifications under contract there are no legislative or Commonwealth departmental requirements for ACFID members to report sexual misconduct incidents within Australia. (Other obligations may exist to other international donors, or internally within International Non-government Organisation (INGO) Federations.)

In our survey, we learned that in addition to donor reporting obligations, 87.4% of respondents reported that they had a process for disclosure of incidents of sexual misconduct and furthermore that:

- 20.0% of respondents had an obligation to report incidents to international federations (majority by medium-sized organisations)
- 30.5% of respondents had an obligation to report incidents to other organisations (the majority were medium and large organisations)
- 38.9% of respondents reported that they had no obligations to report incidents of sexual misconduct to another entity
- 3.2% of respondents reported that they did not know what obligations their organisation had to report incidents of sexual misconduct to another organisations.

As a sector, it's [sexual misconduct] sort of been hidden and not shared.

ACFID Member Participant

Where voluntary requests are made such as through this Review, the response rates are lower than those for compulsory requirements, although still higher than average when compared with other voluntary requests for information in surveys.

However, data on reported incidents that was voluntarily submitted to the Review was compared with compulsory DFAT data for the same time frame, nine of the 12 (75%) incidents that were reported to DFAT were not provided to us. Only six (18%) ANCP accredited organisations did not respond to us. This indicates that within the organisations that responded to us voluntarily, they likely underreported

incidents, compared with those reported compulsorily to DFAT. (There is no evidence that there is underreporting to DFAT.)

In international practice, the UK Charity Commission requires⁸³ prompt reporting of serious safeguarding incidents, which is defined as those incidents that result in harm to people who come into contact with the organisation through its work or results in harm to the charity's assets or reputation.⁸⁴ However, in practice less than 1% of all UK-registered charities made a report of a serious incident to the regulator in a four-year period. In a detailed analysis of the four-month period at the beginning of this year,

⁸² Royal Commission into Institutional Responses to Child Sexual Abuse. (2018) Final Report. Retrieved from <https://www.childabuseroyalcommission.gov.au/>

⁸³ The UK Charity Commission is not a statutory power and it is not a criminal offence for trustees to fail to submit this information. The requirement applies to charities with an income of over £25,000 and is recommended good practice for charities with income less than that

⁸⁴ GOV.UK. (2014). Guidance: how to report a serious incident in your charity. Last updated 17 October 2018. Retrieved from <https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>

aid organisations reported nearly a third of all the safeguarding incidents, despite representing only 6.7% as a proportion of UK-registered charities. However, the overall level of reporting was still very low.⁸⁵

Our conclusion is therefore that the aid sector needs an incident reporting process that is compulsory and applies to all organisations in order to have sufficient oversight. For this reason, the ACNC was identified as the most appropriate body to manage the reporting of such incidents. This was supported by organisations and by ACFID.

I think if there was going to be a sector response in Australia then it should come through the regulatory structures that exist. I think that voice is better coordinated... through the ACNC.

ACFID Member Participant

In consultation with ACFID, they have told us that ACFID can manage matters in relation to their Code, dealing with policies, processes and systems but it is not the right body to receive sexual misconduct

incident report data as it does not have powers of compulsion for reporting or in-house expertise in safeguarding.

We think that the issue of reporting is critical and that some entity needs to gather reports. We think that post- Royal Commission it is not tenable for charities to deal with it themselves and we think it is better for them to have regulatory oversight.

Senior ACFID Officer

The ACNC told us that it was ready, willing and able to administer a reportable conduct scheme for international development NGOs should Parliament

and Treasury decide that this is appropriate, subject to the required legislative change and funding support.

Good Practice Example: The Victorian Reportable Conduct Scheme



The Victorian Reportable Conduct Scheme (RSC) is overseen by the Commission for Children and Young People. It was established in 2017 following the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and other Non-Governmental Organisations. The Scheme was reviewed by the Royal Commission into Institutional Responses to Child Sexual Abuse and along with the RCS in NSW it was cited as an example of Schemes which the Commission recommended for implementation in all states and territories.

⁸⁵ GOV.UK. (2018). Corporate report: Final report of Charity Commission safeguarding taskforce. Retrieved from <https://www.gov.uk/government/publications/final-report-of-charity-commission-safeguarding-taskforce/final-report-of-charity-commission-safeguarding-taskforce>

In Victoria the Commission has powers to:

- Receive allegations, investigation outcomes and findings of reportable conduct;
- Monitor the systems of organisations to investigate abuse or misconduct and undertake its own investigations in certain circumstances;
- Refer findings to certain professional registration bodies and the Working with Children Check Unit;
- Scrutinise organisations' systems for reporting and responding to allegations of child abuse or misconduct involving children;
- Assist in building the capacity of organisations to respond to allegations of abuse;
- Report on trends related to the scheme.

The Scheme applies to a range of approximately 10,000 governmental and non-governmental organisations with a high level of responsibility for children. The Scheme complements the reporting of crimes to Victoria Police and child protection authorities by means of Standard Operating Procedures. The obligation to report into the Scheme lies with the head of the organisation and must be reported in a timely manner (within 72 hours). The head of the organisation is also required to implement an independent investigation. Information must be reported where a person makes an allegation, based on a reasonable belief, which is defined as being more than just a suspicion but does not require certainty or a prior investigation.⁸⁶

We are aware of the potential of the very real negative impact that misrepresented or misinterpreted public reports can have on aid organisations and their programs. Numerous participants in the Review expressed concern about the adverse effects public awareness of incidents had on Oxfam-GB. Many

participants commented that the political environment in the UK has rendered the sector particularly vulnerable and expressed concern that Australia may not be immune from this. Fear of reputational damage is a real and valid concern for organisations who rely on donor and public funding.

There has to be an understanding in the public of what these numbers mean There is no benefit to anyone in Oxfam losing £16M – I would not be of favour of this [public reporting] at this stage.

Review Contributor

We find that the reporting of incidents of sexual misconduct in the Australian aid sector is fragmented at best, with many organisations not having any mandatory reporting obligations. There is no central oversight or analysis of prevalence and patterns of on and offshore sexual misconduct in the sector and that external oversight with regard to incidents is crucial to ensure accountability and to inform sexual misconduct practice and response.

It is our view that the reporting of incidents by organisations in their public annual reporting should be encouraged but not compelled, however the publication of sexual misconduct prevention and response activities is very important to improve transparency and public trust.

⁸⁶Summary of the Reportable Conduct Scheme, Retrieved from <https://ccyp.vic.gov.au/reportable-conduct-scheme/about-the-reportable-conduct-scheme/>

Recommendation

R01	Establish a Reportable Conduct Scheme (RCS) subject to funding and legislative requirements to apply to all organisations subject to the ACNC External Conduct Standard	1.Policies and Regulation	ACNC	Critical
R1.1	RCS should apply to all allegations of sexual exploitation and abuse, including child protection (substantiated or unsubstantiated) and cases of sexual harassment where governance or reputational implications apply.			
R1.2	RCS should include oversight of investigations and undertake random audits of completed investigations			
R1.3	RCS should monitor and evaluate data to inform practice and response			
R1.4	RCS should report publicly on aggregate trends, subject to amendments in ACNC secrecy provisions			
R1.5	RCS should align with other compulsory reporting obligations including DFAT's contractual reporting for funded organisations and domestic child protection reporting requirements under State and Territory Reportable Conduct Schemes.			
R04	ACFID Member Organisations should publicise all steps that they have in place to prevent and respond to sexual misconduct in their on and off-shore activities through their web sites.	1. Policies and Regulations	ACFID	High

5.1.6 Reporting to local authorities

There is significant variation in the capacity of local authorities including police, prosecutors, medical practitioners and the judiciary in developing nations to deal effectively with cases of sexual misconduct. Laws governing sexual offences and age of consent also vary. In 2014 42.9% of low income countries and 66.7% of lower middle income nations had mandatory reporting laws with regard to child abuse, compared with 94.7% of upper middle income countries.⁸⁷

The Australian Federal Police (AFP) has powers under the *Commonwealth Criminal Code Act 1995* which states that it is a crime for Australians to travel overseas to engage in, encourage or benefit from sexual activity with children (under 16 years of age). Australia strengthened the Act with Child Sex Tourism Offences legislation in 2010. This Australian application of extraterritorial jurisdiction is part of a global effort to prevent and punish the sexual abuse of children. The Australian offences do not have a dual

criminality requirement in that the conduct does not have to be a criminal offence in the country in which it occurs. Despite occurring overseas, these offences can be investigated and prosecuted in Australia and carry penalties of up to 25 years imprisonment for individuals and up to \$500,000 in fines for companies. The AFP 2017-18 Annual Report states that 58 people were charged in that reporting year as a result of child protection investigations.⁸⁸

The Australian Government introduced a new provision in late 2017, which makes it an offence for a person listed on a child protection register to travel, or attempt to travel, overseas without permission from a competent authority.⁸⁹ The laws are designed to deter these behaviours and to provide supplementary enforcement. There is no mandatory reporting but members of the public can report suspicions of child sex tourism direct to the AFP using an online form.⁹⁰

⁸⁷ International Society for the Prevention of Child Abuse and Neglect. Reproduced in BMJ Open (2017) <https://bmjopen.bmj.com/content/bmjopen/7/.../inline-supplementary-material-1.pdf>

⁸⁸ Australian Federal Police Annual Report 2017-2018 (2018) Retrieved from <https://www.afp.gov.au/sites/default/files/PDF/annual-report-2017-2018.pdf>

⁸⁹ Australian Federal Police (2018) Travelling child sex offenders Retrieved from <https://www.afp.gov.au/what-we-do/crime-types/child-protection/travelling-child-sex-offenders>

⁹⁰ Child Sex Tourism: Suspicious behaviour report. Retrieved from https://forms.afp.gov.au/online_forms/cst_form

However, investigation is challenging, cost and resource intensive and requires cooperation with local enforcement authorities. According to the AFP “this legislation is ‘only part of the answer’ and the more effective way to combat the sexual abuse of children is to enhance domestic law enforcement capabilities in destination countries for this activity. The Australian offences should only operate as fall back provisions if and when other efforts fail”.⁹¹

We acknowledge that reporting to local authorities has potential implications for the victim/survivor, particularly in jurisdictions where gender equality is not advanced and reporting may have adverse effects on the welfare of the individual. This may also extend to the welfare of the alleged perpetrator in some situations. Aside from welfare concerns based on principles of beneficence, we also acknowledge the right of competent adults to make decisions concerning them based on the principle of autonomy or self-determination. Accordingly, adults may choose not to report criminal sexual assault for a variety of reasons.

The Review has, however, observed a widespread reluctance by ACFID Member Organisations to report alleged incidents to local law enforcement authorities and a related over-reliance on internal reporting, support services and investigation processes. This appears to be based in part on a general lack of confidence in the ability of local authorities to investigate cases of sexual assault in many of the nations in which ACFID Members work. While in some cases this lack of confidence was evidence-based, in other cases it appeared to be a generalised, albeit strongly held opinion that was not founded on any investigation of local capabilities. People have also told us that fear of organisational reputational damage may affect willingness to report to local authorities.

In focus groups and interviews people told us that they were aware of a tendency to engage in a blanket dismissal of reporting to local authorities, which can be related to concerns regarding organisational reputation.

I wonder if part of the hesitance to use the national systems is because of the publicity. Sometimes they [national systems for investigating SV] don't exist. But even when they do exist, is there a hesitancy to use them because that will make things public? And you know things being made public will have a potential effect on your ability to operate, and your funds.

ACFID Member Participant



In incidents reported to us less than one third mentioned reporting or referral to police or local authorities. This included all four rape allegations but only nine of the 15 sexual assault/abuse allegations. The table relating to local authority reporting can be found in Part 2 and Appendix E of this report. It is not possible to confirm conclusively that police or authorities had not been involved in those cases. Nor is it possible to confirm whether any absence of reporting to local authorities was appropriate, based on relevant principles such as autonomy, beneficence or justice.



We note that the ACFID Code mentions authority reporting obligations (7.2.1) but does not specify that these include local authorities. The DFAT CPP requires organisations to adhere to local laws but is otherwise silent on reporting obligations to local authorities.

⁹¹ McNicol, J., & Schoenhardt, A. (2012) Australia's Child Sex Tourism Offences, Current issues in Criminal Justice, 23(3) 369-392. Retrieved from <http://www.austlii.edu.au/au/journals/CICrimJust/2012/5.pdf>

Sector Investigation Tools, such as the Core Humanitarian Standard (CHS) Alliance Handbook⁹² and the RedR Investigation Tool⁹³ do not emphasise reporting to local authorities. The RedR Tool indicates this should be considered only if a breach of local laws has been “confirmed” by an internal investigation.

This is in contrast to the standard of reporting to authorities that is required in Australia, at least in relation to children, which is required on the suspicion of a criminal offence. This also assumes a sound knowledge of local criminal laws as they relate to sexual misconduct, which is often not assured.

Good Practice Example: United Nations Population Fund (UNFPA)^{93.1}



In November 2013, during the response to Typhoon Haiyan in the Philippines, UNFPA supported the establishment of community owned and led GBV watch groups and women friendly spaces (WFS). In July 2014, when subsequent warnings for another typhoon, Typhoon Glenda, were issued, the women from the community watch groups and WFS mobilised themselves to cover all evacuation centres in Tacloban City. At the evacuation sites, the women drew upon their existing knowledge and training to identify and mitigate the risks of GBV. They established a protection desk for women and children; identified the needs and capacities of affected populations, including vulnerable groups such as female-headed households, elderly persons and people with disabilities; facilitated access to lifesaving health and psychosocial support for GBV survivors; and coordinated closely with female police officers and local government authorities.

The decision to report should be firstly that of the victim/survivor, if they have the capacity to express an informed choice. Secondly it should be informed by their best interests and other relevant ethical considerations including those pertaining to justice. However, in the absence of reasons to the contrary, we favour requirements that place a greater emphasis on the reporting of criminal matters and those involving child protection to local enforcement authorities. This change in emphasis in reporting to local authorities is necessary in order to ensure appropriate justice outcomes and demonstrate respect for local institutions. Internal investigations that precede police investigations can jeopardise the outcome of a police investigation. Reporting to local authorities should be based on an a broad understanding of local laws as they pertain to sexual misconduct; the relevant local

civil society services that support victim/survivors of sexual violence and the capacity of local authorities to deal with these matters.⁹⁴

Where reporting is deemed to be not in the interest of a victim/survivor, goes against the wishes of an adult victim/survivor or if there is a significant risk to the life or welfare of the alleged perpetrator, this should be clearly documented. Alternative forms of action, or advice, may be sought from AFP members at the nearest Australian High Commission or Embassy or from an Ethics Line.⁹⁵ The AFP operate from 29 international posts in Australian High Commissions or Embassies.⁹⁶ Each AFP post can have responsibility for multiple countries in the region ensuring coverage of nearby nations where the Australian Government does not have direct representation.

⁹² CHS Alliance. (2017). PSEA implementation quick reference handbook. Retrieved from <https://www.chsalliance.org/files/files/PSEA%20Handbook.pdf>

⁹³ Security Incident Information Management Handbook (2017) RedR, Insecurity Insight & EISF. Retrieved from [https://www.redr.org.uk/Our-Work/Key-Projects/Security-Incident-Information-Management-\(SIIM\)/The-Security-Incident-Information-Management-Handb](https://www.redr.org.uk/Our-Work/Key-Projects/Security-Incident-Information-Management-(SIIM)/The-Security-Incident-Information-Management-Handb)

^{93.1} United Nations Population Funds (UNFPA). (2015). Minimum Standards for Prevention and Response to Gender-Based Violence in Emergencies. Retrieved from https://www.unfpa.org/sites/default/files/pub-pdf/GBVIE_Minimum_Standards_Publication_FINAL_ENG_.pdf

⁹⁴ Nobert, M. (2017). Addressing sexual violence in humanitarian organisations: Good practices for improved prevention measures, policies, and procedures. Report the Abuse. Retrieved from <https://www.interaction.org/document/report-abuse-addressing-sexual-violence-humanitarian-organisations-good-practices-improved>

⁹⁵ An example of an Ethics Line is that run by the St James' Ethics Centre The Ethics Centre. (2018). Retrieved from <http://www.ethics.org.au/home>

⁹⁶ Australian Federal Police. (2017). Australian Federal Police Annual Report 2016-2017. Retrieved from <https://www.afp.gov.au/sites/default/files/PDF/Reports/afp-annual-report-2016-2017.pdf>

If reporting to local authorities is deemed to be not appropriate by means of exclusion, then at a minimum where there has been a sexual assault, referral and support for a medical examination and related testing for injury, STIs and pregnancy (if relevant) and counselling should be provided. This is detailed further in Domain 3, below.

Recommendation

R02	ACFID and DFAT should develop a policy that allegations involving criminal sexual misconduct should be reported to local enforcement authorities as a default position. This should be regardless of local mandatory obligations, unless this is at odds with the wishes or welfare of the affected person or the life or serious welfare of the alleged perpetrator.	1.Policies and Regulation	ACFID; DFAT	Critical
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5.1.7 Pre-employment screening

The re-employment of perpetrators of sexual misconduct has been a prominent theme in the current debate around this issue and has featured strongly in interviews, stakeholder consultation, focus groups and the literature.

How do we give each other honest references without getting sued for defamation. If we could crack that, that would just be fantastic.

ACFID Member Participant

Pre-employment screening is one measure, amongst others, that contributes to ensuring the safety of individuals within organisations.⁹⁷ (Other relevant employment requirements are considered in Domain 3 of this report.) Risk is not restricted to those who have direct contact with people; screening may also be relevant for other employees, such as ICT staff who have access to files containing personal information.⁹⁸

The sharing of information about perpetrators (either those for whom the claim is substantiated or those who are under investigation) with future employers is an area fraught with legal and ethical difficulties, as the interests of the victim/survivor intersect with those pertaining to natural justice and protections of privacy.

There are certain historical behaviours, namely those that have been substantiated as criminal convictions in a court of law, that can be lawfully shared through police checks. Nevertheless, as discussed in Part 3, this is a very high standard. Furthermore, in Australia convictions that occurred more than 10 years prior are considered to be spent and may not appear on a police check. Working With Children Checks (WWCCs) are more extensive and targeted than police checks. Two jurisdictions, Tasmania and the ACT also carry out a Working With Vulnerable People (WWVP) check.

⁹⁷ Royal Commission into Institutional Responses to Child Sexual Abuse. Final report. Retrieved from <https://www.childabuseroyalcommission.gov.au/>

⁹⁸ Australian Medical Association. (2018). <https://ama.com.au/sa/police-clearance>



In interviews we found that the majority of new employees and Board Members were subject to screening via referee checks and criminal record checks. Most were inducted into the organisation by face-to-face and/or online training that included the organisational Code of Conduct. New staff or Board Members are asked to read organisation policies and procedures for sexual misconduct and to sign the organisational Code of Conduct. Some were also required to sign a declaration of no child abuse.



In the survey, when we asked organisations whether their recruitment process for all staff includes: Criminal background check, WWCC, two referees from previous employers, seven (7.4%) of the 95 respondents either did not respond to this question (n=2) or responded as not applicable (n=5). Among the remaining 88 responses, 13 (14.8%) reported that they conducted one of the following recruitment processes for all staff: A criminal background check; two referees from previous employers; a WWCC; or other check. This was reasonably evenly distributed across organisation size. Eight of the 95 respondents reported that they did not conduct one of the listed recruitment process checks for staff. The majority of these were small sized organisations (n=5, 62.5%).



According to interviews, staff induction processes for partner organisations appeared to be either ad-hoc or reliant on the Australian organisation. Interviewees articulated difficulties with obtaining criminal record checks for local staff along with concerns about staff turnover (and the related need to train new staff in sexual misconduct policies) and potential for predatory behaviour during humanitarian efforts when there is less time for appropriate staff screening and on-boarding.

Individuals are currently not obliged to disclose convictions unless they are asked.⁹⁹ The DFAT and ACFID requirements with regard to organisations' child protection policies currently advocate a risk-based approach to police checks or national equivalent for those who work with children. We understand that changes to the ACFID Code of Conduct and DFAT PSEA policy will include

recommendations on police checks.

The recent Review of the ACFID Code of Conduct recommended strengthening the Quality Assurance Framework for human resource policies with a new verifier which calls for "reference checking and vetting for former misconduct for all staff, including local staff and surge staff".¹⁰⁰

We note that non-disclosure agreements have come under a great deal of scrutiny both within the aid sector and in the context of workplace misconduct more broadly as a mechanism by which information can be withheld from future employers. ACFID Members have called for their prohibition and for the use of privacy waivers as a means of disclosing information between employers.¹⁰¹ We support the sharing of information but note that there are complex legal considerations pertaining to privacy which may make this difficult to implement.

⁹⁹ Hoppe K., Williamson C. (2018). Safeguarding in humanitarian organisations: a practical look at prevention and response. Humanitarian Practice Network. Retrieved from <https://odihpn.org/blog/safeguarding-humanitarian-organisations-practical-look-prevention-response/>

¹⁰⁰ Lucas, B. and Thomson, J. (2018). Review of ACFID code of conduct regarding the prevention of sexual exploitation and abuse, recommendations to the code of conduct committee. Retrieved from <https://acfid.asn.au/sites/site.acfid/files/ACFID%20Code%20of%20Conduct%20PSEA%20Review%20Final%20Report%20by%20L4D%2028.8.18.pdf>

¹⁰¹ International Women's Development Agency. 2018. IWDA Submission: ACFID Independent review into prevention of sexual misconduct and DFAT Policy Preventing Sexual Exploitation, Abuse and Harassment. Retrieved from <https://iwda.org.au/resource/iwda-submission-acfid-independent-review-into-prevention-of-sexual-misconduct-and-dfat-policy-preventing-sexual-exploitation-abuse-and-harassment/>



Good practice example: DWES¹⁰²

The Victorian Disability Worker Exclusion Scheme¹⁰³ requires all disability service providers (both government and no-government) including DNIS providers, to conduct additional pre-employment checks prior to employment. It applies to all disability workers engaged in a disability service such as full-time, part-time or casual employees; contractors; agency staff; students on placements and volunteers. The Disability Worker Exclusion List is a list of people who have been assessed by the Department of Health and Human Services as being unsuitable to provide care.

Good practice example: dutyof.care¹⁰⁴

Dutyof.care is a commercial software platform service that brings together proactive prevention and permanent proof. It does this by validation of accreditations on a real-time basis according to the frequency required by the organisation. Dutyof.care then creates a permanent record of the verification log on the blockchain. The log does not contain any personal information. If a WWCC is revoked then a notification is sent, not just to the primary agency (as already happens under the WWCC) but to every agency that the person may be volunteering/working with. The dutyof.care tool can be adapted for any local context, although pilot testing outside of Australia has yet to be undertaken.

Emerging practice example: Humanitarian Passport.

A “system of passporting, registration or accreditation of humanitarian and development practitioners”. The concept is to establish a system of registration for international aid workers which enables more rapid humanitarian deployment response as the individual’s suitability has already been pre-approved. Individuals can risk losing their humanitarian passport if they are proved to have behaved inappropriately.¹⁰⁵ This approach is being scoped by Bond, the UK Department for International Development (DFID), the UK Charity Commission and some multi-lateral bodies. The challenges in establishing such a system are significant and complex. Nevertheless at an organisational level UK Save the Children has been working on a blockchain-based passport system and many organisations are watching these developments with interest.

Good practice example: IASC.¹⁰⁶

For prospective employees the processes used include: Screening questions, self-declarations or self-certifications; declarations from referees; and maintaining lists of certified organisational referees. Some organisations have also developed individual or joined collective sexual harassment and abuse (SHA) and sexual exploitation and abuse (SEA) databases of employees who have been disciplined or terminated for unacceptable behaviour. The ICRC has decided to adopt an immediate requirement for candidates to disclose prior issues of sexual or other misconduct and circumstances of termination of past employment. The ICRC is addressing privacy constraints by asking the applicant to consent to the disclosure of such information by former employers for whom the candidate has worked over the previous five years. Oxfam is instituting a system of accredited referees to ensure a more rigorous process of providing validated references. UNFPA is now including a specific and detailed SEA question in its questions for referees.¹⁰⁷

¹⁰² We acknowledge IWDA for providing this example in their submission. <https://iwda.org.au/resource/iwda-submission-acfid-independent-review-into-prevention-of-sexual-misconduct-and-dfat-policy-preventing-sexual-exploitation-abuse-and-harassment/>

¹⁰³ Health and Human Services. (2018). Victoria State Government, Disability, Protecting rights, Disability Worker Exclusion Scheme. Retrieved from <https://providers.dhhs.vic.gov.au/disability-worker-exclusion-scheme>

¹⁰⁴ Duty of Care. (2018). Make vulnerable people safer. Retrieved from <https://dutyof.care/>

¹⁰⁵ Sharman, Alice: What are humanitarian passports and how might they work? 23 Feb 2018. <https://www.civilsociety.co.uk/voices/alice-sharman-what-has-been-said-so-far-about-humanitarian-passports.html#sthash.YsGzEuIA.dpuf>

¹⁰⁶ Inter-Agency Standing Committee, Preventing Transgressors Moving Through the Humanitarian System, (2018) Session 1, 31 May. IASC Principals Recommendations Retrieved from <https://interagencystandingcommittee.org/about-principals/meetings-public/iasc-principals-meeting-2018>

¹⁰⁷ “To the best of your knowledge, has the candidate, whether as an employee, (international) civil servant, individual independent contractor or otherwise, ever been subject to any disciplinary measure, contract termination, contract non-renewal or non-extension, or has he/she resigned while under investigation or during disciplinary proceedings, for or in connection with (allegations of) fraudulent, collusive, coercive, obstructive or unethical practices, misconduct, harassment, sexual harassment, abuse of authority, sexual exploitation or sexual abuse, retaliation, or poor or inadequate performance?”

As this Report was being prepared, DFID announced the following actions at the UK Safeguarding Summit in relation to pre-employment screening:¹⁰⁸

- DFID and Interpol are to pilot a new register to improve background checks on aid workers. This will allow charities to access the international register when carrying out criminal record checks, which will be used to arrest more perpetrators across the globe.
- All UK NGOs, with support from DFID will test a passport for aid workers.
- A disclosure of misconduct scheme will be used across the sector, with the hope of having 100 organisations signed up by December 2018. It is anticipated that this will allow greater information sharing between law enforcement agencies.

We have noted the emphasis on regulation-tech at the ACFID Annual Conference 2018 and commend the use of innovation to address challenges.¹⁰⁹

Recommendation

R03	ACFID should monitor and engage in the development of multi-lateral international humanitarian passporting and registration schemes and other forms of regulation-tech.	1.Policies and Regulation	ACFID	Moderate
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5.1.8 Interaction between systems and requirements

Australian aid organisations form part of a complex network of partnerships with other international actors. Furthermore, the localisation agenda has driven an increase in localised responses. The result is a complex interplay of inter-jurisdictional policies, processes and laws.

Nationally we have observed that the major agencies; DFAT, ACFID and ACNC have close relationships. ACFID membership is required for an organisation to be part of the ANCP. The ACFID Code aligns with the ACNC governance standards. The Committee for Development Cooperation (CDC) is a joint DFAT / NGO advisory and consultative body made up of members from the ANGO community and DFAT.

The ACFID Code of Conduct also aligns with international standards such as the CHS Alliance. A small number of ACFID Members have been independently verified or completed a validated self-assessment with HQAI using the CHS Framework. However, the CHS Alliance compliance is not a specific requirement of DFAT accreditation.

At the international Safeguarding Summit held in the UK in October 2018, donors made commitments to clearly communicate requirements for the reporting of incidents and to work towards aligned reporting practices.

We heard in stakeholder consultations, interviews and in focus groups that organisations found it difficult to integrate requirements from different organisations

¹⁰⁸ Mistry S. & Wright M. (2018). Safeguarding Summit: highlights and takeaways for NGOs. Bond. Retrieved from <https://www.bond.org.uk/news/2018/10/safeguarding-summit-highlights-and-takeaways-for-ngos>

¹⁰⁹ GOV.UK. (2018). Press release: Safeguarding Summit 2018: Global aid community to take action against sexual predators. Retrieved from <https://www.gov.uk/government/topical-events/safeguarding-summit-2018>

We consider integrated policy, reporting and compliance mechanisms essential for small to medium sized organisation and for reducing administration burdens on international partners.

These engagements provide an ideal opportunity to coordinate approaches and compliance standards of donors to ensure multiple compliance and reporting regimes do not undermine effective implementation, at all levels, of measures to tackle sexual exploitation and abuse in our sector. Key to this will be donors agreeing core principles and to recognise each other's certification and compliance mechanisms – for example DFAT's accreditation processes and ACFID Code of Conduct self-assessment processes, in the case of Australia.

IWDA submission to the Review¹¹⁰

In interviews, there was a sense that sexual misconduct is an emerging area of compliance within the aid sector that the focus to date has been on child protection. Many of the participants had little to no

experience managing sexual misconduct incidents and by default were discussing their processes in place to protect children from abuse.

It's child protection, child safe-guarding and misconduct, and it's all lumped in together and there's no clarity around all the different processes.

ACFID Member Participant



In the field trip, we heard of good integration and interaction between Australian and local authorities. When asked if there was an event involving an Australian national what level of cooperation and integration between Fiji police, AFP and officials would be expected, the respondent answered:

Oh it's strong. And so whether we're well resourced or not, I think everyone's really clear about what we need to do, and we have good communications with Canberra. We have very strong relations with a number of local Ministries, Ministry of Women, so I mean in the event that stuff comes up, we immediately would connect with the highest level that we can.

¹¹⁰ International Women's Development Agency. 2018. IWDA Submission: ACFID Independent review into prevention of sexual misconduct and DFAT Policy Preventing Sexual Exploitation, Abuse and Harassment. Retrieved from <https://iwda.org.au/resource/iwda-submission-acfid-independent-review-into-prevention-of-sexual-misconduct-and-dfat-policy-preventing-sexual-exploitation-abuse-and-harassment/>

From other sources in our Review, however, we heard that the success of this integration is very variable, depending on the level to which the organisation has been able to navigate and align with local laws.

NGO internal systems are based on the law of that home country and requirements. They may not harmonise with local laws. And that can be very difficult for those reporting and investigating to navigate.

ACFID Member Participant

Emerging Practice example: ACCCE.¹¹¹



The Australian Centre to Counter Child Exploitation (ACCCE) is a new agency under the auspices of the Department of Home Affairs. It will combine resources of other agencies in the Home Affairs portfolio, links to other federal departments, state agencies and non-governmental organisations with expertise in dealing with child exploitation. The ACCCE will also link with international agencies to provide a coordinated response to child exploitation.

Emerging practice example: ILO.

The International Labour Organisation (ILO) has announced that it is focusing on a new international treaty to protect workers from harassment and violence, with consideration for this to be adopted in 2019.¹¹² The ILO has stated that this treaty is a response to a lack of international coherence with regards to laws and policies that exist around workplace behaviours.

As organisations strengthen their internal and program-focused safeguarding systems they should promote these policies and systems through their websites and in promotional materials.

We find that there is reasonable, although not universal integration, of systems and requirements within organisations. We found that organisational size is a major factor in how successfully these systems are integrated with larger, better resourced organisations having a stronger capacity. This is discussed further in Domain 3.

We note that DFAT and ACFID intend to keep child protection (CP) separate from its adult sexual misconduct reporting requirements. We have noted that these delineations can be complex and confusing for members and special attention should be paid to aligning these and supporting their implementation.

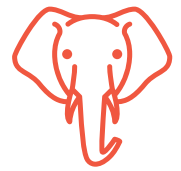
Recommendation

R05	DFAT and ACFID work together to advocate for international donor cross-recognition and accreditation of the ANCP accreditation system and ACFID Code of Conduct and ancillary Quality Assurance Framework systems.	1. Policies and Regulations	DFAT; ACFID	Moderate
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¹¹¹ The Hon Peter Dutton MP. Minister for Home Affairs. 2018. Joint media release with the Hon Angus Taylor MP, minister for law enforcement and cyber security- Australian Centre to counter child exploitation. Media releases. Retrieved from <https://minister.homeaffairs.gov.au/peterdutton/Pages/Australian-Centre-to-Counter-Child-Exploitation-.aspx>

¹¹² Lieberman A. (2018, September 10). Inside Development #AidToo. Q&A: ILO expert on new workplace harassment and violence treaty. [Web Blog Post]. Devex. Retrieved from <https://www.devex.com/news/q-a-ilo-expert-on-new-workplace-harassment-and-violence-treaty-93370>

5.2 Domain 2: Social Norms & Attitudes



5.2.1 Introduction

In this Domain we will discuss the social norms, attitudes and beliefs that pertain to people, organisations and the sector. We will discuss the types of behaviour that people perceive to constitute sexual misconduct and some of the risk factors that are particular to this sector. Conceptually this is the Elephant in the metaphor, the strong, emotional part of the entity that is hugely influential and requires motivation in order to sustain a desirable trajectory.

Sexual misconduct is fundamentally connected to gender inequality, discrimination and power imbalances. The aid sector faces particular risks in that the work context can often entail people living away from their familiar social norms in communities of people who may be at risk, and where aid workers have, or are seen to have, significant authority and status.

Sexual misconduct is an everyday occurrence. This is evidenced in the Australian Human Rights Commission's 2018 Workplace Sexual Harassment Survey which reported that a staggering 81% of information, media and telecommunications sector

respondents experienced sexual harassment in the previous five years.¹¹³ This was significantly higher than the, still concerning, 33% national prevalence rate. This Survey also found that 83% of people who experienced sexual harassment chose not to report it.¹¹⁴ It follows that organisations need to take sexual harassment very seriously as a potential 'gateway' behaviour that can escalate if not addressed and can cause harm in and of itself.¹¹⁵

This should be articulated at a senior management and governance level and inform organisational practices. The absence of comparable international prevalence information on misconduct in the aid sector means that it is not possible to determine whether sexual misconduct is more common amongst ACFID Member Organisations compared with other organisations or indeed any other sectors. However, it is likely, given the known level of underreporting of sexual misconduct in all nations¹¹⁶, that the incidents reported in this Review's Reported Incidents Tool (RIT) are likely to under-represent true prevalence.

5.2.2 Recognising and understanding behaviours

The misconduct covered in this Review's terms of reference and described in the introduction covers a range of behaviours, broadly subcategorised as "abuse" (including child abuse), "exploitation" and "harassment". Whilst formal definitions can, and have been given for each; the intersection between these forms of sexual misconduct, and indeed other forms of violent and harassing behaviour are not always clear to aid workers.

5.2.1.1 What is not OK?



Sexual misconduct constitutes a range of behaviours.

¹¹³ p. 63. Australian Human Rights Commission. (2018) Everyone's Business: Fourth national survey on sexual harassment in Australian workplaces. 2018. Australian Human Rights Commission. (2018). Everyone's Business: Fourth national survey on sexual harassment in Australian workplaces. Retrieved from <https://www.humanrights.gov.au/news/stories/everyone-s-business-2018-sexual-harassment-survey>

¹¹⁴ p.7 Australian Human Rights Commission. (2018) Everybody's Business: Fourth national survey on sexual harassment in Australian Workplaces. Retrieved from <https://www.humanrights.gov.au/our-work/sex-discrimination/publications/everyone-s-business-fourth-national-survey-sexual>

¹¹⁵ Johnson, A., Widnall, S. & Benya, F. (eds) (2018) Sexual Harassment of Women: Climate, culture and consequences in academic sciences, engineering and medicine. National Academies of Sciences, Engineering and Medicine. United States. Retrieved from <https://www.nap.edu/catalog/24994/sexual-harassment-of-women-climate-culture-and-consequences-in-academic>

¹¹⁶ World Health Organization. (2003). Sexual violence: Prevalence, dynamics and consequences. In Guidelines for medico-legal care for victims of sexual violence. Retrieved from http://www.who.int/violence_injury_prevention/resources/publications/en/guidelines_chap2.pdf

When we asked focus group participants what behaviours they thought constituted sexual misconduct, they told us:

- “In a broad sense, violent but not necessarily physical inappropriate conduct.”
- “Physical, direct, evidence-based through to vague areas.”
- “There’s a spectrum from harassment up to rape or violence.”
- “These days it includes some cyber activities.”
- “Where there’s a power imbalance and that power imbalance is utilized inappropriately.”
- “Violence, the threat of violence, exploitation, deprivation, coercion, indicate purpose through to the sexual harassment.”
- “Can be bullying, can be discrimination.”
- “Threat of coercion.”
- “Inappropriate touching.”
- “Sense of being diminished, connotation around gender.”
- “Inappropriate comments, it doesn’t necessarily have to be the physical.”
- “Innuendo, the looking, the questions, the implied there’s a job opening if you do this.”
- “Sexual exploitation and misconduct –sexual engagement where there was a clear power differential.”
- “Sometimes in the cultures that are about niceness and helping particularly in the NGO sector, means that often it’s very passive aggressive, so it’s hard to dispute.”
- “It’s exploitation. Jokes.”
- “Watching pornography.”

The findings of misconduct that were reported to us are described in detail in Part 4 of this Report and can also be found in the Appendix. Of note are the following:

- Almost half the reports related to sexual harassment which was the most common form of sexual misconduct that was reported.
- Nearly a quarter of all incidents constituted criminal allegations of sexual assault, abuse or rape.
- There were 40 incidents of sexual misconduct affecting aid workers of which 31 incidents were between aid workers. The incidents between aid workers all constituted non-criminal misconduct, of which the most common was harassment

We have discussed in Part 4 that it is not possible to infer prevalence rates from this information. It does, however, tell us that sexual harassment between aid workers constitutes a sizeable proportion of overall reported sexual misconduct incidents. Of the behaviours described, those that caused the most definitional difficulty were those around behaviours involving consenting adults.

Table i. Incident Characteristics according to the Relationship between Victim/Survivor(s) and Perpetrator(s)

Type of sexual misconduct ^a	By aid worker(s) against individual(s) from affected population n = 26 (%)	Between aid workers n = 31 (%)	Total n = 76 (%)
Sexual harassment ^b	3 (11.5)	28 (90.3)	35 (46.1)
Sexual assault ^c / abuse	8 (30.8)	0 (0.0)	15 (19.7)
Unwanted sexual touching	1 (3.8)	2 (6.5)	7 (9.2)
Inappropriate/exploitative sexual relationship	4 (15.4)	0 (0.0)	4 (5.3)
Rape	2 (7.7)	0 (0.0)	4 (5.3)
Aggressive sexual behaviour (including threats)	0 (0.0)	0 (0.0)	0 (0.0)
Request for sexual favours in exchange for support	0 (0.0)	0 (0.0)	0 (0.0)
Other	4 (15.4)	1 (3.2)	6 (4.9)
Children exposed to pornography	1 (3.8)	0 (0.0)	2 (2.6)
Indecent exposure	2 (7.7)	0 (0.0)	2 (2.6)
Domestic violence	0 (0.0)	1 (3.2)	1 (1.3)
Grooming behaviour	1 (3.8)	0 (0.0)	1 (1.3)
Not stated	4 (15.4)	0 (0.0)	5 (6.6)

^a Where multiple forms of sexual misconduct were present, the most severe form is reported.

^b Includes unwanted sexual comments.

^c Includes one attempted sexual assault.

It is important to note that it is normal for people to form relationships with people who are around them. However, there are unique factors in the aid environment which increase the potential for inappropriate relationships and potential misconduct. Those factors intersect, and include, but are not limited to the field setting, environmental stressors; power and status differentials and interpersonal dynamics which can be influenced by cultural factors.

International aid work is characterised by blurred

boundaries between work, life and leisure. Aid workers have a high degree of visibility. "Individuals become 'ambassadors' for their agency, on show and under scrutiny from partners, beneficiaries and onlookers alike, 24 hours a day, 7 days a week. In addition, they often find themselves living in the same building as colleagues or at least in close proximity, and often sharing meals and leisure time".¹¹⁷

¹¹⁷ Lankester, E., Work-Life Balance: Guidelines for the aid sector, People in Aid, 2003. Retrieved from <https://www.chsalliance.org/files/.../work-life-balance-guidelines-for-the-aid-sector.pdf>

Field aid work is often characterised by displacement from existing social networks. This, in combination with other factors including a high level of commitment to work and a relative absence of other distractors, can result in an imbalance in work-life balance. In addition, the nature of aid work can be characterised by high energy and high stress. We have also heard that the aid sector, in common with other high stress sectors including the military and emergency services can attract individuals who more readily engage in risk-taking behaviour.

Maladaptive responses to stress either directly or through the misuse of alcohol or drugs can increase the risk of sexual misconduct.

Organisations are already very adept at recognising these human factors and manage this risk through recruitment practices and pre-deployment training and briefings. These briefings outline cultural contexts in the host nations, the organisation's staff behaviour standards and policies and personal security considerations which usually entails some sense of the local legal system. Aid workers on deployment are also supported with mandatory rest and recreation breaks. Organisations also provide access to employee assistance programs that offer counselling.

Within the aid sector risk-taking behaviour is more common in humanitarian work than in development work. Certainly many of the high profile cases reported in the context of the recent conversation around sexual misconduct, including those in the UK IDC Report¹¹⁸ occurred in the humanitarian response context.

The development sector attracts young people running away for an adventure. They can get bored and stressed and indulge in extreme behaviours that they would not dream of 'at home'.

Review Participant

However we have also heard in interviews that there are features of humanitarian work that may reduce the risk of certain types of misconduct, and child exploitation in particular.

... I don't think that, humanitarian disaster and crisis response work is the same as development work in terms of the risks. Disaster and crisis response work is not predictable. You can't choose where your next mission will be. It's often to places that aren't really very attractive to visit and when you get there, you work very long hours. You may have very little privacy. You may spend the whole time behind a computer and never meet a beneficiary the whole time that you're there. It's very different to development work where a development worker could typically spend 10 years living in [a country] in a little village, learning the local language, getting to know local communities.

ACFID Member Participant

¹¹⁸ International Development Committee (2018). Sexual Exploitation in the Aid Sector. <https://www.parliament.uk/business/committees/committees-a-z/commons-select/international-development-committee/news-parliament-2017/sexual-exploitation-report-publication-17-19/>



In incidents reported to us for the past 3 years only 8% of all incidents as well as 8% of all incidents involving members of an affected population involved a humanitarian context; as opposed to 48% of all incidents that were in a development context. This could be due to a higher level of aid activity that occurs in a development sector, a tendency for incidents in a development context to be more readily reported, or may in fact represent under-appreciated risk. In any case, this data suggests to us that whilst there are specific risks in the humanitarian context, risks in the development context should not be discounted.

There is no clear definition of sexual exploitation or consent. Usual considerations include age, autonomy, agency and consent, but identifying these in practice is challenging.

Everyone has a very different understanding of gender and women's rights and what constitutes sexual exploitation, and already today we've had lots of conversations about grey zones. Child protection seems more black and white, and people have general agreement on what is acceptable. I feel [for] this issue [sexual misconduct] people have very differing perspectives about what is acceptable behaviour and not.

ACFID Member Participant

Consensual relationships between adults who may have different degrees of power have the potential to have adverse effects on individuals and can be exploitative. This might apply, for instance, when there is a significant age gap between a young local woman and an older ex-patriate man.

Some national staff can be treated poorly. There is a gap between the expat and the local community which exaggerates the power differential. Relationships with nationals can go bad and get complicated fast.

Review Contributor

Some organisations have responded with very strict guidance on relationships between aid workers and people from affected populations. One new example of an enhanced sexual misconduct policy requires staff and their accompanying adults (partners or anyone over the age of 18 accompanying a staff member on assignment) to consider power dynamics in their relationships in the field.

[S]exual relationships with program participants, approved adult dependents, or 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 [the organisation] and its programs.

ACFID Member Organisation Policy

In this policy, staff 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 real or perceived unequal power dynamics exist. Workers who are unsure if their relationship falls into this category are advised to discuss the situation with their line manager and/or a member of the Human Resources team.

This may have serious privacy implications for anyone in the field, as any sexual relationship in that context has the potential to fall under such a provision, including relationships between national staff and members of their own community.

Transactional Sex

Our review has found that transactional sex is a particularly polarising issue in the discussion on sexual misconduct in the aid sector. Sex work was nominated by many as a behaviour that falls into a grey zone.

We recognise that the right of a person to sell sex is not the same as that of a person who buys sex.

Recognition that sex workers have the right to be protected from harm, exploitation, discrimination and coercion and the right to participate in the development of laws that affect their lives and safety and the right to health, education and employment options is not about the rights of the buyers of sex. It is entirely focussed on protecting sex workers, who face a range of human rights violations linked to criminalisation.¹¹⁹

Banning sex with locals because it is inherently exploitative is a colonialist attitude to women from affected populations. This is moralistic, out-dated and denies agency to women.

Review Contributor

Transactional sex, defined as the exchange of money, goods, employment or services for sex has been at the centre of sexual misconduct allegations in the aid sector since the West Africa “Food-for-Sex” scandal in 2002. The more recent Oxfam scandal also related to paid sex.

Transactional sex comprises a range of interactions which have different characteristics in terms of potential to constitute sexual misconduct, and exploitation in particular. For example, the exchange of food for sex in a crisis situation is different from a contractual exchange of money for sex as a professional service by a person with agency. Sex work is an important primary or secondary occupation among some LGBTIQ+ people¹²⁰. However, sex work is much more likely to be exploitative, even inherently so, during humanitarian crises.

The single largest driver impacting on women and children to engage in transactional sex is ‘survival sex’.

Review Contributor

Sex work in many nations is linked to criminality and can present a personal risk for sex workers and their clients. Some sex workers are trafficked or coerced and have limited or no agency over their lives.

¹¹⁹ Amnesty International (2016) Policy on State Obligations to Respect, Protect and Fulfil the Human Rights of Sex Workers. <https://www.amnesty.org/en/ga-policy-to-protect-the-human-rights-of-sex-workers/>

¹²⁰ Dhall P, Boyce P (2015) IDC Evidence Report 106. <http://www.ids.ac.uk/publication/livelihood-exclusion-and-opportunity-socioeconomic-welfare-among-gender-and-sexuality-non-normative-people-in-india>

Where sex work is illegal (most places) it can be linked to criminality and violence and the possibility of underage male/female transgender sex workers. It is difficult if not impossible to access risk free commercial sex. [This] could justify a blanket ban on this basis and [the] possibility of blackmail etc. and [related] risk reduction.

Review Contributor

Good Practice Example: The International Committee of the Red Cross (ICRC)



ICRC often undertakes humanitarian work in highly dangerous situations where trust in the organisation and its staff and its credibility in retaining its neutral role to all actors in a conflict is vital to its mission. Accordingly the ICRC has a Code of Conduct which is very prescriptive. Rules preclude the use of narcotic drugs, use of weapons, restrict coverage of their work in social media and prohibit work-related photographs, audio taping, filming unless this is required and approved by the ICRC. The Code's rules about sexual misconduct are clear and prohibit any form of sexual harassment, the purchase of sexual services, sexual exploitation and sexual relationships with beneficiaries.

However, not all organisations have taken this approach based on their own assessment of risk and rights.

The ACFID Code of Conduct Review considered the diversity of views in relation to this matter and found that it was a matter for individual organisations to articulate their own position in relation to transactional sex.

In a submission to the Review, ACFID Member Organisation, the International Women's Development Agency (IWDA) has called for a complete ban on transactional sex.¹²¹

In response to the 2002 'food for sex' scandal, the UN banned transactional sex for all of its staff on deployment. Many organisations have adopted this stance since then, and others have done so since the Oxfam scandal at the beginning of this year. Those organisations with the highest risk profile in terms of location and the nature of their work in, for instance, disasters, conflict or post-conflict environments, have good reason to impose measures aimed at both protecting their staff and the people they work with in-country.

IWDA recognises that sex work is not inherently exploitative, and that sex workers are not inherently vulnerable. We support all workers, including sex workers, in their right to safe, dignified work, opportunities to establish a livelihood and equal rights in the workplace. We also recognise that the exchange of money, employment, goods, or services for sex in many of the contexts we work in is based on inherently unequal power dynamics and it is appropriate to constrain these transactions. On this basis, IWDA recommends the revised ACFID Code of Conduct or supporting Quality Assurance Framework, prohibit consensual engagement of sex workers by personnel of member agencies while travelling, on deployment or otherwise conducting business for or representing member agencies.¹²²

¹²¹ IWDA Submission: ACFID Independent Review into prevention of sexual misconduct and DFAT Policy Preventing Sexual Exploitation, Abuse and Harassment, August 2018. Retrieved from <https://iwda.org.au/resources/>

¹²² Ibid.



ACFID has told us that its position is that “Humanitarian crisis, whether conflict or disaster, exacerbates vulnerability and can rapidly increase the number of people who are marginalised and intent on survival. In this context it is simply not tenable for humanitarian aid workers – expat or national – to be using their position of power and responsibility to assist disaster affected people, to be engaging the same people in the exchange of money, employment, goods or services for sex. The maxim of humanitarian work is ‘Do no harm.’ “

In incidents reported to us, relationships classified as “inappropriate or exploitative” constituted only 15% of all those from an aid worker against an individual from affected population, and only 5% of all incidents.

Donors increasingly recognise reputational consequences of behaviours.

Organisations need to be clear that there is no ‘at work’ and ‘at home’ behaviours

Senior DFAT Official

ACFID told us that organisations need to be aware of how staff behaviours can be perceived by the public. They called on organisations to consider whether certain behaviours seem reasonable or safe when considering responses to them.

In Summary: We Need To Talk About Sex



In focus groups and through consultation we heard and observed a sectoral reluctance to engage in conversations with staff about sex. It is certainly a practical strategy that seeks to prevent sexual misconduct, reduce risk and justify rapid dismissal (if required) through command and control mechanisms. However our best practice research findings have emphasised the need to talk through policies to facilitate a practical understanding of the range of unwelcome, offensive, intimidating and humiliating sexual behaviours that can constitute sexual harassment as well as exploitation and abuse. These conversations should cover the effects of this behaviour, available support and reporting mechanisms and the consequences for substantiated sexual misconduct.



It is easier to sanction sex because it is too difficult to talk about it.

ACFID Member Contributor

Sex is a part of life but sexual rights are contested in human rights and cultural sectors. We are not allowed to talk about sex.

ACFID Member Participant

Managers will increasingly be expected to undertake conversations with field staff about personal relationships that may be seen to breach codes of conduct. Given the high likelihood that many ACFID Member Organisations' field staff will be sexually active, under some organisational policies the individual must not only calculate the power differential with potential romantic partners but also discuss potential or existing sexual relationships with their local program manager. This organisational responsibility for scrutiny and arbitration of personal relationships sits somewhat awkwardly with rights of the individual and concepts of a private life and confidentiality. Field managers may need support and training to be better prepared for these interactions.

The grey zone for me is where the really good conversations are. In our review it was really important for us. And one of the things we asked the reviewers to do was develop scenarios that deliberately get us into those uncomfortable conversations.

ACFID Member Participant

We need to have those tricky conversations because people are going to have sex.

ACFID Member Participant

We have observed a sector-wide reliance on the development of increasingly prescriptive and restrictive zero tolerance policies as a first line response to reducing the likelihood of sexual misconduct. Sex is seen as a problem which has to be 'solved'. This can be understood from a risk management perspective but it also veers towards an organisational invasion of staff members' personal lives.

It is our view that organisations should adopt a risk based approach to sex between aid workers who are in-country long term (development context and national staff) and people from the affected population who are not direct beneficiaries. An outright ban on such relationships is not appropriate.

Mechanisms that encourage head office and field staff to be more thoughtful about their workplace behaviours and sexual relationships which may be based on unequal status and authority, are essential to creating a clear understanding of code of conduct requirements. These can include scenario-based discussions, pre-deployment training and cultural sensitisation about the host nation.

Recommendation

R06	ACFID Member Organisations should ensure that pre-deployment training includes scenario-based discussions about power imbalances, status and workplace cultures of the destination nation and how these factors can impact on work and personal relationships	2. Social Norms and Attitudes	CEOs & Boards of ACFID Members	High
R07	ACFID Member Organisations should embed psychological welfare within their HR program as part of sexual misconduct prevention processes.	2. Social Norms and Attitudes	CEOs & Boards of ACFID Members	Moderate
R08	ACFID Member Organisations should support the understanding of healthy sexual relationships through training of field managers and regular local workshops for staff.	2. Social Norms and Attitudes	CEO & Board of ACFID Members	Moderate
R09	ACFID Member Organisations should actively adopt measures to prevent and respond to transactional sex in field work (particularly in humanitarian response work) by making changes to Codes and policies, and through training and recruitment.	2. Social Norms and Attitudes	CEOs & Boards of ACFID Members	High
R10	ACFID Member Organisations should align approaches to sexual harassment, child protection and exploitation and abuse within a wider framework of gender equity whilst acknowledging the need for different responses to each.	2. Social Norms and Attitudes	CEOs & Board of ACFID Members	Moderate

5.2.3 Primary prevention of child abuse

We do not subscribe to a view that all forms of sexual misconduct lie along a linear spectrum. We believe that some forms of misconduct have some differences in terms of character, not just severity. Sexual misconduct against children is criminal behaviour and this Review is absolutely clear that this should always be reported to the relevant authorities as discussed in Domains 1 and 3.

In our Review, of those people from an affected population who were reported to have been assaulted by an aid worker, two thirds of the total, and 85% where the age was known, were children. (Details can be found in Part 2 and Appendix E of this Report.)

This is likely to be, in part, attributable to robust reporting requirements for children, leading possibly to a relative over-representation compared to adult victim/survivors.

In focus groups and interviews we did not hear about the sexual abuse of children in particular, although we did hear in more general terms that predatory behaviours existed.

Unfortunately all sorts of people take advantage, or if they see an opportunity to take advantage, they'll take advantage.

ACFID Member Contributor

Although, except for exceptional circumstances, the only appropriate response to sexual abuse that has occurred against children is a robust criminal justice response. However we recognise that there is also a small but important role for primary prevention to help prevent abuse, including engaging individuals who recognise their own behaviour as problematic. This was also recognised by the Royal Commission into Child Sexual Abuse as an important strategy to prevent child sexual abuse.

Good Practice Example: Stop it Now!¹²³



Stop it Now! UK and Ireland is run by the Lucy Faithfull Foundation which aims to prevent child abuse by working with sexual offenders. Its confidential helpline is available to adults worried about their own sexual thoughts or behaviour towards children, including online behaviour; and adults worried about the sexual behaviour of other adults or children and young people both in the capacity of their personal relationship with the other adult (friend/relative) or professional relationship (client/patient). The campaign intends to help people with concerning thoughts or behaviours to learn to control them.

The Royal Commission recommended a national strategy to prevent child abuse that would encompass additional initiatives including social marketing campaigns and online safety education for children.

There is an evidence base for such campaigns.¹²⁴ We acknowledge that such a campaign may be challenging to implement in low resource settings. Nevertheless we feel that primary prevention is still an important consideration.

Recommendation

R11	ACFID through its Child Rights Community of Practice should consider a primary prevention strategy for child sexual abuse in the aid sector that may include promoting awareness of the Stop it Now! Campaign.	2. Social Norms and Attitudes	ACFID	Low
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5.2.4 Downstream translation

Australian aid organisations have a proud history of working with downstream partners to deliver aid. They are therefore well placed to contribute to the global aid sector commitment to increase the localisation of aid. At the 2016 World Humanitarian Summit “the need to support and maximise the role of local, national and regional actors” was articulated in two of the Secretary-General’s recommendations: To “commit to [be] as local as possible and as international as necessary” and to “put people at the centre.”¹²⁵ The Grand Bargain is an agreement between donors to provide more funding to local and national responders.

Localisation is the process of recognising, respecting and strengthening the independence of leadership and decision making by national actors in humanitarian action, in order to better address the needs of affected populations.¹²⁶ This international project is driven by the recognition by key actors such as the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and the International Federation of the Red Cross and Red Crescent Societies (IFRC) that, “localisation is the key to humanitarian effectiveness.”¹²⁷ Local organisations offer community networks, deep cultural, social and political understandings and a clear sense of what needs to be done.

¹²⁵ El Taraboulsi, S., Schell, J., Gorgeu, R., Localisation in Humanitarian Practice, International Council of Voluntary Agencies & Humanitarian Policy Group, 2016 <https://www.icvanetwork.org/resources/localisation-humanitarian-practice>

¹²⁶ p.4. Department of Foreign Affairs and Trade. Australian Red Cross. (2017). Going Local. Achieving a more appropriate and fit-for-purpose humanitarian ecosystem in the Pacific. Retrieved from <https://humanitarianadvisorygroup.org/wp-content/uploads/2017/11/ARC-Localisation-report-Electronic-301017.pdf>

¹²⁷ Ager, A., Baillie Smith, M., Barbelet, V., Carpenter, S., Carter, W., Cartwright, A., ... & Halff, K. (2015). World Disasters Report: Focus on local actors, the key to humanitarian effectiveness. Retrieved from <http://nrl.northumbria.ac.uk/id/eprint/26590>



In incidents reported to us we found that of all the incidents perpetrated by aid workers against an individual from an affected population, two thirds were perpetrated by a national staff member and only 11.5% were perpetrated by a field expat staff member. This incident data is consistent with information from DFAT regarding all of their incidents. In an interview DFAT advised that the majority of alleged perpetrators are locally engaged staff, with a small minority of incident reports in the preceding few years involving Australian nationals.

Of all the incidents allegedly perpetrated by an aid worker against an individual from an affected population that were reported to us, one third concerned direct employees and 58% of incidents were allegedly perpetrated by partner employees or sub-contractors.

The locations in which incidents were reported largely reflect the global allocation of ACFID Member funding for development and humanitarian projects.¹²⁸ However, within this context, Papua New

Guinea (PNG) appears as an outlier, with having almost twice as many reported incidents outside of Australia than the country after it. In stakeholder consultations and in research into international prevalence of gender-based violence PNG is recognised as a country where the risk of sexual misconduct is particularly high. There were also a relatively high number of incidents in Vanuatu, Timor-Leste and Zambia, compared with ACFID member activity in those areas.

Table m. Alleged Perpetrator Characteristics according to the Relationship between Victim/Survivor(s) and Perpetrator(s)

	By aid worker(s) against individual(s) from affected population n = 26 (%)	Between aid workers n = 31 (%)	Total n = 76 (%)
Gender			
Male	23 (88.5)	25 (80.6)	66 (86.8)
Female	0 (0.0)	3 (9.7)	3 (3.9)
Not stated	3 (11.5)	3 (9.7)	7 (9.2)
Role (if aid worker)^a			
Head office	1 (3.8)	18 (58.1)	20 (34.5)
Field ex-pat (paid)	3 (11.5)	0 (0.0)	3 (5.2)
Field ex-pat (volunteer)	0 (0.0)	0 (0.0)	0 (0.0)
Field national (paid)	17 (65.4)	12 (38.7)	29 (50.0)
Field national (volunteer)	0 (0.0)	1 (3.2)	1 (1.7)
Not stated	5 (19.2)	0 (0.0)	5 (8.6)
Employment status (if aid worker)^a			
Direct employee	8 (30.8)	23 (74.2)	32 (55.2)
Partner employee	13 (50.0)	4 (12.9)	17 (29.3)
Sub-contractor (including consultants)	2 (7.7)	0 (0.0)	2 (3.4)
Other	0 (0.0)	1 (3.2)	1 (1.7)
Volunteer	-	1 (3.2)	1 (1.7)
Not stated	3 (11.5)	3 (9.7)	6 (10.3)

¹²⁸ Australian Council for International Development. (2018). State of the sector report. Retrieved from <https://acfid.asn.au/about/state-sector>

Table n: The most common international locations of incidents were Papua New Guinea, Vanuatu and Timor Leste.

(See Table 4 in Appendix E for incident characteristics stratified by victim-perpetrator relationship.)

Papua New Guinea	13 (17.1)
Vanuatu	7 (9.2)
Timor Leste	5 (6.6)
Cambodia	4 (5.3)
Zambia	4 (5.3)
India	3 (3.9)
Pakistan	3 (3.9)
Fiji	2 (2.6)
Nepal	2 (2.6)
Sri Lanka	2 (2.6)
Thailand	2 (2.6)
Bangladesh	1 (1.3)
Bolivia	1 (1.3)
Indonesia	1 (1.3)
Laos	1 (1.3)
Nauru	1 (1.3)
Solomon Islands	1 (1.3)
South Africa	1 (1.3)
Vietnam	1 (1.3)
Not stated	3 (3.9)

Participants in interviews and focus groups told us that there were significant challenges in implementing sexual misconduct policies with downstream partners. In the systematic best practice review on sexual misconduct prevention we found problem recognition to be an important theme.^{129 130 131} There was strong agreement in one focus group that perceptions of sexual misconduct can be interpreted differently by disparate cultures.

Cultural differences might make it difficult to have a single interpretation of thresholds of what you should report even if it's committed to an organisational level

ACFID Member Participant

In the field trip we heard that different cultures may affect the recognition of misconduct in the field.

For example it's still incredibly common practice for teachers to hit children in classrooms. So people wouldn't necessarily report that, unless they've been through a fair amount of our training. In the general community that wouldn't be a reportable incident. So not something that they would normally report. So we have to first build an awareness that that behaviour isn't appropriate, getting them to understand why it's not appropriate, before even introducing the reporting processes into that.

ACFID Member Participant

¹²⁹ Inter-Agency Standing Committee. (2016). Global Review of Protection from Sexual Exploitation and Abuse by UN, NGO, IOM and IFRC Personnel. Retrieved from <https://interagencystandingcommittee.org/protection-sexual-exploitation-and-abuse/documents-public/global-review-protection-sexual>

¹³⁰ Holmes, S. & Flood, M. (2013). Genders at work: Exploring the role of workplace equality in preventing men's violence against women (White Ribbon Research Series – Preventing Men's Violence Against Women, Publication No. 7). Retrieved from https://www.whiteribbon.org.au/wp-content/uploads/2016/10/WRIB-470_Genders_At_Work_Paper_v03.pdf

¹³¹ Matti, S. (2015). Governing sexual behaviour through humanitarian codes of conduct. *Disasters*, 39(4), 626-647. doi: 10.1111/disa.12128

Organisations identified their ability to implement culture with downstream partners as a related but separate issue from their own operational culture.

There's two sides to this, there's one side which is about our motivation and our culture and how we operate. And then there's the culture and our practice around our partners.

ACFID Member Participant

In focus groups, participants recounted the debate that followed the 2017 revision of the ACFID Code of Conduct that required the application of standards onto partner organisations in different cultures. Members expressed a wish to respect the sovereignty of other bodies and a concern about having to be too prescriptive with other cultures. They stated that there is a need to consider what is practical and deliverable.

I'd just say there's a certain set of base standards that we should say "right you know that's absolutely illegal, unacceptable, don't care about the culture". Then there's others that are more of a journey based approach.

ACFID Member Participant

There were also significant barriers to reporting incidents that affected beneficiaries. In multiple consultation methods we heard that individuals from affected populations and/or partners are fearful of losing funding and/or support from aid and development organisations if they 'complain' about staff behaviour in the field.

Fundamentally it's just about power - that we have power [...] Whilst we can demonstrate through action that we take these things seriously, fundamentally, we walk into communities with advantage[...] if there's an issue taking place, that takes a lot for one person to stand up.

ACFID Member Participant

The end beneficiaries are beneficiaries because they're in vulnerable situations, which means that there's an inbuilt sense of being unable to self-advocate and so on and so forth- And they've learned helplessness, which is a horrible term.

ACFID Member Participant

We heard in the Review that there are significant barriers to reporting for national staff because of the ramifications for that person's family.

They [partner organisations] will always initially report through unofficial channels. "This is what's happening, how do I go about reporting this?" They're initially afraid of [it] being taken to their leadership. So they want to get some assurance that. There isn't going to be a big backlash against me, my role".

ACFID Member Participant



If you look at remote Pacific communities there's no ability to really engage local communities on a rights based approach. Maybe on accountability or sharing power approach or other approaches but Pacific communities will often come say "Why aren't you taking a theological approach because the Bible's what we understand. Why would you not you know, take Christian social teaching as the most effective mechanism of creating a benchmark of what's good and bad behaviour? But you know that's something our sector wouldn't tolerate very well, simply because it's seen as being the wrong means of addressing the problem. I think DFAT has come to realize that in many countries in the Pacific, the churches are the core of the society. So as a vehicle for change it's worth investing in, and in other faiths like the Muslim faith in Bangladesh. It's very important to work through those sorts of bodies as well. It is trying to work out what is the best way to try and effect change in that particular cultural or social context.

ACFID Member Participant



In our survey, we found that organisations generally but not universally shared their policies with downstream partners. We found that small organisations were experienced at sharing their policies with downstream partners.

The close reliance on in-country partner organisations for program delivery and related requirement to support the adoption of CP policies (and soon protection of sexual exploitation and abuse (PSEA) policies) could mean that the smaller organisations may have more experience and better expertise in this work that large organisations. However, it is resource intensive work.

It's taken quite a few years for some of our partners, overseas partners to kind of grasp the importance [of] child protection [rather than] something that's imported from the west, or that sort of neocolonialist kind of sensitivity. So I guess the issue of having now another thing, [SEA] to raise with them, I think that will require a lot of sensitivity to talk to the partners about.

ACFID Member Participant



In the Review field trip to Fiji, partner organisations were observed to have an excellent understanding of their child protection policies and how this applies at a practical level in their day to day work. Many also exhibited a sophisticated understanding of broader sexual misconduct and gender issues in both internal workplace practices and program delivery considerations. They also had a good understanding of local support services for adults and children who have experienced sexual assault.

The way we work with partners is they tend to have very close relationships with communities through their work and they are in communities for a long time. And so I understand their complaint system is operating, communities are a lot more likely to directly contact the field staff they are working with or they often have the phone number of the field staff and their manager.

ACFID Member Participant



In the field trip we saw flow on requirements to downstream partners for child protection and related considerations such as gender equity and disability rights and access have a profound and probably under-recognised capacity development benefits for partner organisations.



While this work could be seen as peripheral to the core activity that might be provision of emergency sanitation facilities, it has long term effects. The requirement to support downstream partners through this process contributes to organisational capacities in governance, service delivery and reporting. It also deepens the relationship between the partner entities and supports the cause of localisation.

Based on interviews and focus groups, the work of ensuring the meaningful adoption of child protection policies, gender equality and disability inclusion has been challenging for many ACFID Member Organisations. However over time it has been a significant contribution towards building meaningful

connections with local organisations and developing safeguarding awareness that influences the way local organisations design and deliver their community and humanitarian response services. We saw evidence of this on the field trip to Fiji.

Good practice example: Cyclone Winston Case Study: Live and Learn and CARE



Live and Learn told us that they access shared services for gender, child protection and safeguarding, and shared services for inclusivity, disabilities and vulnerable groups in their communities through the Australian Humanitarian Partnership (AHP) in which CARE is the lead agency.¹³²

¹³² Within the partners locally, gender advice is provided by CARE. For child protection and child safeguarding Live & Learn work with Save the Children. In relation to disabilities they work with the Fiji Disabled People's Forum.



With the advent of Cyclone Winston in February 2016 Live & Learn wanted to extend its reach in the South Pacific region while CARE wanted to remain 'light on the ground' while delivering on its humanitarian and disaster response mandate.¹³³ The organisations then worked together in disaster preparedness, risk reduction and response activities. Live & Learn identified the specific advisory capacity they required from CARE "so that we would work to build our capacity and work with their strengths as well as working with our strengths".¹³⁴

According to Live & Learn the fact that CARE listened to them and took that direction was one of the highlights of the partnership. CARE provided immediate support as identified by Live & Learn and eventually one and a half year's support for operations, administration and financial management.

"CARE knew we needed people out in the field as quickly as possible; however, we also knew as an organisation that compliance to certain [safeguarding] codes were very critical. We had these in a good practices manual and CARE worked with Live & Learn to ensure that it had a humanitarian lens over it. What we worked on and implemented throughout that one and a half years is still in place now. The amended document is the "CARE - Live & Learn TC Winston Operations Manual". This provides guidance to ensure that processes are transparent and that we are accountable for every step of the way. For example, the importance of obtaining police checks for all staff and volunteers that were engaged and procurement of services. CARE provided that support which helped to facilitate surge staff deployment. For these sorts of

police checks, the process had to be transparent and we had to be accountable for every step of the way. CARE provided that support which helped to facilitate surge staff deployment.

According to Live & Learn, access to programs such as the AHP provides tangible benefits. "Activities are not developed externally, they are developed by partners internally. Together with sub-national government partners we identify which activities we need to do in terms of preparedness. It also allows us the space to look at and strengthen Live & Learn's preparedness program. AHP also provides Live & Learn with the opportunity to work with specialists to look at our policies. It is peer reviewed in-country and this makes it realistic, relevant and practical for us."¹³⁵

From the CARE perspective, the "joint response required a radically different way of operating, where success was defined by transferring skills, by helping the local team, to 'learn by doing' by mentoring, supporting, advising, accompanying, by showing respect, humility and trust, yet being firm about what is required of a life-saving intervention."¹³⁶

Good practice example: Learning from the locals.



In Fiji we noted that many international, Australian-based and local NGOs in Fiji have adopted the Talanoa process as a mechanism for having those 'difficult' conversations to assist national staff to understand their Code of Conduct responsibilities. In Fiji it is used as an internal communication platform and it is also used by NGOs as a key form of community consultation. Many organisations cite the need to create a 'safe space' for (women in particular) to talk about workplace or program sexual misconduct concerns. The Talanoa process provides this.

¹³³ Lehoux, F., Localisation in Practice A Pacific Case Study: What CARE and local partner Live & Learn have learned from jointly responding to Cyclone Winston in Fiji (2016) CARE & Live & Learn Fiji

¹³⁴ Interview Live & Learn August, 2018.

¹³⁵ Interview Live & Learn August, 2018.

¹³⁶ Lehoux, F., Localisation in Practice A Pacific Case Study: What CARE and local partner Live & Learn have learned from jointly responding to Cyclone Winston in Fiji (2016) CARE & Live & Learn Fiji

Talanoa is a traditional word used in Fiji and across the Pacific to reflect a process of inclusive, participatory and transparent dialogue. The purpose of Talanoa is to share stories, build empathy and to make wise decisions for the collective good. The process of Talanoa involves the sharing of ideas, skills and experience through storytelling. During the process, participants build trust and advance knowledge

through empathy and understanding. Blaming others and making critical observations are inconsistent with building mutual trust and respect, and therefore inconsistent with the Talanoa concept. Talanoa fosters stability and inclusiveness in dialogue, by creating a safe space that embraces mutual respect for a platform for decision making for a greater good.”¹³⁷

Good practice examples: learning from peers.



We asked our focus group participants, “In your experience, what have been some of the processes that have facilitated a strong culture of sexual misconduct prevention and socialization [of policies and standards] including to downstream partners?”

Their responses included the following:

- *“We look into issues of child protection, sexual exploitation, disability inclusion, gender dynamics and then we give them a chance to go and reflect what does that mean for them.”*
- *“[We have] a policy internally, informally, of multiple contact points at different levels, so between us and our partner, between partner and their partner, between different sections of the organisation. So there’s constantly more sense of transparency and ability to communicate through different channels, rather than just a very hierarchical sort of programmed, [top down coordination] because that tends to generate that isolation and more opportunity [for poor behaviour to go unreported].”*
- *“Take note of how power is used and shared within the organisation and the gender friendliness of the organisation itself.”*

¹³⁷ United Nations Climate Change. (2018). 2018 Talanoa Dialogue platform. Retrieved from <https://unfccc.int/topics/2018-talanoa-dialogue-platform>



In our systematic best practice review in relation to sexual misconduct found consultation and inclusion of national staff and in country partnerships and cultural context to be important themes.^{138 139}

We found that this should involve :

- Consultation and incorporating feedback from national staff regarding prevention strategies.¹⁴⁰
- Ensuring that individuals from affected populations are made fully aware of the expected behaviour of humanitarian aid and development workers, including organisational commitments to sexual misconduct prevention.¹⁴¹
- Establishing and maintaining community trust in affected populations through early consultation with community representatives. Consideration must be given to cultural context, logistical constraints, existing complaint and victim assistance structures, and desires of the community;
- Establishing a response structure for humanitarian aid and development organisations partners that is context and survivor appropriate;
- Supporting partners to build capacity to increase awareness among affected populations to empower them to report sexual misconduct via community-based response mechanisms;
- Engaging specialists with knowledge of local procedures (e.g. child protection) should be consulted to develop in-country referral pathways;
- Engaging field offices with to the design, development, implementation and monitoring of community based reporting mechanisms.^{142 143}



The recent independent Review of the ACFID Code of Conduct made specific recommendations to support both localisation and PSEA for partner organisations. The Code Review recommended the inclusion of specific statements about child protection, prevention of sexual exploitation and abuse and serious incident reporting in partner agreements.

The recommended changes include:

- Capacity assessment for [partner] implementation of key safeguarding and risk policies (e.g. child protection and prevention of sexual exploitation and abuse).
- For formal partnerships...agreements that consistently describe:
- Specific statements about child protection, prevention of sexual exploitation and
- abuse and serious incident reporting.¹⁴⁴

¹³⁸ Inter-Agency Standing Committee. (2016). Best Practice Guide Inter-Agency Community-Based Complaint Mechanisms Protection against Sexual Exploitation and Abuse. Retrieved from https://interagencystandingcommittee.org/system/files/best_practice_guide_-_with_inside_cover_online.pdf

¹³⁹ Ibid.

¹⁴⁰ Nobert, M. (2017). Addressing sexual violence in humanitarian organisations: Good practices for improved prevention measures, policies, and procedures. Report the Abuse. Retrieved from <https://www.interaction.org/document/report-abuse-addressing-sexual-violence-humanitarian-organisations-good-practices-improved>

¹⁴¹ CHS Alliance. (2014). Core humanitarian standard on quality and accountability. Retrieved from <https://www.chsalliance.org/what-we-do/chs>

¹⁴² Inter-Agency Standing Committee (IASC) Task Force on Protection from Sexual Exploitation and Abuse (PSEA). (2013). Guidelines to implement the Minimum Operating Standards for Protection from Sexual Exploitation and Abuse by UN and non-UN Personnel. Retrieved from [https://www.interaction.org/sites/default/files/Guidelines%20to%20Implement%20MOS%20\(IASC%20PSEA%20TF\).pdf](https://www.interaction.org/sites/default/files/Guidelines%20to%20Implement%20MOS%20(IASC%20PSEA%20TF).pdf)

¹⁴³ CHS Alliance. (2017). A guide to the core humanitarian competency framework: Supporting humanitarians to work effectively. Retrieved from <https://www.chsalliance.org/what-we-do/chcf/guide>

¹⁴⁴ CHS Alliance. (2017). A guide to the core humanitarian competency framework: Supporting humanitarians to work effectively. Retrieved from <https://www.chsalliance.org/what-we-do/chcf/guide>

¹⁴⁴ Lucas, B. and Thomson, J. (2018). Review of ACFID code of conduct regarding the prevention of sexual exploitation and abuse, recommendations to the de of conduct committee. Retrieved from <https://acfid.asn.au/sites/site.acfid/files/ACFID%20Code%20of%20Conduct%20PSEA%20Review%20Final%20Report%20by%20L4D%2028.8.18.pdf>

What we can conclude

There are many challenges in supporting downstream partners to adopt and operationalise relevant safeguarding policies and practices. We have observed a sophisticated understanding of the myriad challenges and the practical ability of ACFID Members to understand and work around these hurdles and to adapt to local cultural contexts. The flow-on of safeguarding governance requirements to downstream partners, especially those that are assessed as being of a higher risk because their core focus is children or otherwise vulnerable adults, generates partner organisational benefits that are beyond contractual compliance.

In order to address underreporting in the field a power imbalance needs to be overcome. This can be achieved with collaboration, trust and strong partnerships in order to facilitate reporting. The global push for localisation in the international aid sector will also assist in this process.

Barriers to reporting by individuals from affected populations mostly relate to culture, power and knowledge. There was a lack of certainty that Australian values about sexual misconduct were commonly understood and/or expressed in many of the countries that these organisations were working

in. For example, what can be seen to be a 'joke' or a normal interaction between two people who are very familiar could be seen to be inappropriate in the Australian context. Furthermore, there is incongruity between Australian and overseas legislation that could cause confusion when reporting unlawful behaviour.

Knowledge about what behaviours are inappropriate, how to report, investigate and manage sexual misconduct in the field were also identified as barriers to reporting. Most organisations encourage reporting by providing training, education and support to the partner organisations so they are aware of why, how and when to report and what process this triggers.

It is apparent that the now quite established flow-on requirement of Child Protection Policies to DFAT-funded organisations operate as a practical capacity development mechanism for local organisations. In our opinion the DFAT sexual misconduct for adults will trigger a renewed focus on sexual misconduct prevention and response for Australian aid organisations and their downstream partners which should be implemented using a collaborative approach.

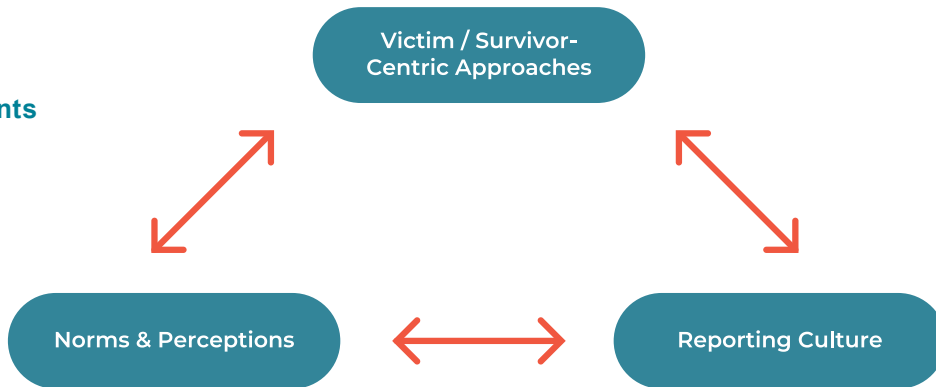
Recommendation

R12	ACFID should consider the development of generic sexual misconduct materials with a focus on gender inequity and power imbalances that can be localised by small Member Organisations for implementing partners.	2. Social Norms and Attitudes	ACFID	Moderate
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5.2.5 Victim/survivor approaches, reporting culture and norms

Organisational reporting culture, victim/survivor-centric approaches and norms perceptions form part of a positive cycle to build an organisational environment conducive to preventing sexual misconduct

Figure K.
Reporting Elements



Social change accelerates when we see that others are changing. So to prevent harassment and abuse, victims need to see that other victims are believed, supported, and securing justice. Sanctions need to be publicised.

Review contributor



Whilst there was a strong recognition of the importance of an organisational reporting culture in our Review, we heard overwhelmingly that this did not translate into the reporting of incidents, and of harassment in particular.



Under reporting is a huge issue. That's really dangerous for an organisation, because that sets the culture.

ACFID Member Participant

If we look at Australia in general the culture of reporting is not great.

ACFID Member Participant

Poor organisational cultures for reporting workplace sexual misconduct can create a 'nothing to see here' environment where a lack of reports is erroneously interpreted by leadership as a sign that there are no workplace issues. This can then feed into a perception by victim/survivors and potential perpetrators that sexual misconduct is tolerated within the organisation.

Senior management and board members can think "We've never had a credible report. We're not aware of any incidents. So what would be a reasonable investment to make in an area that we don't, [have a problem]". Possibly valid, possibly not so valid, I think is a significant issue for us, our partners, and the communities we're working with.

ACFID Member Participant

Men as Victim/Survivors of Harassment



While we know that sexual misconduct is under-reported in general, but within that it is thought that there is significant under reporting by men. The Australian Human Rights Commission 2018 survey on workplace sexual harassment reported that 26% of male respondents reported being harassed.¹⁴⁵ This is a significant figure that is unlikely to be reflected in organisation-based incident reports.



[Sexual misconduct is] Under-reported by men, because of cultural masculinity and how I should be able to handle this as a man.

ACFID Member Participant

In incidents reported to us that occurred between aid workers, of those where the gender was known, 15% affected men.

Formal and Informal Reporting Mechanisms



In interviews it was clear that most of the organisations do not support informal reporting, due to the risk of bias, lack of due diligence, confidentiality and potential harm to the victim or reputation of perpetrator.



I would expect that these [concerns] would be raised [...] and they would be formalised. I don't think informally is an appropriate way to deal with something if it's identified as a sexual activity. It has to be taken seriously. It needs to be made clear it's not appropriate

ACFID Member Participant

However in focus groups we heard that informal reporting far outweighed formal reporting. This was also seen, in some instances as a preferred mechanism of reporting in so-called "lower scale cases".

We [need to] build up safety and confidence in our people around informal reporting, rather than being bombarded or overwhelmed by formal reporting structure in which everything is escalated.

ACFID Member Participant

It is important that all misconduct incidents should be formally recorded. We note that a lack of clarity around formal and informal reporting was a significant criticism of the management within the governance of an organisation investigated in the UK. We identify this as a deficiency amongst ACFID organisations and a priority for remediation. Organisations can then track the number and types of reports received and demonstrate the support provided for victim/survivors, the investigation process undertaken and, if substantiated, the outcome for the perpetrator. These reports should be provided to senior management and the governing body so that they can monitor organisational management of sexual misconduct incidents, identify shortcomings and respond to emerging patterns of misconduct.

¹⁴⁵Australian Human Rights Commission. (2018). Everyone's Business: Fourth national survey on sexual harassment in Australian Workplaces. Retrieved from <https://www.humanrights.gov.au/our-work/sex-discrimination/publications/everyone-s-business-fourth-national-survey-sexual>

Barriers to Reporting

We found that underreporting was influenced by a perceived imbalance between benefits and risks associated. Victim/survivor-centric approaches are crucial to addressing that balance. Details of these types of responses are given in Domain 3.

The other disincentive for reporting is, in Australian industrial relations framework, and external mechanisms, there's almost immediate engagement with the person that you're reporting against. Either in person or through the investigation procedure. People have to be really committed and prepared for that.

ACFID Member Participant

I think there is a real issue and real lack of trust in internal reporting mechanisms that are not independent, and are driven by organisations' competing priorities to protect themselves, their reputation and to apply risk management approaches.

ACFID Member Participant

We have heard from ACFID Members that they have many anonymous reporting mechanisms in place including telephone lines, email addresses and websites as well as complaints boxes. This reduces the risks of reporting but does not necessarily enhance the direct benefits which include appropriate investigations and justice outcomes. Anonymous reporting options are important but should not detract from creating a safe reporting culture where victim/survivors are championed and believed. This will be the most effective approach to changing norms and perceptions.

The strength in anonymous reporting is in shifting norms perceptions if it is used to feed back to the community and enhance community intelligence by identifying trends. In incidents reported into the Review by ACFID Members, most were originally reported to the relevant Manager within the organisation, with just one reported through a phonenumber.

Good practice example: Plan International.



Crowdmapping tools, such as Free to Be or Harrassmap are tools that can reveal patterns of sexual abuse and harassment. Free to Be was developed in 2016 as a GPS-based application that allowed women to place pins on locations where they had felt unsafe. It was not designed to be a primary reporting tool but to indicate risk areas in cities. A collaboration now exists with Monash University and Victoria Police has also expressed an interest in the application. It is also an advocacy tool that empowers women to tell their story creating increased visibility and transparency. Although these are not primary reporting or prevalence tools they have the benefit of affected people seeing and contributing to real time data. They allow people to see how widespread these behaviours are and encourage other people to come forward. These tools can be adapted to a developing world context but may be more challenging for a humanitarian context.

Recommendation

R13	ACFID Member Organisations should preferentially document all misconduct incidents even if the management response is “informal”, taking into account the wishes and welfare of the victim/survivor.	2. Social Norms and Attitudes	CEOs & Boards of ACFID Members	High
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5.2.6 Organisational culture, leadership and governance

Australia has recently witnessed serious and serial governance failures by publicly listed entities and private corporations and charitable bodies across multiple sectors. Governing bodies have ultimate responsibility for safeguarding and should always act in the best interests of their beneficiaries, staff and volunteers. The board should always place the interests of the organisation before any personal interest. “Corporate governance is the system by which organisations are directed and controlled including its oversight structure and its effective operation. It is intended to increase the accountability of an organisation; it is the way that the organisation polices itself.”¹⁴⁶

We support the use of surveys and consider them to be a useful tool for assessing, understanding and benchmarking culture. The CHS Alliance has developed a toolkit for this purpose.¹⁴⁷ In our view independent administration of surveys enhance their reliability as a barometer of culture.

We are aware that the recent ACFID Code of Conduct Review recommended that organisations make an explicit policy commitment to sexual misconduct and the reporting of **serious** misconduct incidents to governing bodies.¹⁴⁸ We support this but it is our view that **all** sexual misconduct incidents should be reported to governing bodies as this provides senior leadership a clearer indication of the range and nature of sexual misconduct incidents across the organisation.

It is important to acknowledge that ACFID Member Organisations are in many ways well placed in terms of relevant organisational safeguarding policies and processes and that this is in large part attributable to the ACFID Code of Conduct and its related Quality Assurance Framework. Other supports have been ACFID’s active engagement in supporting Members in the practical implementation of relevant policies, including through the ACFID Communities of Practice and also DFAT’s accreditation and contractual requirements for the organisations it funds.

¹⁴⁶ p.4 Enhanced Due Diligence-Safeguarding for External Partners, Better Delivery Department , DFID, June 2018

¹⁴⁷ CHS Alliance. (2015). CHS Alliance Staff survey toolkit. Retrieved from <https://www.chsalliance.org/files/files/Resources/Tools-and-guidance/CHS-Alliance-Staff-Survey-Toolkit-2015.pdf>

¹⁴⁸ P.8. Lucas, B. & Thomson, J., Prevention of Sexual Exploitation and Abuse: Recommendations for the ACFID Code of Conduct, August, 2018.

Organisational Culture

An organisation's culture, consisting of its values and behaviours, or "the way we do things" is crucial to its performance and well-being. Culture is difficult to measure but employee surveys are good predictors of future behaviours and give staff a chance to feel heard and to make suggestions.¹⁴⁹ Surveys can also be a vehicle for changing behaviours.

ACFID has previously recognised this and its 9th Quality Principle in its Code relating to people and culture has recently been spotlighted.¹⁵⁰

Leadership and culture have consistently been identified as priority areas in relation to sexual misconduct prevention in this past year.



At the October 2018 UK Safeguarding Summit donors made culture and leadership one of their 'strategic shifts', recommending:¹⁵¹

- Appointment of a senior organisational champion;
- Reporting of safeguarding to the Board'
- Encouraging the selection of women for senior management roles;
- Building a culture of respect and accountability through referencing and recruitment.

Bond, as the UK peak body, for aid organisations has stated it is committed to incentivising cultural change.

- » We found evidence of a strong principled commitment to culture and investment in people in our Review amongst ACFID Members.



In interviews, we found evidence of strong alignment of participants with the values of the organisation and a strong commitment to safeguarding and supporting safe work cultures. On the whole, the sector's organisational culture took a 'zero tolerance' approach to sexual misconduct and this was strongly reflected in the policies and procedures provided to staff and partners. There was a sense from the interviews that management within the organisations are aware of sexual misconduct as an issue and that there is a strong commitment to prevention and management.

There was strong recognition amongst members about the importance of culture in implementing changes.



In our survey most respondents reported they had a statement of commitment to safeguarding or a zero tolerance statement on sexual misconduct in their policy (93% and 87% respectively).

For me, the behaviour and cultural side is probably even more important than just having, the policies and procedures. I think it's about setting a culture of expectations and behaviours. So, if you just treat it as a compliance issue, you're missing the whole point.

ACFID Member Participant

Some organisations use staff survey tools such as the Pulse Surveys as a periodic organisational health check.

The development of cultural indicators is an active consideration amongst NGO platforms internationally and an area of activity that ACFID and its Members could continue to monitor.

¹⁴⁹ Judd, S., O'Rourke, E., Grant, A. Employee surveys are still one of the best ways to measure engagement, Harvard Business Review, 14 March 2018.

¹⁵⁰ Australian Council for International Development. (2018). Aid NGO-Sector Puts Spotlight on Safeguarding at Annual Conference. Retrieved from https://acfid.asn.au/media-releases/aid-ngo-sector-puts-spotlight-safeguarding-annual-conference#W9fW_gYyeyw.twitter

¹⁵¹ Department for International Development. (2018). Commitments made by donors to tackle sexual exploitation and abuse and sexual harassment in the international aid sector. Retrieved from <https://www.gov.uk/government/publications/donors-commitments-to-tackle-sexual-exploitation-and-abuse-and-sexual-harassment-in-the-international-aid-sector>



However, notably in our confidential contributions through email and telephone we received a number of contributions that expressed concerns regarding a cultural malaise within the sector.

In Australia I have been shocked at the level and severity of sexism, racism, bullying and discrimination that I have both witnessed and experienced including from senior management in the NFP/NGO sector. And I seriously think that various aspects of corporatisation are both inviting and cultivating such behaviour and attitudes along with a general change in culture contrary to what the sector is supposed to be standing for and perhaps used to be closer to.

Review contributor

These sentiments were echoed within our systematic Twitter review¹⁵² where we found that organisational culture and themes such as representation, inclusivity and equality were common amongst tweets.

In our Twitter review, regular tweeters were defined as individuals who posted three or more of the top 100 #AidToo tweets.



In our systematic best practice review of sexual misconduct prevention we found human resources, recruitment and on boarding to be important themes.¹⁵³ As part of this we found that organisations should actively recruit individuals who have demonstrated commitment to the rights of women, LGBTI+ persons, and other minorities and that they should not recruit individuals who hold discriminatory views of minorities or normalised views of sexual misconduct.

Organisational Characteristics



In **the incidents reported** to us, most were from large secular organisations, even though most participating organisations were small or medium. This may be a correlation with larger staff members, a larger number of field operations and higher number of direct employees in the field.

¹⁵² Top 100 tweets posted between 1/2/2018 and 11/09/2018 that contained the hashtag #aidtoo were subject to analysis.

¹⁵³ Mazurana D. & Donnelly P. (2017). STOP the sexual assault against humanitarian and development aid workers. Somerville: Feinstein International Center, Tufts University. Retrieved from http://fic.tufts.edu/assets/SAAW-report_5-23.pdf

Organisational size as a factor



In a focus group there was strong agreement with a participant statement that within small organisations, [people] may not feel comfortable reporting to the relevant person and that there may not be alternatives avenues for anonymous reporting.

As discussed in Domain 1, the Review Survey has found that ACFID's small organisations report having sound systems in place for safeguarding and in some instances show better compliance than medium organisations. For instance, a higher percentage of small organisations reported having a risk register for CP and SEA and SH and whistle-blowing policies. Although it should be noted that small organisations reported the least obligation to report sexual misconduct incidents to donors or other organisations. This may relate to a reliance on self-generated public donations rather than government funding. Smaller organisations reported that their size offered cultural strength through value-linking to partners.

I think that the examples that I've read of have mainly been in very large organisations. Where contact between the leadership or the organisation itself, and the people who are involved in these activities is a little bit [remote] I think for us, for smaller organisations, [we] are linked to partners by values.

ACFID Member Participant



We also heard from some community contributors who felt that cultural factors in larger organisations may increase the risk of sexual misconduct occurring:

In my experience it is particularly the larger NGOs that are prone to misconduct with increased corporatisation and managerialism separating decision-makers (directors and senior managers) from their own understanding and responsibilities to uphold anything more than easily quantifiable budgets and outputs.

Community contributor

Within the formal consultation of the review, we heard from members from larger organisations who stated that their size and scale was a limitation to embedding practices from a capacity point of view, which is discussed further below.



In the survey, small organisations outperformed medium and large organisations in relation to having a documented process for disclosures of sexual misconduct, with 94.4% reporting that they do, compared with 81.8% for medium organisations and 90% for large organisations.



Conversely, stakeholders told us that there were cultures of trust, or so-called "Codes of Trust" that were more prominent within smaller charities. Contributors have also told us that cultures of trust can be an inhibitor for the embedding of policies that can result in an increased risk of misconduct occurring. This observation was echoed in our focus group where it was stated that, "sometimes [there is] a naivety or a culture of trust rather than culture of care and risk management."

If it was somebody who was known or who was valued, who was the alleged perpetrator, I think that can be difficult especially in small organisations and church organisations as we've seen, in the Royal Commission into Child Abuse, there can be a protecting of the perpetrator.

ACFID Member Participant.

Leadership



Overall, from ACFID Member interviews we found that senior management are aware of sexual misconduct practices and have a strong commitment to prevention and management. The reporting processes often involved the Chief Executive Officer and in-house experts. Commitment to a swift, robust, confidential and unbiased investigation and management was clearly articulated. However capacity for accountability varied between organisations. There was also issues raised concerning informal management in the field. Facilitators to addressing these issues were collaboration, communication, creating a 'zero tolerance' culture of reporting, strong relationships with partners and education of staff. The less resourced organisations could draw on collaborations with more resourced organisations for support, policies and processes.



In our systematic best practice review of sexual misconduct prevention and reporting we found leadership to be an important theme.^{154 155}

In relation to sexual misconduct prevention, we found it is important for senior leadership staff to model appropriate behaviour and a zero tolerance to inaction towards sexism, homophobia and sexual misconduct through their words and actions. This includes:

- Undertaking regular training in these areas;
- Penalising employees for sexist or homophobic words or actions;
- Enacting punitive measures against substantiated sexual misconduct perpetrators;
- Dismissal of senior leadership staff who fail to take appropriate action against sexual misconduct, or ignore, dismiss or cover up cases of sexual misconduct.

We also found that having a designated safeguarding officer at Board level who engages with the senior leadership of the organisation assists in sexual misconduct prevention. Engagement should be evidenced by regular reporting directly to the senior leaders and Board, either through a standing agenda item, in regular meetings or through the risk register update.

In relation to sexual misconduct reporting we found that communication between head office leadership and field office managers is required to ensure policies and procedures for sexual misconduct reporting are known and applied. Humanitarian aid and development organisations should emphasise the societal-structures that perpetuate gender inequality. In our systematic best practice review of sexual

¹⁵⁴ Nobert, M. (2017). Addressing sexual violence in humanitarian organisations: Good practices for improved prevention measures, policies, and procedures. Report the Abuse. Retrieved from <https://www.interaction.org/document/report-abuse-addressing-sexual-violence-humanitarian-organisations-good-practices-improved>

¹⁵⁵ Mazurana D. & Donnelly P. (2017). STOP the sexual assault against humanitarian and development aid workers. Somerville: Feinstein International Center, Tufts University. Retrieved from http://fic.tufts.edu/assets/SAAW-report_5-23.pdf

misconduct prevention we found organisational culture to be an important theme.^{156 157 158} Organisational cultures that prevent sexual misconduct actively discourage a hyper-masculine or “macho” organisational culture. This includes:

- Prohibiting sexist or homophobic words (e.g. jokes, discussions) and actions (e.g. harassment, discrimination) in work environments;
- Working with boys and men to challenge dominant attitudes towards girls and women, which permit or excuse sexual misconduct;
- working to strengthen the social status of girls and women.

Good Practice Example: AVI



Australian Volunteers International (AVI) is an ACFID Member organisation and a thought leader in the international volunteer sector. AVI is the world’s oldest volunteering for development organisation. Over its 67 years AVI has built sound expertise in the related challenges of sending individuals (sometimes with families) with particular technical skills to work with local organisations around the world. AVI currently has 1,000 volunteers working in 26 nations

AVI has a particular risk profile in that it places Australian volunteers into long term (up to two years) positions with local organisations which might be civil society organisations or government agencies. AVI undertakes significant screening of candidates through its recruitment and selection processes and also invests in detailed preparation and training of volunteers for in-country assignments.

AVI operates a network of country offices employing a mix of expatriate and national staff who provide support to volunteers and their host organisations. It was an early advocate of localisation of aid. According to a senior AVI officer, “For us it’s about sustainable development that’s locally owned and led”.

Volunteers can sometimes be the only foreign national working in a local organisation. While AVI’s field offices provide in-country support for volunteers, AVI has an arguably higher level duty of care for volunteers operating solo in workplace cultures that can be quite different from those in Australia. After commissioning an independent review of its child protection and prevention of sexual exploitation and abuse (PSEA) policies AVI is strengthening its PSEA Policy.

AVI has developed rigorous selection processes to ensure that the volunteer[s] have both the technical

capacity required for the assignment and also ethical values, self-reliance, self-confidence and cross cultural sensitivity. These characteristics are key to volunteers being able to thrive and work for up to two years in not just a different national culture but also often a different workplace culture. All selected volunteers are required to have police checks. Volunteers undertake pre-deployment briefings which include relevant policies and reporting requirements, personal safety and cultural sensitisation in Australia and also on arrival in the placement nation.

AVI is also adept at working with host organisations to ensure that they provide safe and supportive work environments and agreed work activities. Host organisations are obliged to meet child protection policy requirements.

Through Forum, the global peak body for volunteer involving organisations (VIO) for international development and its ACFID membership, AVI has committed to a campaign to promote responsible volunteering and to raise awareness of unethical ‘voluntourism’ programs in developing nations. These programs run by organisations for commercial purposes may involve volunteers working in orphanages or children’s homes. According to the ACFID Responsible Volunteering Practice Note developed by AVI:

¹⁵⁶ Nobert, M. (2017). Addressing sexual violence in humanitarian organisations: Good practices for improved prevention measures, policies, and procedures. Report the Abuse. Retrieved from <https://www.interaction.org/document/report-abuse-addressing-sexual-violence-humanitarian-organisations-good-practices-improved>

¹⁵⁷ Mazurana D. & Donnelly P. (2017). STOP the sexual assault against humanitarian and development aid workers. Somerville: Feinstein International Center, Tufts University. Retrieved from http://fic.tufts.edu/assets/SAAW-report_5-23.pdf

¹⁵⁸ Save the Children UK. (2008). No One to Turn To The under-reporting of child sexual exploitation and abuse by aid workers and peacekeepers. Retrieved from <https://www.savethechildren.org.uk/what-we-do/policy-and-practice/our-featured-reports>

Without good practice and design implementation, volunteer development programs can be an imposition on local communities, undermining local skills and ownership while excluding social groups and imposing agendas on communities. Paid, locally engaged resources could be supplanted by international volunteers if the volunteer positions are improperly assessed, directly undermining concerted efforts develop capacity in partner communities. It may also directly lead to exploitation and harm.

For example, orphanage tourism may involve supporting institutions that traffic children for profit, keeping them in sub-optimal conditions which carry with them an increased risk of abuse, which can result in children developing attachment disorders, developmental delays and behavioural issues. Poor practice can also harm the international volunteers, as they risk entering unsafe workspaces; finding themselves inadequately prepared for cross-cultural challenges; and may be left lacking in-country support.

Risky business

We heard from multiple sources that they were concerned about the sector's attitude to risk at the expense of victim/survivor welfare. It is important that Codes and policies are animated and humanised through discussion and visible management support; it is obvious that this is often not the case. A contributor to the Review describes this as the 'zombie effect'.¹⁵⁹

For a policy to be alive , it must be communicated, reinforced and adapted. Otherwise it exists, but it is not alive - it is a 'zombie policy'

Review Contributor

Structural complexities and management models inherent in the aid sector mean that authority can often be devolved to individuals in field offices. When this is linked to business units that are operationally removed, yet driving risk assessment, safeguarding 'ownership' by human resources, a lack of accountability plus 'filtered' field operation reporting means the result can be a lack of "meaningful checks or balance on a program's prevention, detection and response to sexual misconduct."

We heard that funding and legal obligations are the key levers for aid sector priorities. The sector-wide legal obligations approach is likely to be "less effective at actually managing the risk than a risk –based approach" while acknowledging that the sector has a "low risk maturity".¹⁶⁰

Some ACFID Members acknowledged the need to better address sexual misconduct risk to improve prevention.

We need to be much more front-footed, forward leaning in our review of our risks. So that it's nice to have that risk matrix, plotted out, you've done it and then it just goes away. And something triggers [a] need to look at it again. But we don't have that regular quarterly review. [of] layers of risks. The partner that has their own risk matrix, and then it's part of let's say, gender equality programming, that has their own risk table. And then it goes up to, how is our bilateral aid section operating? What's the risk? And then ultimately a post-risk register. So at all levels, the one thing that would probably carry through would be child protection.

ACFID Member Interview

¹⁵⁹ Submission to Review

¹⁶⁰ Ibid

And, I don't know how many trainings I've run, and then at the end of it you do a case study and you ask people to reflect upon, use this and what would you do? And they're like, "Uh, nah, wouldn't do anything". So, the behaviour, like the capacity for that behavioural change, requires a bit of work. Because the cultural context around rights is so ingrained.

ACFID Member Participant

Lack of governance focus

From interviews we learned that safeguarding was rarely a standing agenda item for ACFID Member Boards and that sexual misconduct incidents (unless deemed to be serious) were not necessarily reported to the Board.

DFAT told us that Board responsibility and governance is critical to their interests. They wish to shift to looking at organisational response and capacity, not just at program level performance.

It's easier [to have a strong culture of sexual misconduct prevention] if you've got very strong leadership and it's part of the culture and the conversations.

ACFID Member Participant

Gender inclusion



We have found that the ACFID Members are acutely aware of gender issues, which are in many instances, their bread and butter. However we have found that there are some elements of gender imbalance in the sector. The ACFID State of the Sector report states that more than half of the staff of ACFID Members are women, yet men outnumber women in senior management and organisation leadership roles. The gender balance of organisation boards is closer to parity. However, board chairs are mostly male.¹⁶¹



In incidents reported to us, most alleged perpetrators of sexual misconduct were men. In our formal review of social media¹⁶² we found extensive references to patriarchy and power imbalance in the aid sector.

We have also heard that within organisations gender issues have often been marginalised as "women's business" without being mainstreamed. This is also reflected in the participation in our Review, in which women were markedly over-represented.

There was a bunch of workshops that fell to me to organise and there was a men's one specifically having no-one turn up for it. But then the feedback [from men] was, "Oh, we didn't think it was appropriate for us to be engaging in that conversation"

ACFID Member Participant

¹⁶¹ Australian Council for International Development. (2018). State of the sector report. Retrieved from <https://acfid.asn.au/about/state-sector>

¹⁶² Top 100 tweets posted between 1/2/2018 and 11/09/2018 that contained the hashtag #aidtoo were subject to analysis.

The men we did speak with strongly identified with a gender inclusive culture. One man also stated that an organisation's culture in this regard was a reputational issue for him and he therefore had a vested interest in promoting an inclusive culture.

We have heard of some examples of applying a 'gender lens' to structures within the work. These include aid sector involvement in such as the "Not in my workplace!", which is a women-leader led initiative looking at sexual harassment in Victoria. One review contributor stated that aid organisations had patriarchal structures which required challenging using feminist frameworks.

Good Practice Example: Change the Story¹⁶³



The Change the Story Framework developed by Our Watch in association with ANROWS is the world's first consistent and integrated national approach to preventing violence against women and their children. The framework makes it clear that gender inequality is the core of the problem and promoting equality at the heart of the solution. Its essential actions to address the factors that drive and reinforce violence against women include challenging incidents, fostering positive identities and roles and addressing the intersection between social norms relating to alcohol and gender.

We have found evidence of very high levels of inclusion awareness and particularly related to programs. Some ACFID Member Organisations have achieved a high level of integration of gender equity, disability inclusion, child protection and sexual misconduct into service and program design and delivery that has had an impact at a multi-lateral level in their particular fields of endeavour .

There's the whole component around disability communication on sexual exploitation. Some disabled persons cannot communicate when they're being exploited and it may be unseen. How do we work around social security for such people.

ACFID Member Participant

Member Good Practice Example: ARC PGI Platform



The Australian Red Cross has undertaken complex work in terms of thinking through the practical application of policies in international development and humanitarian response work. They have developed a concept of protection, gender, and inclusion (PGI) platform which is now recognised as one of the key operational areas within the Red Cross movement. They aimed to consolidate and strengthen their work in child protection, disability inclusion, international humanitarian law. This work also includes safeguarding civilians, and restoring family links. This can often involve working with unaccompanied minors to reunite them with their families in emergencies, disability inclusion and the prevention of sexual exploitation and abuse.

¹⁶³ <https://www.ourwatch.org.au/what-we-do/national-primary-prevention-framework>

Member Good Practice Example: Red R Inclusion and Security of LGBTIQ+ aid workers



Recognising that the challenges faced by LGBTIQ + aid workers are poorly understood and under-considered by the sector, RedR UK hosted a workshop in 2016 to focus attention on this issue. In the workshop speakers outlined the hostile environment in many nations for people who identify as gay, lesbian, bisexual or transgender. They also identified a lack of recognition by INGOs that LGBTI + people exist within their workforce. Recruitment, security, health and wellbeing policies often therefore fail to consider or protect these employees.

The key recommendations from the workshop included:

- A comprehensive organisational acknowledgement that LGBTI +aid workers face additional challenges and stress to their colleagues in some contexts, requiring enhanced support and protection to ensure their productivity and wellbeing;
- Create organisational roles for LGBTIQ+ focal points and Diversity Champions;
- Organisations should have global equality and diversity policies and practices in place;
- LGBTIQ +Staff Network Groups are an effective mechanism for building sustainable support structures. An example of an existing sector wide resource includes the GAYd Worker blog (<https://gaydworker.wordpress.com/>);
- Organisations are encouraged to collect data regarding attacks on LGBTI aid workers;
- Have conversations on what it means to identify as LGBTI in some environments and how to avoid putting oneself at additional risk;
- Address policy inconsistencies across national borders.



In our systematic best practice review of sexual misconduct response, we found zero tolerance¹⁶⁴ to cultures that accept sexual misconduct to be an important theme.^{165 166}

This involves:

- Recognition and acceptance that the primary responsibility and role of humanitarian aid is to assist those affected by disaster and poor circumstances;
- Adoption of a zero tolerance [to inaction] approach to work environments that tolerate a sexist and homophobic atmosphere in both country offices and in the field, which in turn influences victims / survivors views on an organisation's ability to adequately respond to an incident of sexual misconduct.

¹⁶⁴ Whilst the literature holds to zero tolerance, in line with our ethical statement, we hold to a “zero tolerance to inaction” approach, recognising that on occasion competing interests may need to be balanced.

¹⁶⁵ CHS Alliance. (2014). Core humanitarian standard on quality and accountability. Retrieved from <https://www.chsalliance.org/what-we-do/chs>

¹⁶⁶ Mazurana D. & Donnelly P. (2017). STOP the sexual assault against humanitarian and development aid workers. Somerville: Feinstein International Center, Tufts University. Retrieved from http://fic.tufts.edu/assets/SAAW-report_5-23.pdf

We conclude that:

- ACFID Members, regardless of size, appear to be well placed to build on their existing policies and codes to improve safeguarding for staff and beneficiaries;
- Gender equity awareness requires governance and senior management attention as an internal organisational priority as well as a program priority;
- Organisations need to periodically monitor and understand their organisational culture and to respond when indications warrant this;
- A commitment to safeguarding and the 'modelling' of appropriate behaviours by senior management and governance body members is important.

Recommendation

R14	ACFID Member Organisations should add gender and safeguarding expertise to the desirable skills and experience sought when recruiting new members for governing bodies.	2. Social Norms and Attitudes	CEOs & Boards of ACFID Members	High
R15	ACFID Member Organisations should have safeguarding as a standing agenda item for governing body meetings and all misconduct incidents should be reported to senior management and governing bodies (in addition to compliance with contractual reporting requirements).	2. Social Norms and Attitudes	CEO & Board of ACFID Members	High
R16	ACFID Member Organisations should develop a leadership charter for governing members and senior managers which include a commitment to gender equity and safeguarding.	2. Social Norms and Attitudes	CEOs & Boards of ACFID Members	High
R17	ACFID Member Organisations should ensure that gender equity is an internal organisational priority as well as a program priority.	2. Social Norms and Attitudes	CEOs & Board of ACFIDs Members	High
R18	ACFID Member Organisations should work with their staff, partners and communities to challenge male attitudes towards girls and women, which permit or excuse sexual misconduct internally and in program activities.	2. Social Norms and Attitudes	CEOs & Board of ACFIDs Members	High
R19	ACFID Member Organisations should ensure that implementing partners have an informed understanding of what behaviours are inappropriate and how to report, investigate, document and manage sexual misconduct incidents.	2. Social Norms and Attitudes	CEOs & Board of ACFIDs Members	High
R20	ACFID Member Organisations should ensure that commitment to the rights of women and LGBTI+ persons and bystander responsibility training is included in sexual misconduct prevention training.	2. Social Norms and Attitudes	CEOs & Boards of ACFID Members	High

5.3 Domain 3: Systems and Resources



5.3.1 Introduction

In the third Domain we discuss systems and resources including access to complaint mechanisms, justice for individuals and reporting cultures. In so doing we identify those areas where environmental change, or ‘**shaping the path**’, can lead to making the right actions easier.

5.3.2 Improving systems for prevention and response in relation to sexual misconduct

This section is largely based on a systematic best practice literature review and provides practical advice on how systems and resources can be best utilised to improve sexual misconduct prevention, detection, reporting, investigation, response, perpetrator accountability and victim redress. Where appropriate these elements are supported by comments from our primary research. We hope that the details included in this section about best practice approaches for the prevention of and response to sexual misconduct will be considered by ACFID Members and relevant practices adopted and operationalised. There are too

many specific measures in this section to develop into separate recommendations. Member Organisations are best placed to determine what fits with their particular circumstance and field of operations.

The following themes were identified in all aspects of prevention and response:

- » Victim/survivor-centric responses including confidentiality
- » In-country partnerships
- » Training

5.3.2.1 Prevention



In our systematic best practice review of sexual misconduct prevention we found human resources, recruitment, on boarding and training to be important themes.^{167 168 169 170}

Best practice recommendations for NGOs in relation to HR recruitment include the following:¹⁷¹

- Making a clear commitment to prevention of sexual misconduct in job advertisements and descriptions;
- Undertaking thorough reference checks and police checks;
- Categorising roles depending on their contact with children and other vulnerable groups;
- Actively recruiting individuals who have demonstrated commitment to the rights of women, LGBTIQ+ persons, and other minorities and that they should not recruit individuals who hold discriminatory views of minorities or normalised views of sexual misconduct.

¹⁶⁷ Mazurana D. & Donnelly P. (2017). STOP the sexual assault against humanitarian and development aid workers. Somerville: Feinstein International Center, Tufts University. Retrieved from http://fic.tufts.edu/assets/SAAW-report_5-23.pdf

¹⁶⁸ Matti, S. (2015). Governing sexual behaviour through humanitarian codes of conduct. *Disasters*, 39(4), 626-647. doi: 10.1111/disa.12128

¹⁶⁹ Nobert, M. (2017). Addressing sexual violence in humanitarian organisations: Good practices for improved prevention measures, policies, and procedures. Report the Abuse. Retrieved from <https://www.interaction.org/document/report-abuse-addressing-sexual-violence-humanitarian-organisations-good-practices-improved>

¹⁷⁰ Report of the Secretary-General. (2002). Investigation into sexual exploitation of refugees by aid workers in West Africa. Retrieved from <http://www.un.org/News/dh/infocus/a-57-465.pdf>

¹⁷¹ United Nations Development Programme. (2013). Inter-Agency Standing Committee (IASC) task force on PSEA. Challenges and options in improving recruitment processes in the context of Protection from Sexual Exploitation and Abuse (PSEA) by our own staff. Retrieved from <https://www.chsalliance.org/files/files/Resources/Tools-and-guidance/UNDP-Joint-Recruitment-Report-PSEA.pdf>

Sharing information and the legalities of pre-employment checks are discussed in Domain 1.

When on-boarding, organisations should ensure that recruits receive:

- Clear explanations of the organisation's definitions, policies and procedures, mechanisms for investigation, and measures of accountability relevant to sexual misconduct;
- Access to all related materials;
- Codes of Conduct or similar statements that prohibit sexual misconduct (these should be read and signed by all new recruits and added to employment contracts).

Training should involve providing regular and repeated exposure by all staff. Safeguarding information should be provided at staff induction and regularly reinforced through multiple mediums (such as staff meetings, training, web-sites, communication forums).

We learned that while organisations favour formal reporting mechanisms these reporting structures can be intimidating. Bystander training can equip staff with the confidence and skills to identify and take action when they either witness sexual harassment or hear about it after the event. According to the Australian Human Rights Commission, bystanders are four times more likely to report than the victim of harassment, with 82% of people who saw harassment taking some kind of action.¹⁷² This in turn contributes to a workplace culture which does not tolerate sexual harassment. Bystander training can be a powerful step towards building a reporting culture in which all staff take responsibility for calling out inappropriate behaviours.

Training should:

- Address sexual misconduct and its impacts, acceptable behaviour in the workplace, and gender equality including a zero tolerance¹⁷³ for both pernicious sexism and overt harassment;¹⁷⁴
- Challenge rape myths, victim-blaming attitudes, and the stigmatisation associated with sexual misconduct victimisation.
- Promote bystander intervention particularly for upper and middle managers to encourage the rapid identification of, and response to, problematic behaviours. Middle managers interact with large numbers of personnel and therefore play a critical role in changing harmful workplace behaviours;¹⁷⁵
- Ensure that sexual misconduct considerations are incorporated into all program and humanitarian response operations e.g. camp design and food distribution;
- Address obligations to report sexual misconduct and the policy for protection from retaliation;
- Ensure awareness of the proper reporting procedure for when they learn of or witnesses asexual misconduct incident.¹⁷⁶

¹⁷² Australian Human Rights Commission. Taking bystander action against sexual harassment in the workplace: A fact sheet for employees.

Retrieved from <https://www.humanrights.gov.au/sites/default/files/Bystander%20fact%20sheet%20%28employees%29%20amended%20final.docx>

¹⁷³ Whilst the literature in this case states "zero tolerance" we have indicated above that our preference is to refer to zero tolerance for inaction

¹⁷⁴ Sojo, V. Wood. R. & Genat. A. (2016) Harmful Workplace Experiences and Women's Occupational Well-Being: A meta-analysis. *Psychology of Women Quarterly*, 4010-40

¹⁷⁵ Ibid.

¹⁷⁶ Inter-Agency Standing Committee. (2016). Global Review of Protection from Sexual Exploitation and Abuse by UN, NGO, IOM and IFRC Personnel.

Retrieved from <https://interagencystandingcommittee.org/protection-sexual-exploitation-and-abuse/documents-public/global-review-protection-sexual>

5.3.2.2 Detection and reporting



In our systematic best practice review of sexual misconduct detection we found victim/survivor outreach and

communication channels to be an important theme.¹⁷⁷

Within the existing humanitarian and development coordination structure it is important to integrate an independent victim/survivor outreach process into communities to identify incidents of sexual misconduct. Incidents should be brought to the attention of a designated focal point for response.

This involves establishing communication channels that enable incidents or concerns about sexual misconduct to be identified. To optimise this, diverse groups should be involved and existing activities should be built on.¹⁷⁸



In our survey, the majority of organisations had a focal point and only 11.6% said that they either did not have a focal point or did not respond. We note and commend the independent review of the Code of Conduct recommendation that all ACFID Member Organisations appoint a focal point as a verifier for the organisation's commitment to advance safeguarding.¹⁷⁹



Fijian NGO Habitat for Humanity provides community housing and water and sanitation systems, particularly in the

aftermath of natural disasters. The community and volunteer-built dwellings are simple and sturdy and designed for ease of transport and rapid construction. Through the involvement of women in community

consultation processes Habitat is now incorporating safeguarding measures into housing design.

We are in the process of re-doing our [housing design] catalogue and part of that will be looking at design through a gender lens. [For instance] women said that it would be very useful to have a lockable door to the bedroom so that a drunken adult can be separated from the rest of the family. They also asked for privacy in the form of a wall that shielded women and children moving to and from the adjoining toilet.



In our systematic best practice review of sexual misconduct reporting we found protocol development to be an important

theme in order to outline a common approach to reporting.^{180 181 182 183 184 185 186} Reporting systems should be consistent with international standards and legal frameworks and align and integrate with existing community-based sexual misconduct reporting, be adapted to the cultural context and include community participation.

Protocols should be clearly explained, easily accessible and clearly delineate 'formal reporting' from any 'informal reporting' system that may be in place. It should include a special reporting mechanism for sexual misconduct incidents in an environment where the alleged perpetrator may have access to information on the complaint, placing the victim / survivor at risk of retaliation.

¹⁷⁷ Report of the Secretary-General. (2002). Investigation into sexual exploitation of refugees by aid workers in West Africa. Retrieved from <http://www.un.org/News/dh/infocus/a-57-465.pdf>

¹⁷⁸ CHS Alliance. (2017). PSEA implementation quick reference handbook. Retrieved from <https://www.chsalliance.org/files/files/PSEA%20Handbook.pdf>

¹⁷⁹ Lucas, B. and Thomson, J. (2018). Review of ACFID code of conduct regarding the prevention of sexual exploitation and abuse, recommendations to the code of conduct committee. Retrieved from <https://acfid.asn.au/sites/site.acfid/files/ACFID%20Code%20of%20Conduct%20PSEA%20Review%20Final%20Report%20by%20L4D%2028.8.18.pdf>

¹⁸⁰ Mazurana D. & Donnelly P. (2017). STOP the sexual assault against humanitarian and development aid workers. Somerville: Feinstein International Center, Tufts University. Retrieved from http://fic.tufts.edu/assets/SAAW-report_5-23.pdf

¹⁸¹ Nobert, M. (2017). Addressing sexual violence in humanitarian organisations: Good practices for improved prevention measures, policies, and procedures. Report the Abuse. Retrieved from <https://www.interaction.org/document/report-abuse-addressing-sexual-violence-humanitarian-organisations-good-practices-improved>

¹⁸² Save the Children UK. (2008). No One to Turn To The under-reporting of child sexual exploitation and abuse by aid workers and peacekeepers. Retrieved from <https://www.savethechildren.org.uk/what-we-do/policy-and-practice/our-featured-reports>

¹⁸³ Norbet. (2017). Guidance Note: Communicating about Sexual Violence Incidents as Humanitarian Organisations. Retrieved from <https://interagencystandingcommittee.org/iasc-senior-focal-points-sexual-harassment-and-abuse-aid-workers/documents/guidance-note>

¹⁸⁴ Inter-Agency Standing Committee (IASC) Task Force on Protection from Sexual Exploitation and Abuse (PSEA). (2013). Guidelines to implement the Minimum Operating Standards for Protection from Sexual Exploitation and Abuse by UN and non-UN Personnel. Retrieved from [https://www.interaction.org/sites/default/files/Guidelines%20to%20Implement%20MOS%20\(IASC%20PSEA%20TF\).pdf](https://www.interaction.org/sites/default/files/Guidelines%20to%20Implement%20MOS%20(IASC%20PSEA%20TF).pdf)

¹⁸⁵ United Nations General Assembly. (2017). Special measures for protection from sexual exploitation and abuse: a new approach. Retrieved from <https://www.un.org/sg/en/content/sg/note-correspondents/2017-03-09/note-correspondents-secretary-general's-report-special>

¹⁸⁶ CHS Alliance. (2017). A guide to the core humanitarian competency framework: Supporting humanitarians to work effectively. Retrieved from <https://www.chsalliance.org/what-we-do/chcf/guide>

Protocols should be designed to give all sexual misconduct victims / survivors equal access despite cultural, social and physical barriers. They should be transparent and impartial to create an atmosphere of accountability. Processes and systems should ensure confidentiality of sexual misconduct reports so that victims / survivors feel safe to report without fear of retaliation or stigmatisation. (Confidentiality is discussed in more detail below.) The protocol should include multiple reporting entry points and mechanisms (such as face-to-face, external hotline service, SMS, email, letter, information desk, “no excuses” cards, suggestion boxes, listening points). Technology can enable real-time reporting from the field. Organisations should have comprehensive whistle-blower protection and response policies to prevent whistle-blower retaliation.

Victim/survivor focus

In line with our statement in the Introduction, we hold a view that the informed choice of the victim/survivor is paramount, and that if it is not possible to establish an informed choice (because of age or disability) then the best interests of that individual should apply. Where there are apparent conflicts, medico-legal or ethical advice should be sought. However, in the absence of a conflict with the victim/survivor’s informed choice or best interests, it is our view that all allegations of sexual misconduct, and sexual exploitation and abuse in particular, should be reported to the organisation. Where reporting is not the informed choice of the victim/survivor,

then other actions may be taken which are discussed further below.

Report to local authorities

Where the alleged sexual misconduct constitutes a criminal allegation and it is not against the informed choice or best interests of the victim/survivor, a report should also be made to the local authorities. This includes all allegations of sexual misconduct involving children. It is very important that this is done as soon as any allegation is known, as a delay in starting a police investigation may jeopardise evidence. Internal investigations should not interfere with those conducted by police.

- » We refer to our recommendation in Domain 1 that referral to local authorities should be a default position unless this conflicts with other principles.

Records

Organisations should keep **records** of sexual misconduct incident(s), in particular dates, times, and the names of any individuals present or who may be able to corroborate events. These should be stored in a secure location in both electronic and paper form. Response systems should be subject to regular monitoring and evaluation.

5.3.2.3 Investigations and Response



When an allegation of sexual misconduct is made an investigation entails gathering evidence in order to make a decision on whether the allegation can be upheld or not.¹⁸⁷

Organisations are obliged to investigate reports where their staff are involved or where it relates to a program risk. If an aid worker witnesses sexual misconduct in the general public that is not linked to their organisation, then there are no investigation obligations on the organisation. If the matter has been reported to the local authorities, then that investigation should take precedence.

An investigation process usually entails gathering evidence from the complainant, witnesses and speaking to the subject of the complaint. This evidentiary material is then assessed and the investigator(s) prepare a report for senior management with a recommendation(s) for their final decision. Investigative protocols should include terms of reference with a lead investigator; confidentiality undertaking; a communication strategy; and should be conducted by an appropriately skilled and trained person.

Whilst ensuring a victim/survivor focus, investigations should ensure professional, transparent and impartial conduct is also afforded to an alleged perpetrator. Consideration should be given to whether or not the person should remain in their role, while the investigation is undertaken.

In internal investigations, the most common standard of proof used in non-criminal investigations including organisational investigations relating to sexual misconduct is the balance of probabilities.¹⁸⁸
¹⁸⁹ This was discussed in more detail in Part 3 of this report. However, we heard from some review participants who felt that this burden was either not correctly implemented or misinterpreted.



In incidents reported to us, less than half were confirmed to have been substantiated. Of those allegations that were not substantiated, almost half were found to be unfounded in the classifications assigned by the organisations. (This is outlined in Table 9 in Appendix F.) It is not possible to determine to what extent this reflects the nature of the investigation, the quality of the evidence, or indeed the occurrence of the incidents.

It is important that investigations adhere to the best possible principles and uphold the relevant burden of proof, that of the non-criminal standard of balance of probabilities, fairly and transparently.

[Victim/survivors need/want] a change to ‘burden of proof’ considered necessary within aid agencies for staff to be sanctioned/removed; currently too high to be proven in most contexts, fuelling impunity. Need for ‘credible’ evidence by agencies is highly subjective.

Review Contributor

Investigations should be conducted by appropriately trained personnel who may be internal staff or external specialists or pooled sexual misconduct investigative capacities to maximise resources and expertise. Investigative capacity and robustness is enhanced by a peer-review process between aid organisations.

Forensic evidence collection should be done by forensically trained practitioners when there is police involvement. Unless there are exceptional circumstances it is not appropriate for organisations to collect forensic evidence. There are principles of evidence preservation (as opposed to collection), for example, avoiding showering, that may be relevant prior to the attendance of a forensic practitioner.

¹⁸⁷ CHS Alliance. (2015). A guide for humanitarian organisations on receiving and investigating allegations of abuse, exploitation, fraud or corruption by their own staff. Retrieved from: https://www.chsalliance.org/files/files/Investigation-Guidelines-2015_English.pdf

¹⁸⁸ CHS Alliance. (2015). A guide for humanitarian organisations on receiving and investigating allegations of abuse, exploitation, fraud or corruption by their own staff. Retrieved from: https://www.chsalliance.org/files/files/Investigation-Guidelines-2015_English.pdf

¹⁸⁹ Commission for Children and Young People. (2018). Guidance for Organisations. Investigating a reportable conduct allegation. Retrieved from <https://ccyp.vic.gov.au/assets/resources/Reportable-Conduct-Guidance/CCYP-Investigation-guide.pdf>



In interviews we found that because reports of sexual misconduct are relatively infrequent (this can of course vary according to circumstance and context) staff often provided a narrow process-based account of the steps that would be taken in the event of a report. These were often very focused on internal processes. Consideration of the broader context such as the need to provide external psycho-social support services to the complainant and to consider reporting (if sexual assault) to local authorities was not usually mentioned unless prompted. There was, however, a higher level of awareness of this by field staff and those who have previously worked in the field.



In the survey, 62.2% of respondents reported having policies that respond to field staff members being the victims of sexual misconduct. This means that a significant percentage do not have thought-through processes in place for dealing with this. Yet 87% of respondents reported the application of safeguarding policies across all programs.

Structural Complexity: Example

Federated organisational structures can complicate incident response. Organisations have different policies and procedures and different stakeholders to manage. Employment arrangements, insurance and duty of care for an individual can cross boundaries between separate but related entities. For example, if an aid worker for an NGO is the victim of a serious sexual assault in a nation where the UN complaints procedures apply, an additional number of stakeholders become involved in the case. The Review was advised that such instances are burdensome for the individual, who has to tell the story again and again. It is also challenging for the NGO which has to manage and support the employee through another complex range of stakeholder processes.

It also significantly increases the number of people with access to case information. Most agencies' insurance policies for staff working overseas cease cover on return to the home country – as the cover is for emergency repatriation only. In Australia this means an employee then has to use another system such as WorkCover, the public health system or access private health cover. This need for re-telling and endless form filling can be very distressing and overwhelming for an already traumatised individual, even with support from the NGO.



Confidentiality was mentioned as a concern in most of the confidential submissions to the Review

Concerns around confidentiality included:

- Single avenue complaint systems to avoid the duplication of information;
- Confidentiality of medical and psychological support;
- Clarity to the victim/survivor around the limits of confidentiality so that they can make an informed decision with regard to the reporting process.

We note and commend that the Independent Reviewers of the ACFID Code of Conduct Review recommend a new requirement in the Code for “members to have established investigation procedures, including for sensitive and specialised investigations such as allegations of sexual exploitation and abuse”.¹⁹⁰

Recommendation

R21	ACFID Member Organisations should ensure that appropriate staff members are trained in international investigation of sexual misconduct or outsource investigations to specialist providers.	3. Systems and Resources	CEOs & Boards of ACFID Members	High
R23	ACFID Member Organisations should develop a survivor –centered sexual misconduct response protocol based on guides, such as those produced by the Core Humanitarian Standard (CHS) Alliance, to support internal investigations and UN Women.	3. Systems and Resources	CEOs & Boards of ACFID Members	High

We have developed an example of a reporting protocol in relation to child complaints in Appendix C of this report.

5.3.2.4 Accountability and redress



In our systematic best practice review of perpetrator accountability as it pertains to sexual misconduct, we found access to natural justice and deterrence to be important themes.

Survivors most want/need justice in relation to the events that they lived through and the corresponding sense of closure

Review Contributor

Institutionalising a culture of ‘zero tolerance to inaction’ for sexual misconduct inaction requires robust policies for sanctioning perpetrators, and ensuring that substantiated allegations result in appropriate disciplinary action (such as dismissal or suspension).



In incidents reported to us where a sanction was applicable, the most common outcome was suspension or dismissal. In 15% of all cases and 32% of cases between aid workers the alleged perpetrator resigned. (Details of this

finding are presented in Table 9 of Appendix F of this Report.) Deterrence needs to be balanced with natural justice and privacy. Where a person has been found guilty of a criminal offence in a court of law then their identity will be in the public domain. Where a person has been found to have acted in a way that constituted sexual misconduct that has not met the threshold of a criminal finding of guilt, then public identification is not appropriate.

However, on an aggregate de-identifiable level, it is very important that people within an organisation are aware of outcomes of incidents. These should be reported internally to senior management and governance bodies as well as to the regulator. (As stated in Domain 1, it is our opinion that it should be an organisation’s choice as to whether the findings are reported publically, balancing its wishes for transparency with its reputation.) Examples of such reporting systems could include a quarterly notification.

¹⁹⁰ p. 11. Lucas, B. and Thomson, J. (2018). Review of ACFID code of conduct regarding the prevention of sexual exploitation and abuse, recommendations to the code of conduct committee. Retrieved from <https://acfid.asn.au/sites/site.acfid/files/ACFID%20Code%20of%20Conduct%20PSEA%20Review%20Final%20Report%20by%20L4D%2028.8.18.pdf>

Recommendation

R22	ACFID Member Organisations should provide feedback to the person making a misconduct complaint within applicable privacy provisions and in consideration of victim/survivor needs.	3. Systems and Resources	CEOs & Boards of ACFID Members	High
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In relation to **victim/survivor redress**, it is important that they have access to timely and professional physical, psychological, emotional, legal, social and career support services.

However, we heard repeatedly the people that report never hear about the outcome of a complaint. Privacy and confidentiality concerns are often cited as the organisational reasons for this lack of feedback, which many find frustrating.

Our staff say that you report but you don't know what's happened. So even if they have a vested interest in that child or that community member, the outcome never gets back to them. You understand [that] there are issues of privacy and confidentiality, but I also think that doesn't build trust or confidence in the system.

ACFID Member Contributor



Victim/survivors need/want financial compensation rather than legal sanction of perpetrator, which has few tangible benefits, low likelihood of success and many risks for most survivors in crisis contexts.

Review Contributor

The reporting process is generally geared towards performance management or disciplinary action, of the person who is being reported against [not the victim/survivor]

ACFID Member Participant



In incidents reported to us victim/survivors were confirmed to have been provided with redress in only half of the cases. Redress most commonly constituted counselling. Medical treatment was received by only three people who were from an affected population and had been the victim of an incident allegedly perpetrated by an aid worker. (A full table of the findings is in Appendix F of this Report.)

The question of victim redress has been investigated by international human rights organisation, REDRESS in relation to reparation for victims of sexual misconduct in UN peace keeping operations. They contend that the status of a person as a ‘victim’ is not contingent on the recognition of a particular individual as culpable for the crime.¹⁹¹ This notion has also been incorporated at the national level into criminal injury compensation schemes that afford victims access to support and assistance, as well as certain lump sum payments, regardless of whether a perpetrator is fully investigated or prosecuted. Similar approaches have been taken by truth commissions and administrative claims processes, and by victim trust funds such as the assistance mandate at the International Criminal Court.¹⁹²

Depending on the administrative scheme and the operative context, evidence such as proof of identity, proof that the individual suffered harm in connection with the alleged criminal act, will be required. However, it is recognised that the harm that victims suffer can be the very reason why they themselves are unable to procure evidence; consequently mechanisms are needed to lessen the burden on victims, for example by lowering the standard of proof, using presumptions or taking judicial notice of certain facts, and by reducing the information the victims must themselves provide.

We have already stated in this review that victims should be provided with access to relevant assistance and support services, including health, psychological, protection, social, legal or other advice or representation and emergency financial support, where relevant or appropriate.

REDRESS contends that victims also “have the right to adequate, appropriate and effective forms of reparation, which are generally understood to entail restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. It is recognised that reparations should not be arbitrary; they should be adequate, effective and prompt, proportional to the gravity of the violations and the harm suffered, and the gender dimensions of the harm should be addressed. There is a distinction between reparation, humanitarian assistance and social services; they serve different purposes and the obligation to afford reparation is not mitigated by the provision of humanitarian assistance or social services”.¹⁹³

We understand that these matters are complex and need to be assessed on a case by case basis; however it is a consideration that needs to be factored into organisational planning, risk management, insurance cover and sexual misconduct policy development. Victim/survivors may require long term medical, legal and psycho-social services.

Recommendation

R24	ACFID Member Organisations should include reparation for victim/survivors such as long term access to medical and legal services and other forms of support in sexual misconduct policy design.	3. Systems and Resources	CEOs & Boards of ACFID Members	High
R25	ACFID Member Organisations should be prepared to provide long-term support to victim/survivors even after the employee has ceased employment in cases of sexual harassment, assault and rape.	3. Systems and Resources	CEOs & Boards of ACFID Members	High

¹⁹¹ REDRESS (2017) Sexual exploitation an Abuse in Peacekeeping Operations:Improving victim’s access to reparation, support and assistance. Retrieved from <https://redress.org/wp-content/uploads/.../REDRESS-peacekeeping-report-English.pdf>

¹⁹² Ibid.

¹⁹³ Ibid.

Ombuds



The role of an **ombuds** to provide a “backstop” for victim/survivors who do not succeed in having recourse through existing pathways has been canvassed at national and international levels.

A number of multilateral organisations have ombudsman programs. We have learnt that the World Food Program has established a very successful internal Ombudsman program. However, an internal Ombudsman does not necessarily remove organisational conflicts of interest. They are also resource intensive and therefore not suitable for smaller organisations.

At the time of this report being prepared, a scoping paper proposed an international Ombuds¹⁹⁴ model deriving its authority from donor funding, voluntary agreements and moral pressure rather than on international legal agreements.

It is our opinion that the potential interjurisdictional challenges with regard to the development of an international Ombuds role are such that prioritisation should be given to other systems and processes outlined in this Review.

Monitoring and Evaluation

Monitoring and evaluation is an important process to apply in evaluating response and effectiveness of sexual misconduct prevention and response strategies.

This should include:

- review of development programs and humanitarian response work,
- review of reported incident investigation documentation,
- feedback from complainants on the process and reporting, and
- evaluations of training programs for assessments of impact and outcome indicators.

Such monitoring and evaluation frameworks will also support mid-course corrections to improve the sustainability of an intervention, and allow for a better understanding of which factors work best to prevent and respond to sexual misconduct.¹⁹⁵

5.3.3 Resources and capacity: Funding

The aid sector experiences great pressures on resources due to an almost infinite need balanced with finite funding. In Australia, total revenue to Australian aid organisations has increased but not relative to the size of the economy.¹⁹⁶ This is in the context of a significant reduction in overall aid funding since 2013. Australia’s aid budget for 2016-17, at \$3.8 billion, is

around one-third less in real terms than the \$5.1 billion spent in 2012-13. The \$5.1 billion spent in 2012-13 represented the peak of Australia’s aid effort in dollar terms but in terms of the ratio of aid to Gross National Income, it was well below the levels of the 1960s and 1970s.¹⁹⁷ Most of Australia’s aid budget is allocated to the Pacific region.

We’re low resourced, high ambition organisations.

ACFID Member Participant

¹⁹⁴ Hilhorst D., Naik A. & Cunningham A. (2018). International ombuds for humanitarian and development Aid scoping study. International Institute of Social Studies. Erasmus University Rotterdam. Provided to the VIFM review team by the ACFID.

¹⁹⁵ Solotaroff J., & Prabha Pande R., (2014) Violence Against Women and Girls: Lessons from South Asia. World Bank Retrieved from <https://openknowledge.worldbank.org/handle/10986/20153>.

¹⁹⁶ Australian Council for International Development. (2018). State of the sector report. Retrieved from <https://acfid.asn.au/about/state-sector>

¹⁹⁷ Fact Check: What are the facts on Australia’s aid spending (2017) <http://theconversation.com/factcheck-what-are-the-facts-on-australias-foreign-aid-spending-71146>



We heard from multiple sources that administrative costs are a real disincentive to implementing safeguarding measures and that it can be difficult to advocate for safeguarding resourcing to donors, the public and also to beneficiaries.

Someone who has just read the annual report calls and says, “What?! You spent 20% in Australia? Why? I gave you \$1 and I want \$1 to help the children over there.” Let’s be up front and say, ‘Our admin costs went up because we’re investing in safeguarding’.”

ACFID Member Participant

At the individual organisational level, the containment of administration costs as a small percentage of program costs was cited as a major challenge as central staff costs are often treated as administration overheads and not as eligible program expenditure. Donors often use the administration percentage of overall service delivery costs as a key measure for deciding which organisations they will fund. Indeed some donors will not allow the application of any overhead administration costs at all.

Some organisations in the sector are better resourced than others. We found that larger organisations had established very strong systems for reporting, investigations and management. They also acted in a global advocacy capacity and provided strong support to empower partner organisations to make changes at a local level.

Smaller organisations, whilst making the best use of the resources they have, are limited to more direct impact with employees and partners to ensure a robust reporting and management strategy that often relies on outsourcing expertise. We found that many are concerned that funding does not cover dedicated staff for safeguarding and prevention. They also have concerns about a lack of safeguarding experience.

Fundamentally, no donor wants to support operational elements. They see that as the boring side of charity, so it’s a very hard thing to fund effectively. I think it’s one of the limitations a lot of, particularly, smaller charities face.

ACFID Member Participant

If back end [sexual misconduct] staff in headquarters could also be included in that [program rather than administration costs], rather than an artificial separation between what’s in Australia and what’s overseas, I think that would help a lot of agencies to allocate further resources.

ACFID Member Participant



In our survey, when we asked whether a proportion of your project budget is dedicated to safeguarding, 53 respondents reported that a proportion of project budgets was dedicated to safeguarding, most commonly by large organisations (n=15, 75%).

We found that the devolved governance of many aid organisations made it more difficult to manage safeguarding.

‘Keeping track of all of those when you’re operating in a hundred or so countries can be quite difficult. And so, while I’ve got a dedicated child protection officer and a child protection advisor who advises me, I can only see the way that we’re going to improve standards across the globe will mean that we may need additional resource here in Australia to help respond to that.

ACFID Member Participant

Participants told us it is difficult to report on an absence [of sexual misconduct reports] and conversely increased awareness of sexual misconduct and the creation of opportunities to report can result in an increase of reports that can (counter intuitively) be seen as a ‘good’ indicator.

For things like safeguarding ... your measure of success is defined by the absence of events ... It’s difficult to then make the case for allocating a significant amount of limited resources towards safeguarding when the only way you know you’ve succeeded and the money’s been well spent is if nothing’s happened.

ACFID Member Participant

Huge pressure from donors and funders to demonstrate outcomes – but safeguarding is difficult to demonstrate.

ACFID Member Participant

ACFID Members also report that beneficiaries can be resistant to a program focus on sexual misconduct elements which they may not see as a funding priority.

Recommendation

R26	DFAT and other donors should recognise the central cost of sexual misconduct safeguarding expertise as an eligible program cost for offshore work.	3. Systems and Resources	DFAT	High
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5.3.4 Resources and Capacity: Skills and Knowledge



In interviews there is a sense that sexual misconduct, or at least that which is distinct from child protection, is an emerging area of compliance within the aid sector and that the priority focus until now has been child safety. Many interviewees had little to no experience in managing sexual misconduct incidents and by default would discuss their processes in place to protect children from abuse. This indicates that there will need to be a lot of work undertaken to support ACFID Members through the development and adoption of sexual misconduct policies and the related work of localising this with downstream partners.

We put people into management positions and don't always give them training and support for this because they are really difficult conversations for people to have.

ACFID Member Participant

The priority areas for resources are:

- Victim/survivor-centered sexual misconduct policies;
- Complaint mechanisms (including communities in design);
- Investigation;
- Ethics and medico-legal advice providers;
- Downstream partner safeguarding capacity building;
- Monitoring of sexual misconduct incident report trends;
- Monitoring and dissemination of international best practice in safeguarding.

ACFID told us that it mainly exerts influence on members through the Code. They also listen to members and convene the sector on complicated matters. ACFID facilitates and supports a wide range of communities of practice on a wide range of subjects of sectoral interest including child protection, sexual rights and human resources, although none specific to sexual misconduct not involving children. ACFID sees itself as a broker for access to specialists rather than having in-house subject matter expertise. Given the anticipated focus on increased requirements for safeguarding for adults as well as children ACFID will, at a minimum, need to be able to provide Members with practical resources and advice. Members did tell us that they look to ACFID for support.



ACFID already has a good practice toolkit, which is a significant pool of resources to support members meet code compliance requirements¹⁹⁸

Safeguarding Resources

As a peak body, ACFID's remit is focused on its members and not on all Australian aid organisations that may be affected by changes in relation to increased safeguarding requirements. The ACNC currently has a remit to educate and "at a minimum maintain, protect and enhance public trust and confidence in the sector through increased accountability and transparency support and sustain a robust, vibrant, independent and innovative not-for-profit sector."¹⁹⁹

If the ACNC, as recommended in the Review, is funded to develop a reported incident data collection scheme this will require the addition of new expertise in safeguarding investigation. This expertise could be deployed to inform the data collection framework and to undertake random audits of reported incidents to improve standards in practice and response.

Organisations, including ACFID Members, that already have in-house expertise in relevant areas could register with a central expertise repository and make their skills available on a fee-for-service basis.

Less formal sharing of resources between ACFID Member Organisations could be undertaken through a mentoring scheme that could be coordinated by ACFID as part of its capacity building activities.

We believe that it is in DFAT's best interest to support the sector's ability to meet the anticipated new SEA²⁰⁰ requirements for funded organisations and their downstream partners as soon as possible. There would be some value in economies of scale and the development of common resources and even NGO collaboration strategies that are localised for particular international cultural contexts and language groups.

¹⁹⁸ Australian Council for International Development. (2017). Good practice toolkit. Retrieved from <https://acfid.asn.au/use-the-code>

¹⁹⁹ Australian Charities and Not-for-profits Commission (2018) ACNC Regulatory Approach Statement Retrieved from <https://www.acnc.gov.au/raise-concern/regulating-charities/regulatory-approach-statement>

²⁰⁰ Used in recognition of DFAT's use of this term

I think what would be great would be ... free and readily accessible resources available. If I'm thinking about child protection, that most of the resources have come from different agencies and sectors that we've had to put together ourselves and share with each other.

ACFID Member Participant

We note that international donors committed to exploring options for an international Resource and Support Hub at the UK Safeguarding Summit in October 2018.²⁰¹

Recommendation

R27	ACFID should create a Safeguarding Peer to Peer Mentor Scheme.	3. Systems and Resources	ACFID	High
R28	ACFID should establish a Safeguarding Community of Practice (that aligns with, but is separate from, Child Protection and other related Community of Practice (CoP))	3. Systems and Resources	ACFID	High
R29	ACFID should document enhanced safeguarding good practice and tools in its Good Practice Toolkit for the Code of Conduct	3. Systems and Resources	ACFID	High
R30	DFAT, ACFID & ACNC should work together to ensure the accessible provision of safeguarding resources. This may be through the proposed International Safeguarding Hub or through domestic arrangements.	3. Systems and Resources	ACFID	High
R30.1	Resources should include practical implementation guides for localisation of sexual misconduct policies for implementing partner organisations.			
R30.2	Resources should include a Safeguarding Expertise Register for specialist investigation agencies and investigation trainers; medico-legal services and ethics advisory bodies.			

²⁰¹ Department for International Development. (2018). Commitments made by donors to tackle sexual exploitation and abuse and sexual harassment in the international aid sector. Retrieved from <https://www.gov.uk/government/publications/donors-commitments-to-tackle-sexual-exploitation-and-abuse-and-sexual-harassment-in-the-international-aid-sector>

International Capacity Development in the Investigation of Sexual Violence

It has been our opinion throughout this Review that organisations have relied excessively on internal investigation and reporting. If we accept that impartial, timely and professional investigations are the first step towards justice for survivors of sexual crimes and that many jurisdictions fall short of this standard, then there is a clear need to make this an international development priority. It is apparent from the primary and secondary research undertaken in this review that in the Pacific region Papua New Guinea, Timor-Leste and Vanuatu should be priorities for this work.

Consideration should be given to international capacity development in the investigation of sexual violence for those services that play key roles in this process including police, prosecutors, the judiciary, medical practitioners and victim/survivor support services. It is important to note that this needs to be a system-wide endeavour, as all these services play essential roles, and capacity strengthening needs to focus on all, not just some, services to improve justice outcomes and reduce impunity for perpetrators.

We understand that in many of the jurisdictions in which ACFID Member Organisations operate, the ability of local law enforcement agencies to investigate sexual offences may be very limited. However, it should be noted that the establishment of specialised Sexual Offences and Child Abuse Teams (SOCIT) investigation units in police services in Australia is a

comparatively recent development. There is now a significant body of Australian police expertise that has developed to cover all aspects of these investigations including interview techniques for vulnerable witnesses and alleged perpetrators, an understanding of the dynamics of sexual assault key indicators for escalating violence, the importance of court orders for protecting victim/survivors from perpetrators and the need for support for victim/survivors.

These crimes are now taken very seriously and those that are related to family violence are no longer dismissed as 'domestic' in nature and therefore not the responsibility of police. In Australia by virtue of case load exposure and experience, the deepest expertise in these types of investigations is in large urban centres. This means that specialised police training and curriculum capacity resides in state-based police forces rather than with the Australian Federal Police (AFP), as the AFP's community policing operational area of responsibility is focused on the Australian Capital Territory (ACT). However the AFP has primary responsibility for international policing capacity development. If this is identified as a priority development area then the significant human and curriculum assets for training in the investigation of sexual offences in state police forces should be taken into account.

Good Practice Example: The Child Protection Unit (Cambodia)



The Child Protection Unit is a joint initiative between the Cambodian Children's Fund (CCF) and the Cambodian National Police to protect children and ensure appropriate justice outcomes. They respond to all abuse allegations related to the CCF and all major crimes committed against children in the country. They also act as a secondary consultation service for other organisations. They offer a joint response with formally seconded national police and engage with capacity building for national police training hundreds of investigators and working with Commissioners in every province. They put the Cambodian police partner at the front of the investigation in order to build confidence and capacity in the policing system. The CPU best practices and procedures are based on the Victoria state policing models. Most of the funding the CPU receives is from the private sector and donations.

Cambodia is an example of good practice where ending violence against women has resulted in changes to local laws, and more child support operations.

Senior DFAT Official

Recommendation

R31	DFAT should consider capacity development in the investigation of sexual violence as an aid priority for justice and health systems in nations where it is determined that there is clear service failure.	3. Systems and Resources	DFAT	High
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Appendix A: Participating Organisations

Act for Peace	Fiji Women's Crisis Centre	Partner Housing Australasia
Action on Poverty	Foresight Australia (Overseas Aid and Prevention of Blindness)	Partners in Aid
ActionAid Australia	Global Development Group	Partners Relief and Development Australia Incorporated
ADARA Development Australia	Global Mission Partners	People's Community Network, Fiji
ADRA Australia	Good Return	Plan International Australia
Anglican Aid	Grameen Foundation Australia Ltd	Quaker Service Australia
Anglican Board of Mission - Australia	Habitat for Humanity Fiji	RedR Australia
Anglican Overseas Aid	Habitat for Humanity Australia	Reledev Australia Ltd
Asian Aid Organisation	Heilala	Reproductive and Family Health Association of Fiji
Assisi Aid Projects	Hope Global	RESULTS International (Australia) Inc.
Australia for UNHCR	International Needs Australia	Royal Australasian College of Surgeons
Australian Doctors for Africa	International Nepal Fellowship (Aust) Ltd	Salesian Society (Vic) Incorporated
Australian Doctors International	International Women's Development Agency	Save the Children Australia
Australian Himalayan Foundation	Interplast Australia & New Zealand	Save the Children Fiji
Australian Lutheran World Service	Islamic Relief Australia	School for Life Foundation
Australian Marist Solidarity Ltd	KTF	See Beyond Borders
Australian Mercy	Kyeema Foundation	Sight For All Foundation
Australian Red Cross	Lasallian Foundation	SurfAid International Australia Ltd
Australian Respiratory Council	Live & Learn Environmental Education	TEAR Australia
AVI	Love Mercy Foundation	The Australasian Society for HIV, Viral Hepatitis and Sexual Health Medicine
Brien Holden Vision Institute Foundation	MAA International Ltd.	The Fred Hollows Foundation
Bright Futures Child Aid and Development Fund	Mahboba's Promise Inc	The Leprosy Mission Australia
Burnet Institute	Marie Stopes International Australia	The Oaktree Foundation
Business for Development	Marist Champagnat Institute	The Royal Australian and New Zealand College of Ophthalmologists
CARE Australia	Marist Mission Centre	The Salvation Army NSW Property Trust
Caritas Australia	Mary MacKillop Today	Transform Aid International
CBM Australia	Mary Ward International Australia	UNICEF Australia
ChildFund Australia	Mercy Works Ltd.	Union Aid Abroad-APHEDA
CSA Test Company 2	Mission World Aid Inc.	UnitingWorld
Diaspora Action Australia	MIT Group Foundation	WaterAid Australia
Diplomacy Training Program Ltd	Motivation Australia Development Organisation	World Vision Australia
Door of Hope Australia Inc	Nusa Tenggara Association	World Wildlife Fund Australia
EDO NSW	Our Rainbow House Inc	
Engineers Without Borders Australia	Oxfam Australia	
Every Home Global Concern Ltd	Oxfam Fiji	
Fairtrade Australia New Zealand	Palmera Projects	
Family Planning NSW		
Femlink Pacific		

Appendix B: Participating Individuals

Participating stakeholder representatives and sector experts.

Contact Name	Position)	Organisation
Janet Cousens	Executive Director	Act for Peace
Carolyn Doyle	Director, Legal and Policy	Australian Charities and Not-for-profits Commission (ACNC)
Lisa Difford	DGR Reform Project Manager	Australian Charities and Not-for-profits Commission (ACNC)
Prue Monument	Director of Compliance	Australian Charities and Not-for-profits Commission (ACNC)
Glenn Dunbier	Deputy Executive Director	Australian Civil-Military Centre (ACMC)
Alice Ridge	Policy and Advocacy Advisor	Australian Council for International Development (ACFID)
Clare Petre	Chair, Code of Conduct Committee	Australian Council for International Development (ACFID)
Marc Purcell	Chief Executive Officer	Australian Council for International Development (ACFID)
Raewyn Lans	Member and Stakeholder Engagement Lead	Australian Council for International Development (ACFID)
Gareth Beyers	Government Relations and Policy Adviser	Australian Council for International Development (ACFID)
Sarah Burrows	Director of Development Effectiveness	Australian Council for International Development (ACFID)
Tim Watkin	Media and Communications Advisor	Australian Council for International Development (ACFID)
Amanda Kates	State Manager, Pacific International Operations	Australian Federal Police
Michael Wright	Director, Communications and Membership	Bond
Sally Moyle	Chief Executive	CARE Australia
James McCabe	Executive Director	Child Protections Unit
Judith Greenwood	Former Executive Director	Core Humanitarian Standard (CHS) Alliance
Victoria Spencer	Social Development Adviser, Violence Against Women and Girls	Department for International Development (DFID)
Kate Brow	A/g Assistant Director, NGO Programs, Performance and Quality, NGOs and Volunteers Branch	Department of Foreign Affairs and Trade (DFAT)
Megan Anderson	Assistant Secretary, NGOs and Volunteers Branch, Humanitarian, NGOs & Partnerships Division	Department of Foreign Affairs and Trade (DFAT)
Toni Hunt	Assistant Director, Child Protection and Compliance Section, Contracting and Aid Management Division	Department of Foreign Affairs and Trade (DFAT)

Contact Name	Position)	Organisation
Claire James	Humanitarian Adviser	Department of Foreign Affairs and Trade (DFAT) (seconded to Department for International Development [DFID])
Pete Baynard-Smith	CEO	Dutyof.care
Emily Dwyer	Managing Director, Edge Effect and Co-Convenor of the ACFID Sexual Rights in Development Community of Practice	Edge Effect
Osea Volavola, Dr	Acting HOD	Emergency Department, CWM Hospital Suva Fiji
Sue Finucane	Director, Gender Equality and Inclusion Hub	Finucane Consulting
Leaine Robinson	Senior Program Manager	Gender Equality & Inclusive Growth Department of Foreign Affairs and Trade
Brett Kidner	Senior Liaison Officer	Australian Federal Police Suva Fiji
Alice Evans	Lecturer in International Development	Kings College London
Andrew Macleod	Former senior UN official and co-founder of child and whistleblower protection charity www.HearTheirCries.org	Kings College London Hear Their Cries Griffin Law
Gillian Fletcher	Co-chair ACFID Sexual Rights In Development Community of Practice	La Trobe University
Jo Thomson	International Development and Safeguarding Specialist	Learning4Development Pty Ltd.
Bebe Loff	Director	Michael Kirby Centre for Public Health and Human Rights, Monash University
Peter Murphy	Director and Co-Founder	Noetic Group
Hayley Cull	Director, Advocacy and Community Engagement	Plan International Australia
Anne Stuart	Director	Planning, Education and International Programme Family Planning NSW
Cheryl Overs	Adjunct Senior Research Fellow	Public Health and Preventative Medicine, Monash University
Megan Nobert	Independent Expert	Report the Abuse
Matelita Seva-Cadavula	Executive Director	Reproductive & Family Health Association of Fiji
Asha Bradley	Gender Technical Advisor	Save the Children Australia
Simon Miller	General Counsel	Save the Children Australia
Alexandra Robinson	Gender Technical Advisor	United Nations Population Fund
Angela Merianos	Team Coordinator Pacific Health Security, Communicable Diseases and Climate Change	World Health Organization Division of Pacific Technical Support Suva, Fiji
Oliver May	Forensic and Risk Consultant	
Larry Proud	Public Safety Industry Consultant	

We also acknowledge the people who generously contributed their personal experiences and views into the Review but chose to do so anonymously

Appendix C: An example of a management of notifications of child abuse framework

This framework has been developed as an example of how to respond to a child abuse notification.

An allegation of sexual abuse by an individual²⁰² is likely to have significant implications for all parties. Inaction on allegations or a failure to investigate represents a comprehensive failure of the service and its obligations to those they serve and with whom they work. The high levels of emotional angst associated with these types of allegations should be acknowledged at the onset and monitored carefully. The emotional trauma may result in individuals taking the law into their own hands and stress for the complainant, witnesses and families, and for the alleged perpetrator, this may result in actions of self-harm.

In all cases the employer must act in a non-judgmental fashion with sensitivity and fairness to all parties and acknowledge the enormous stress and pain inevitable in these circumstances.

The child may be the source of the allegation or they may have no knowledge that an allegation has been made if it is launched by a third-party. It should be acknowledged that there is a high likelihood of multiple complainants and many types of offences even if the initial allegation only involves one 'victim' and a single act of sexually abusive behaviour. Almost inevitably the allegations will impact on other children (in a class, group, etc), their family and the wider school/group community.

While there is no definitive prescribed response, the organisation should ensure that (See Diag.1):

1. The Child

- » Is safe, secure and supported;
- » Is informed that their allegation is being taken seriously, that they are not at fault and that their family - carer and authorities are being informed;
- » Is referred to health professionals as indicated: psychologist, counsellor, and medical practitioner. (Most of these resources are likely to be accessible locally and it is important that the agency is aware of what is available and any limitations on service delivery.) ;
- » Does not have any contact with the alleged perpetrator.

2. The Suspect

It is important to acknowledge that at this stage an alleged perpetrator must be assumed to be innocent of any wrongdoing; this only changes if a court or tribunal confirms the veracity of an allegation. Hence it is essential that the employer inform the alleged perpetrator that:

- » A serious allegation has been made and the police have been informed;
- » The employer is making no judgment as to their innocence or guilt;
- » They will be stood down from their position until the issue is resolved;
- » They must make no contact with the child (or the family), any witnesses or anyone else directly involved in the matter;
- » They will be offered psychological, social and financial support while the matter is investigated.

²⁰² Police will be able to advise whether the alleged behaviour constitutes a breach of the law; the laws in different jurisdictions will inevitably vary on a range of issues e.g. age of consent

3. The Agency

For the agency employing the alleged perpetrator, there are a number of additional actions that should occur:

- » Inform local police of the allegations immediately and notify any other authorities to whom they have an obligation to report. This may include DFAT childwelfare@dfat.gov.au
- » Comply with any relevant Code of Practice applicable to their agency.
- » Inform the immediate community (workplace) of the situation and response.
- » Provide support to the other members of the immediate community including families and staff.
- » Inform any relevant insurance company of the allegations.
- » Document all interventions performed.

All of these interventions should occur in a timely fashion (ideally immediately) and a record should be made of the interventions undertaken.

4. The Police

In all cases where the allegation constitutes (or may do so) a criminal offence, the police should be informed immediately. A failure to do so may jeopardise the safety of the child and possibly the suspect and negatively impact on the investigation, including the crime scene. It is important to accept that no one

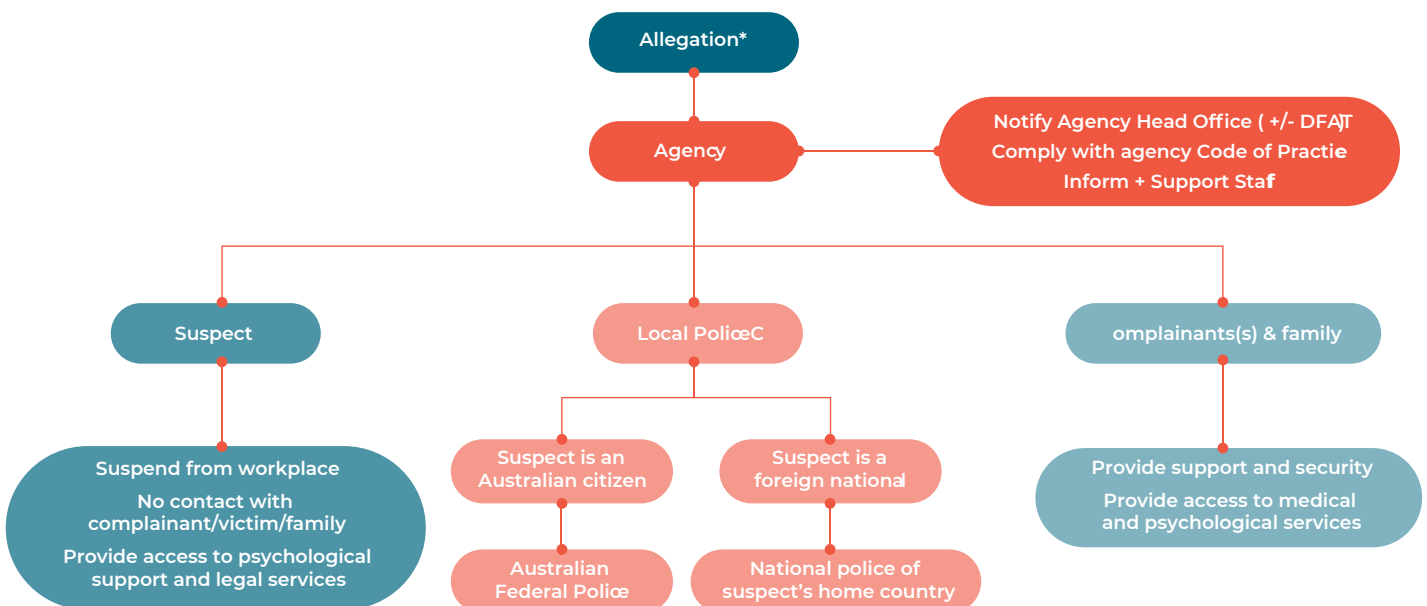
apart from police (or perhaps some other statutory authority), can provide protection for the child or other vulnerable witnesses, effectively investigate the allegations or identify links with past offences and possibly future events.

It is preferable that police investigations occur in parallel rather than after, any internal agency investigation. Agencies should consider appointing an independent investigator to undertake internal investigations. This is particularly applicable if the investigation is complex or time consuming, if there is any suggestion of a conflict of interest or the organisation does not possess the skill set required.

Some police forces do not have the capacity to undertake a comprehensive assessment of crime scenes, collect forensic evidence or undertake interviews of complainants, witnesses and suspects. In some jurisdictions authorities may be susceptible to bribes and other forms of corruption and there may be some countries where reporting to police may actually jeopardise the health and welfare of a child.

If it is thought that reporting allegations to local police may be deleterious to the child then the assistance or advice of the Australian Federal Police may be sought. In all instances, the best interests of the child should be the primary consideration. (Ideally local police would notify the federal police agency of the alleged perpetrator's country of citizenship for further checks there and through Interpol.)

Notification of child abuse framework example



Appendix D: ACFID Member Response Summary

This response summary table indicates the ACFID Member Organisations which participated in each of the Tools. As stated in the Introduction, the Survey and the Reported Incidents Tool were the only ones in which all organisations were invited to participate. Organisations were invited to participate in the other tools according to representativeness, categorised by the ACFID Taskforce according to size and faith-status. In the case of focus groups, members were also selected according to location (Sydney or Melbourne).

Table 1. Summary of organisational response by ACFID Member Organisations to each review tool by organisation size and faith.

	1 Reported Incidents Tool		2 Online Survey		3 Interviews		4 Focus Groups		5 Field Interviews		Grand Total	
	n	%	n	%	n	%	n	%	n	%	n	%
Large												
Not Faith Based	14	16.3	14	15.6	6	30.0	4	22.7	4	40.0	16	13.4
Faith Based	7	8.1	7	7.8	1	5.0	4	18.2	1	10.0	7	5.9
Sub-Total	21	24.4	21	23.3	7	35.0	8	40.9	5	50.0	23	19.3
Medium												
Not Faith Based	9	10.5	14	15.6	1	5.0	5	27.3	2	20.0	16	13.4
Faith Based	17	19.8	17	18.9	5	25.0	4	18.2	2	20.0	20	16.8
Faith Not Stated	2	2.3	2	2.2	-	-	-	-	-	-	5	4.2
Sub-Total	28	32.6	33	36.7	6	30.0	9	45.5	4	40.0	41	34.5
Small												
Not Faith Based	22	25.6	21	23.3	5	25.0	2	9.1	1	10.0	29	24.4
Faith Based	6	7.0	7	7.8	2	10.0	-	-	-	-	8	6.7
Faith Not Stated	9	10.5	8	8.9	-	-	1	4.5	-	-	18	15.1
Sub-Total	37	43.0	36	40.0	7	35.0	3	13.6	1	10.0	55	46.2
Grand Total	86	100.0	90	100.0	20	100.0	20	100.0	10	100.0	119	100.0

Table 2. Summary of number of responses to tools by ACFID Member Organisations to each review tool by organisation size and faith

	Response to 0 Tools		Response to 1 Toolsy		Response to 2 Tools		Response to 3 Tools		Response to 4 Tools		Grand Total	
	n	%	n	%	n	%	n	%	n	%	n	%
Large												
Not Fwaith Based	-	-	1	7.7	6	12.2	6	19.4	3	50.0	16	13.4
Faith Based	-	-	-	-	2	4.1	4	12.9	1	16.7	7	5.9
Sub-Total	-	-	1	7.7	8	16.3	10	32.3	4	66.7	23	19.3
Medium												
Not Faith Based	2	10.0	2	15.4	7	14.3	4	12.9	1	16.7	16	13.4
Faith Based	2	10.0	1	7.7	7	14.3	10	32.3	-	-	20	16.8
Faith Not Stated	3	15.0	-	-	2	4.1	-	-	-	-	5	4.2
Sub-Total	7	35.0	3	23.1	16	32.7	14	45.2	1	16.7	41	34.5
Small												
Not Faith Based	3	15.0	7	53.8	14	28.6	4	12.9	1	16.7	29	24.4
Faith Based	1	5.0	1	7.7	4	8.2	2	6.5	-	-	8	6.7
Faith Not Stated	9	45.0	1	7.7	7	14.3	1	3.2	-	-	18	15.1
Sub-Total	13	65.0	9	69.2	25	51.0	7	22.6	1	16.7	55	46.2
Grand Total	20	100.0	13	100.0	49	100.0	31	100.0	6	100.0	119	100.0

Note: There were only two tools (the Reported Incidents Tool and the Online Survey) where all ACFID Member Organisations were invited to participate. Results for Response to 3 Tools and Response to 4 Tools should be interpreted with caution.

Appendix E: Detailed Reported Incidents Results

The descriptive statistics of the reported incidents tool are presented below to allow the reader to access data collected that could not be discussed within the detailed findings due to scope.

Of the 119 ACFID Member Organisations invited to participate in the Reported Incidents Tool, 66 (55.5%) reported no incidents, 20 (16.8%) reported at least one incident, and 33 (27.7%) did not respond. The majority of responding organisations were ANCP accredited at base or full level, whereas most non-responding organisations were not ANCP accredited; see Table 1.

Table 1. Size and ANCP Accreditation Status of Participating and Non-Participating Organisations

	Participants n = 86 (%)	Non-participants n = 33 (%)
Organisation size		
Small	37 (43.0)	18 (54.5)
Medium	28 (32.6)	13 (39.4)
Large	21 (24.4)	2 (6.1)
ANCP accreditation status		
Full accreditation	34 (39.5)	5 (15.2)
Base accreditation	16 (18.6)	1 (3.0)
No accreditation	36 (41.9)	27 (81.8)

A total of 76 alleged incidents of sexual misconduct were reported; 67 (88.2%) from ACFID Member Organisations and an additional 9 (11.8%) from DFAT. Incidents involving multiple victims were counted separately, except where the number of victims was not stated.

The majority of reported sexual misconduct incidents were perpetrated by aid workers (75.0%) against individuals from affected populations or against other aid workers. A smaller proportion of incidents were perpetrated by individuals from affected populations (22.3%) against aid workers or against other individuals from affected populations; see Table 2.

Table 2. Relationship between Victim/Survivor(s) and Perpetrator(s) (n = 76)

	n (%)
Between aid worker(s) and individual(s) from affected population	35 (46.0)
By aid worker(s) against individual(s) from affected population	26 (34.2)
By individual(s) from affected population against aid worker(s)	9 (11.8)
Between aid workers	31 (40.8)
Between individuals from affected population	8 (10.5)
Not stated	2 (2.6)

Although most participating organisations were small or medium (see Table 1), most sexual misconduct incidents were reported by large, secular organisations. See Table 3 for organisation characteristics stratified by victim-perpetrator relationship.

Table 3. Organisation Characteristics according to the Relationship between Victim/Survivor(s) and Perpetrator(s)

	By aid worker(s) against individual(s) from affected population	By individual(s) from affected population against aid worker(s)	Between aid workers	Between individuals from affected population	Unspecified relationship	Total
	n = 26 (%)	n = 9 (%)	n = 31(%)	n = 8 (%)	n = 2 (%)	n = 76 (%)
Size						
Small	1 (3.8)	1 (11.1)	0(0.0)	2 (25.0)	0 (0.0)	4 (5.3)
Medium	1 (3.8)	0 (0.0)	3 (9.7)	1 (12.5)	0 (0.0)	5 (6.6)
Large	17 (65.4)	8 (88.9)	28 (90.3)	4 (50.0)	1 (50.0)	58 (76.3)
Not stated	7 (26.9)	0 (0.0)	0 (0.0)	1 (12.5)	1 (50.0)	9 (11.8)
Faith-based						
Yes	6 (23.1)	0 (0.0)	7 (22.6)	5 (62.5)	0 (0.0)	18 (23.7)
Christian	3 (11.5)	-	6 (19.4)	5 (62.5)	-	14 (18.4)
Islamic	0 (0.0)	-	0 (0.0)	0 (0.0)	-	0 (0.0)
Other	3 (11.5)	-	1 (3.2)	0 (0.0)	-	4 (5.3)
No	12 (46.2)	9 (100.0)	23 (74.2)	0 (0.0)	1 (50.0)	45 (59.2)
Not stated	8 (30.8)	0 (0.0)	1 (3.2)	3 (37.5)	1 (50.0)	13 (17.1)

Sexual assault/abuse was the most commonly reported form of sexual misconduct between aid workers and individuals from affected populations, whereas sexual harassment was the most commonly reported form of sexual misconduct between aid workers. The highest number of incidents occurred in 2017, followed by 2015 and 2016. Incidents involving individuals from affected populations typically occurred in development contexts, outside of work settings and after work hours; on the other hand, incidents between aid workers typically occurred in Australian contexts, in work settings and during standard work hours. However, the time of the incident was poorly reported. The most common international locations of incidents were Papua New Guinea, Vanuatu and Timor Leste. See Table 4 for incident characteristics stratified by victim-perpetrator relationship.

Table 4. Incident Characteristics according to the Relationship between Victim/Survivor(s) and Perpetrator(s)

	By aid worker(s) against individual(s) from affected population n = 26 (%)	By individual(s) from affected population against aid worker(s) n = 9 (%)	Between aid workers n = 31 (%)	Between individuals from affected population n = 8 (%)	Unspecified relationship n = 2 (%)	Total n = 76 (%)
Type of sexual misconduct^a						
Sexual harassment ^b	3 (11.5)	1 (11.1)	28 (90.3)	2 (25.0)	1 (50.0)	35 (46.1)
Sexual assault ^c / abuse	8 (30.8)	5 (55.5)	0 (0.0)	1 (12.5)	1 (50.0)	15 (19.7)
Unwanted sexual touching	1 (3.8)	3 (33.3)	2 (6.5)	1 (12.5)	0 (0.0)	7 (9.2)
Inappropriate/ exploitative sexual relationship	4 (15.4)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	4 (5.3)
Rape	2 (7.7)	0 (0.0)	0 (0.0)	2 (25.0)	0 (0.0)	4 (5.3)
Aggressive sexual behaviour (including threats)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Request for sexual favours in exchange for support	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Other	4 (15.4)	0 (0.0)	1 (3.2)	1 (12.5)	0 (0.0)	6 (4.9)
Children exposed to pornography	1 (3.8)	-	0 (0.0)	1 (12.5)	-	2 (2.6)
Indecent exposure	2 (7.7)	-	0 (0.0)	0 (0.0)	-	2 (2.6)
Domestic violence	0 (0.0)	-	1 (3.2)	0 (0.0)	-	1 (1.3)
Grooming behaviour	1 (3.8)	-	0 (0.0)	0 (0.0)	-	1 (1.3)
Not stated	4 (15.4)	0 (0.0)	0 (0.0)	1 (12.5)	0 (0.0)	5 (6.6)
Year incident occurred						
2013	0 (0.0)	0 (0.0)	1 (3.2)	0	0 (0.0)	1 (1.3)
2014	2 (7.7)	0 (0.0)	0 (0.0)	0	0 (0.0)	2 (2.6)
2015	9 (34.6)	4 (44.4)	6 (19.4)	0	1 (50.0)	20 (26.3)
2016	6 (23.1)	0 (0.0)	6 (19.4)	2 (25.0)	1 (50.0)	15 (19.7)
2017	7 (26.9)	5 (55.6)	10 (32.3)	3 (37.5)	0 (0.0)	25 (32.9)
2018	0 (0.0)	0 (0.0)	2 (6.5)	3 (37.5)	0 (0.0)	5 (6.6)
Multiple	1 (3.8)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (1.3)
Not stated	1 (3.8)	0 (0.0)	6 (19.4)	0 (0.0)	0 (0.0)	7 (9.2)

Table continues on next page

	By aid worker(s) against individual(s) from affected population	By individual(s) from affected population against aid worker(s)	Between aid workers	Between individuals from affected population	Unspecified relationship	Total
	n = 26 (%)	n = 9 (%)	n = 31 (%)	n = 8 (%)	n = 2 (%)	n = 76 (%)

Time incident occurred						
After work hours	7 (26.9)	5 (55.6)	10 (32.3)	1 (12.5)	0 (0.0)	23 (30.3)
During standard work hours	0 (0.0)	3 (33.3)	12 (38.7)	1 (12.5)	0 (0.0)	16 (21.1)
Multiple	4 (15.4)	0 (0.0)	1 (3.2)	0 (0.0)	0 (0.0)	5 (6.6)
While working outside standard hours	1 (3.8)	0 (0.0)	1 (3.2)	0 (0.0)	0 (0.0)	2 (2.6)
Not stated	14 (53.8)	1 (11.1)	7 (22.6)	6 (75.0)	2 (100.0)	30 (39.5)
Context in which incident occurred						
Development context	23 (88.5)	8 (88.9)	11 (35.5)	6 (75.0)	0 (0.0)	48 (63.2)
Australian context	0 (0.0)	1 (11.1)	15 (48.4)	0 (0.0)	2 (100.0)	18 (23.7)
Humanitarian including protracted context	2 (7.7)	0 (0.0)	2 (6.5)	2 (25.0)	0 (0.0)	6 (7.9)
Not stated	1 (3.8)	0 (0.0)	3 (9.7)	0 (0.0)	0 (0.0)	4 (5.3)
Setting in which incident occurred						
Outside of work setting	11 (42.3)	8 (88.8)	7 (22.6)	7 (87.5)	0 (0.0)	33 (43.4)
Social / community setting	8 (30.8)	4 (44.4)	7 (22.6)	3 (37.5)	-	22 (28.9)
Domestic setting	3 (11.5)	4 (44.4)	0 (0.0)	4 (50.0)	-	11 (14.5)
Work context	6 (23.1)	1 (11.1)	21 (67.7)	0 (0.0)	0 (0.0)	28 (36.8)
Not stated	9 (34.6)	0 (0.0)	3 (9.7)	1 (12.5)	2 (100.0)	15 (19.7)

Table continues on next page

	By aid worker(s) against individual(s) from affected population	By individual(s) from affected population against aid worker(s)	Between aid workers	Between individuals from affected population	Unspecified relationship	Total
	n = 26 (%)	n = 9 (%)	n = 31 (%)	n = 8 (%)	n = 2 (%)	n = 76 (%)

Country in which incident occurred						
Australia	0 (0.0)	1 (11.1)	15 (48.4)	0 (0.0)	2 (100.0)	18 (23.7)
Papua New Guinea	7 (26.9)	1 (11.1)	5 (16.1)	0 (0.0)	0 (0.0)	13 (17.1)
Vanuatu	4 (15.4)	0 (0.0)	3 (9.7)	0 (0.0)	0 (0.0)	7 (9.2)
Timor Leste	1 (3.8)	4 (44.4)	0 (0.0)	0 (0.0)	0 (0.0)	5 (6.6)
Cambodia	3 (11.5)	0 (0.0)	0 (0.0)	1 (12.5)	0 (0.0)	4 (5.3)
Zambia		2 (7.7)	0 (0.0)	0 (0.0)	2 (25.0)	0 (0.0)
India	1 (3.8)	0 (0.0)	0 (0.0)	2 (25.0)	0 (0.0)	3 (3.9)
Pakistan	0 (0.0)	0 (0.0)	3 (9.7)	0 (0.0)	0 (0.0)	3 (3.9)
Fiji	1 (3.8)	0 (0.0)	0 (0.0)	1 (12.5)	0 (0.0)	2 (2.6)
Nepal	1 (3.8)	0 (0.0)	1 (3.2)	0 (0.0)	0 (0.0)	2 (2.6)
Sri Lanka	1 (3.8)	0 (0.0)	0 (0.0)	1 (12.5)	0 (0.0)	2 (2.6)
Thailand	2 (7.7)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	2 (2.6)
Bangladesh	0 (0.0)	0 (0.0)	0 (0.0)	1 (12.5)	0 (0.0)	1 (1.3)
Bolivia	1 (3.8)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (1.3)
Indonesia	0 (0.0)	1 (11.1)	0 (0.0)	0 (0.0)	0 (0.0)	1 (1.3)
Laos	0 (0.0)	0 (0.0)	1 (3.2)	0 (0.0)	0 (0.0)	1 (1.3)
Nauru	1 (3.8)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (1.3)
Solomon Islands	0 (0.0)	1 (11.1)	0 (0.0)	0 (0.0)	0 (0.0)	1 (1.3)
South Africa	1 (3.8)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (1.3)
Vietnam	0 (0.0)	1 (11.1)	0 (0.0)	0 (0.0)	0 (0.0)	1 (1.3)
Not stated	0 (0.0)	0 (0.0)	3 (9.7)	0 (0.0)	0 (0.0)	3 (3.9)

^aWhere multiple forms of sexual misconduct were present, the most severe form is reported.

^bIncludes unwanted sexual comments.

^cIncludes one attempted sexual assault.

In most cases, the time between the incident occurring and being reported to the organisation could not be determined with accuracy. Among those incidents for which dates were specified, a report had typically been made within 24 hours or one week to one month of the incident. Incidents were typically reported to and investigated by managers, directors and co-ordinators within organisations. However, incidents between aid workers were most often investigated by human resources staff, whereas incidents perpetrated by aid workers against individuals from affected populations were most often investigated by other personnel (typically specialising in child protection). Less than one third of incident reports mentioned reporting/referral to police or local authorities; this included all 4 rape allegations but only 9 of the 15 sexual assault/abuse allegations. See Table 5 for report characteristics stratified by victim-perpetrator relationship, and Table 6 for the number of incidents reported to authorities according to the type of sexual misconduct.

Table 5. Report Characteristics according to the Relationship between Victim/Survivor(s) and Perpetrator(s)

	By aid worker(s) against individual(s) from affected population n = 26 (%)	By individual(s) from affected population against aid worker(s) n = 9 (%)	Between aid workers n = 31 (%)	Between individuals from affected population n = 8 (%)	Unspecified relationship n = 2 (%)	Total n = 76 (%)
Time between incident and report^a						
Within 24 hours	3 (11.5)	6 (66.7)	5 (16.1)	1 (12.5)	0 (0.0)	15 (19.7)
Within 1 week	2 (7.7)	0 (0.0)	1 (3.2)	2 (25.0)	0 (0.0)	5 (6.6)
1 week–1 month	2 (7.7)	1 (11.1)	7 (22.6)	3 (37.5)	1 (50.0)	14 (18.4)
1–6 months	3 (11.5)	1 (11.1)	1 (3.2)	1 (12.5)	0 (0.0)	6 (7.9)
6–12 months	1 (3.8)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (1.3)
12–18 months	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
18–24 months	1 (3.8)	0 (0.0)	2 (6.5)	0 (0.0)	0 (0.0)	3 (3.9)
Unable to be determined	14 (53.8)	1 (11.1)	15 (48.4)	1 (12.5)	1 (50.0)	32 (42.0)
Within 1 month	5 (19.2)	0 (0.0)	0 (0.0)	1 (12.5)	1 (50.0)	7 (9.2)
Within 2 months	2 (7.7)	0 (0.0)	1 (3.2)	0 (0.0)	0 (0.0)	3 (3.9)
Within 1 year	5 (19.2)	0 (0.0)	6 (19.4)	0 (0.0)	0 (0.0)	11 (14.5)
1.5–2.5 years	1 (3.8)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (1.3)
≥10 years	1 (3.8)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (1.3)
Incident reported to^b						
Manager/director/co-ordinator	10 (38.5)	6 (66.7)	13 (41.9)	5 (62.5)	0 (0.0)	34 (44.7)
Human resources	0 (0.0)	0 (0.0)	7 (22.6)	0 (0.0)	0 (0.0)	7 (9.2)
CEO	2 (7.7)	0 (0.0)	2 (6.5)	0 (0.0)	0 (0.0)	4 (5.3)

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	By aid worker(s) against individual(s) from affected population	By individual(s) from affected population against aid worker(s)	Between aid workers	Between individuals from affected population	Unspecified relationship	Total
	n = 26 (%)	n = 9 (%)	n = 31 (%)	n = 8 (%)	n = 2 (%)	n = 76 (%)

Incident reported to ^w						
Focal point	1 (3.8)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (1.3)
Other	9 (34.6)	1 (11.1)	7 (22.6)	1 (12.5)	2 (100.0)	20 (26.3)
Not stated	1 (3.8)	1 (11.1)	1 (3.2)	0 (0.0)	0 (0.0)	3 (3.9)
Not applicable	3 (11.5)	1 (11.1)	1 (3.2)	2 (25.0)	0 (0.0)	7 (9.2)

Incident investigated by						
Manager/director/co-ordinator	9 (34.6)	4 (44.4)	4 (12.9)	5 (62.5)	0 (0.0)	22 (28.9)
Human resources	2 (7.7)	0 (0.0)	12 (38.7)	0 (0.0)	0 (0.0)	14 (18.4)
CEO	1 (3.8)	0 (0.0)	2 (6.5)	0 (0.0)	0 (0.0)	3 (3.9)
Focal point	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Other	12 (46.2)	1 (11.1)	2 (6.5)	3 (37.5)	1 (50.0)	19 (25.0)
Not stated	1 (3.8)	4 (44.4)	6 (19.4)	0 (0.0)	1 (50.0)	12 (15.8)
Not applicable	1 (3.8)	0 (0.0)	5 (16.1)	0 (0.0)	0 (0.0)	6 (7.9)

Incident reported to police/local authorities						
Yes	11 (42.3)	4 (44.4)	0 (0.0)	6 (75.0)	1 (50.0)	22 (28.9)
No	15 (57.7)	5 (55.6)	31 (100.0)	2 (25.0)	1 (50.0)	54 (71.1)

^aFor incidents that spanned multiple dates, the time between the first date and report was calculated.

^bFor incidents reported to multiple personnel, the highest ranking position is reported.

Table 6. Number and Proportion of Incidents Reported to Police/Local Authorities According to the Type of Sexual Misconduct

	n (%)
Rape	4 (100.0)
Sexual assault/abuse	9 (60.0)
Unwanted sexual touching	4 (57.1)
Inappropriate/exploitative sexual relationship	2 (50.0)
Sexual harassment (including unwanted sexual comments)	0 (0.0)
Other	
Children exposed to pornography	1 (50.0)
Indecent exposure	0 (0.0)
Domestic violence	0 (0.0)
Grooming behaviour	0 (0.0)
Not stated	2 (40.0)

Similar numbers of child and adult victim/survivors were present in the full sample, though most victim/survivors from affected populations were children and most victim/survivors working in the aid sector were adults. However, almost one third of incident reports did not specify whether the victim/survivor was an adult or child. Among the 16 (64.0%) child victims whose age in years was specified, the median age was 14 (range 9-17; interquartile range 12-15); among the 11 (40.7%) adult victims whose age in years was specified, the median age was 32 (range 21-39; interquartile range 24-38). Gender was reported more consistently, with females constituting the majority of victim/survivors across all victim-perpetrator relationship types.

Aid worker victim/survivors were most frequently head office staff, followed by national and expatriate field staff. Most were direct employees of their respective aid organisations, though a substantial proportion were volunteers. Among incidents which occurred between aid workers, more than half the reports did not specify whether a reporting line relationship existed between the victim/survivor and perpetrator; however, for those which did, there was typically no reporting line relationship.

The effects of sexual misconduct on the victim/survivor were also poorly reported; however, more than twice as many reports indicated some form of trauma or other outcome than none. The most commonly reported outcome was psychological injury/trauma, followed by stigmatisation and effects on the victim/survivors ability to work. See Table 7 for victim/survivor characteristics stratified by victim-perpetrator relationship.

Table 7. Victim/Survivor Characteristics according to the Relationship between Victim/Survivor(s) and Perpetrator(s)

	By aid worker(s) against individual(s) from affected population n = 26 (%)	By individual(s) from affected population against aid worker(s) n = 9 (%)	Between aid workers n = 31 (%)	Between individuals from affected population n = 8 (%)	Unspecified relationship n = 2 (%)	Total n = 76 (%)
Age						
Adult (≥18 years)	3 (11.5)	1 (11.1)	22 (71.0)	1 (12.5)	0 (0.0)	27 (35.5)
Child (<18 years)	17 (65.4)	0 (0.0)	0 (0.0)	7 (87.5)	1 (50.0)	25 (32.9)
Not stated	6 (23.1)	8 (88.9)	9 (29.0)	0 (0.0)	1 (50.0)	24 (31.6)
Gender						
Female	20 (76.9)	9 (100.0)	23 (74.2)	8 (100.0)	0 (0.0)	60 (78.9)
Male	1 (3.8)	0 (0.0)	4 (12.9)	0 (0.0)	0 (0.0)	5 (6.6)
Not stated	5 (19.2)	0 (0.0)	4 (12.9)	0 (0.0)	2 (100.0)	11 (14.5)
Role (if aid worker)^a						
Head office	-	1 (11.1)	18 (58.1)	-	-	19 (47.5)
Field ex-pat (paid)	-	0 (0.0)	0 (0.0)	-	-	0 (0.0)
Role (if aid worker)^a						
Field ex-pat (volunteer)	-	8 (88.9)	0 (0.0)	-	-	8 (20.0)
Field national (paid)	-	0 (0.0)	9 (29.0)	-	-	9 (22.5)
Field national (volunteer)	-	0 (0.0)	3 (9.7)	-	-	3 (7.5)
Not stated	-	0 (0.0)	1 (3.2)	-	-	1 (2.5)
Employment status (if aid worker)^a						
Direct employee	-	0 (0.0)	21 (67.7)	-	-	21 (52.5)
Partner employee	-	0 (0.0)	2 (6.5)	-	-	2 (5.0)
Sub-contractor (including consultants)	-	0 (0.0)	0 (0.0)	-	-	0 (0.0)
Other	-	9 (100.0)	4 (12.9)	-	-	13 (32.5)
Volunteer	-	8 (88.9)	3 (9.7)	-	-	11 (27.5)
Student	-	1 (11.1)	1 (3.2)	-	-	2 (5.0)
Not stated	-	0 (0.0)	4 (12.9)	-	-	4 (10.0)

Table continues on next page

	By aid worker(s) against individual(s) from affected population	By individual(s) from affected population against aid worker(s)	Between aid workers	Between individuals from affected population	Unspecified relationship	Total
	n = 26 (%)	n = 9 (%)	n = 31 (%)	n = 8 (%)	n = 2 (%)	n = 76 (%)

Reporting line relationship (if between aid workers) ^b						
Yes	-	-	4 (12.9)	-	-	4 (12.9)
No	-	-	11 (35.5)	-	-	11 (35.5)
Not stated	-	-	16 (51.6)	-	-	16 (51.6)

Victim/survivor sustained trauma/other outcomes						
Yes	8 (30.8)	1 (11.1)	15 (48.4)	4 (50.0)	0 (0.0)	28 (36.8)
No	4 (15.4)	1 (11.1)	6 (19.4)	2 (25.0)	0 (0.0)	13 (17.1)
Not stated	14 (53.8)	7 (77.8)	10 (32.3)	2 (25.0)	2 (100.0)	35 (46.1)

Trauma/other outcomes of sexual misconduct (if applicable)						
Psychological injury/trauma	5 (62.5)	0 (0.0)	9 (60.0)	2 (50.0)	-	16 (57.1)
Stigmatisation	3 (37.5)	0 (0.0)	5 (33.3)	0 (0.0)	-	8 (28.6)
Work effects ^d	1 (12.5)	1 (100.0)	3 (20.0)	1 (25.0)	-	6 (21.4)
Physical injury	1 (12.5)	0 (0.0)	0 (0.0)	1 (25.0)	-	2 (7.1)
Other	2 (25.0)	0 (0.0)	0 (0.0)	0 (0.0)	-	2 (7.1)
Pregnancy	1 (12.5)	-	-	-	-	1 (3.6)
Privacy violated by assessment	1 (12.5)	-	-	-	-	1 (3.6)

^aIn 'Total' column, the percentage of incidents involving aid worker victim/survivors is reported (n = 40).

^bIn 'Total' column, the percentage of incidents which occurred between aid workers is reported (n = 31).

^cWithin columns, the percentage of incidents where victim/survivor sustained trauma/other outcomes is reported. Categories are not independent (i.e. respondents could select multiple options) and thus do not add to 100%.

^dIncludes inability or reluctance to return to work, impact on ongoing employment, etc.

Half of the incident reports did not specify whether the perpetrator was an adult or child; however, among those which did, the majority were adults. Among the 20 (55.6%) adult perpetrators whose age in years was specified, the median age was 42 (range 18-67; interquartile range 31-51). Similarly to the victim/survivor's characteristics, gender was reported more consistently than age. A predominance of male perpetrators was evident across all victim-perpetrator relationship types.

Most incidents of sexual misconduct between aid workers were perpetrated by head office staff who were direct employees of their respective aid organisations. On the other hand, most incidents by aid workers against individuals from affected populations were perpetrated by field national staff, who were partner employees of their respective aid organisations. See Table 8 for perpetrator characteristics stratified by victim-perpetrator relationship.

Table 8. Alleged Perpetrator Characteristics according to the Relationship between Victim/Survivor(s) and Perpetrator(s)

	By aid worker(s) against individual(s) from affected population n = 26 (%)	By individual(s) from affected population against aid worker(s) n = 9 (%)	Between aid workers n = 31 (%)	Between individuals from affected population n = 8 (%)	Unspecified relationship n = 2 (%)	Total n = 76 (%)
Age						
Adult (≥18 years)	13 (50.0)	1 (11.1)	20 (64.5)	2 (25.0)	0 (0.0)	36 (47.4)
Child (<18 years)	0 (0.0)	0 (0.0)	0 (0.0)	2 (25.0)	0 (0.0)	2 (2.6)
Not stated	13 (50.0)	8 (88.9)	11 (35.5)	4 (50.0)	2 (100.0)	38 (50.0)
Gender						
Male	23 (88.5)	8 (88.9)	25 (80.6)	8 (100.0)	2 (100.0)	66 (86.8)
Female	0 (0.0)	0 (0.0)	3 (9.7)	0 (0.0)	0 (0.0)	3 (3.9)
Not stated	3 (11.5)	1 (11.1)	3 (9.7)	0 (0.0)	0 (0.0)	7 (9.2)
Role (if aid worker)^a						
Head office	1 (3.8)	-	18 (58.1)	-	1 (50.0)	20 (34.5)
Field ex-pat (paid)	3 (11.5)	-	0 (0.0)	-	0 (0.0)	3 (5.2)
Field ex-pat (volunteer)	0 (0.0)	-	0 (0.0)	-	0 (0.0)	0 (0.0)
Field national (volunteer)	0 (0.0)	-	1 (3.2)	-	0 (0.0)	1 (1.7)
Role (if aid worker)^a						
Field national (paid)	17 (65.4)	-	12 (38.7)	-	0 (0.0)	29 (50.0)
Not stated	5 (19.2)	-	0 (0.0)	-	0 (0.0)	5 (8.6)

Table continues on next page

	By aid worker(s) against individual(s) from affected population	By individual(s) from affected population against aid worker(s)	Between aid workers	Between individuals from affected population	Unspecified relationship	Total
	n = 26 (%)	n = 9 (%)	n = 31 (%)	n = 8 (%)	n = 2 (%)	n = 76 (%)

Employment status (if aid worker) ^a						
Direct employee	8 (30.8)	-	23 (74.2)	-	1 (50.0)	32 (55.2)
Partner employee	13 (50.0)	-	4 (12.9)	-	0 (0.0)	17 (29.3)
Sub-contractor (including consultants)	2 (7.7)	-	0 (0.0)	-	0 (0.0)	2 (3.4)
Other	0 (0.0)	-	1 (3.2)	-	0 (0.0)	1 (1.7)
Volunteer	-	-	1 (3.2)	-	-	1 (1.7)
Student	-	-	0 (0.0)	-	-	0 (0.0)
Not stated	3 (11.5)	-	3 (9.7)	-	0 (0.0)	6 (10.3)

^aIn 'Total' column, the percentage of incidents involving aid worker perpetrators is reported (n = 58).

Allegations were more often substantiated than unsubstantiated, though this was frequently not specified. Among incidents perpetrated by aid workers against individuals from affected populations, the most common reason for unsubstantiated allegations was the complaint being unfounded. Among incidents between aid workers, the most common reasons for unsubstantiated allegations were the victim/survivor not wishing to progress the investigation and other reasons (namely, the perpetrator failing to respond or resigning during the investigation, or difficulty following up case details).

In the majority of cases, the perpetrator(s) received some penalty or disciplinary action for the sexual misconduct. This most commonly took the form of suspension or dismissal from the aid organisation. For incidents involving a victim/survivor from an affected population, referral to a law enforcement agency was another common penalty, and for incidents between aid workers, warnings and resignations were additional common penalties. Other reported penalties imposed on perpetrators included counselling and behavioural monitoring/supervision.

The victim/survivor was provided redress in approximately half of the reported incidents, though this too was often not specified. Redress most commonly took the form of counselling or similar support, irrespective of victim-perpetrator relationship type. Other forms of redress were common among incidents perpetrated by aid workers against individuals from affected populations and between aid workers; these included legal support and review and strengthening of policies, processes and procedures. See Table 9 for investigation characteristics stratified by victim-perpetrator relationship.

Table 9. Investigation Characteristics according to the Relationship between Victim/Survivor(s) and Perpetrator(s)

	By aid worker(s) against individual(s) from affected population n = 26 (%)	By individual(s) from affected population against aid worker(s) n = 9 (%)	Between aid workers n = 31 (%)	Between individuals from affected population n = 8 (%)	Unspecified relationship n = 2 (%)	Total n = 76 (%)
Allegation(s) substantiated						
Yes	16 (61.5)	0 (0.0)	15 (48.4)	5 (62.5)	0 (0.0)	36 (47.4)
No	7 (26.9)	0 (0.0)	8 (25.8)	1 (12.5)	0 (0.0)	16 (21.1)
Not stated	3 (11.5)	9 (100.0)	4 (12.9)	2 (25.0)	1 (50.0)	19 (25.0)
Not applicable	0 (0.0)	0 (0.0)	4 (13.0)	0 (0.0)	1 (50.0)	5 (6.5)
Informally resolved	-	-	2 (6.5)	-	0 (0.0)	2 (2.6)
Not investigated	-	-	2 (6.5)	-	0 (0.0)	2 (2.6)
Ongoing investigation	-	-	0 (0.0)	-	1 (50.0)	1 (1.3)
Reason(s) allegation(s) unsubstantiated (if applicable)^{a,b}						
Complaint unfounded	6 (85.7)	-	1 (12.5)	0 (0.0)	-	7 (43.8)
Victim declined investigation	1 (14.3)	-	3 (37.5)	0 (0.0)	-	4 (25.0)
Confidentiality issues	0 (0.0)	-	2 (25.0)	0 (0.0)	-	2 (12.5)
Lack of information	2 (28.6)	-	0 (0.0)	0 (0.0)	-	2 (12.5)
Sent to external jurisdiction	1 (14.3)	-	0 (0.0)	0 (0.0)	-	1 (6.3)
Complaint withdrawn	0 (0.0)	-	0 (0.0)	0 (0.0)	-	0 (0.0)
Lack of management supports	0 (0.0)	-	0 (0.0)	0 (0.0)	-	0 (0.0)
Other	1 (14.3)	-	3 (37.5)	1 (100.0)	-	5 (31.3)
Not stated	0 (0.0)	-	1 (12.5)	0 (0.0)	-	1 (6.3)

Table continues on next page

	By aid worker(s) against individual(s) from affected population	By individual(s) from affected population against aid worker(s)	Between aid workers	Between individuals from affected population	Unspecified relationship	Total
	n = 26 (%)	n = 9 (%)	n = 31 (%)	n = 8 (%)	n = 2 (%)	n = 76 (%)

Perpetrator(s) received penalty/disciplinary action						
Yes	21 (80.8)	3 (33.3)	19 (61.3)	5 (62.5)	0 (0.0)	48 (63.2)
No	3 (11.5)	0 (0.0)	9 (29.0)	0 (0.0)	0 (0.0)	12 (15.8)
Not stated	2 (7.7)	6 (66.7)	2 (6.5)	3 (37.5)	1 (50.0)	14 (18.4)
Not applicable	0 (0.0)	0 (0.0)	1 (3.2)	0 (0.0)	1 (50.0)	2 (2.6)
Ongoing investigation	-	-	1 (3.2)	-	1 (50.0)	2 (2.6)

Penalty/disciplinary action (if applicable) ^{a,c}						
Suspended or dismissed from organisation	11 (52.4)	1 (33.3)	7 (36.8)	0 (0.0)	0 (0.0)	19 (39.6)
Referred to law enforcement agency	8 (38.1)	0 (0.0)	0 (0.0)	3 (60.0)	0 (0.0)	11 (22.9)
Given warning	0 (0.0)	0 (0.0)	9 (47.4)	0 (0.0)	0 (0.0)	9 (18.8)
Resigned	1 (4.8)	0 (0.0)	6 (31.6)	0 (0.0)	0 (0.0)	7 (14.6)
Other	4 (19.1)	2 (66.6)	3 (15.8)	2 (40.0)	0 (0.0)	11 (22.9)

Victim/survivor provided redress						
Yes	17 (65.4)	7 (77.8)	12 (38.7)	4 (50.0)	0 (0.0)	40 (52.6)
No	2 (7.7)	0 (0.0)	9 (29.0)	0 (0.0)	0 (0.0)	11 (14.5)
Not stated	7 (26.9)	2 (22.2)	10 (32.3)	4 (50.0)	2 (100.0)	25 (32.9)

Redress (if applicable) ^{a,d}						
Counselling and other support	12 (70.6)	7 (100.0)	11 (91.7)	2 (50.0)	-	32 (80.0)
Apology	1 (5.9)	1 (14.3)	2 (16.7)	2 (50.0)	-	6 (15.0)
Medical treatment	3 (17.6)	0 (0.0)	0 (0.0)	0 (0.0)	-	3 (7.5)
Other internal support	1 (5.9)	0 (0.0)	0 (0.0)	0 (0.0)	-	1 (2.5)
Compensation	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	-	0 (0.0)
Other	8 (47.1)	0 (0.0)	4 (33.3)	0 (0.0)	-	12 (30.0)

^aCategories are not independent (i.e. respondents could select multiple options) and thus do not add to 100%.

^bWithin columns, the percentage of incidents where allegation(s) were unsubstantiated is reported.

^cWithin columns, the percentage of incidents where perpetrator(s) received penalty/disciplinary action is reported.

^dWithin columns, the percentage of incidents where victim/survivor was provided redress is reported.

Appendix F: Summary of Survey

The descriptive statistics of the survey are presented below in order to allow the reader to access data collected that could not be discussed within the detailed findings due to scope.

All 121 ACFID Organisations that were members as at May 2018 were invited to participate in the online survey. Three organisations were excluded because they ceased their membership with ACFID during the data collection period. A further 22 organisations declined to participate and one organisation provided insufficient data for inclusion. Following these exclusions, 95 ACFID Member Organisations were included in the analysis. This represented a response rate of 79.8%.

Among the 95 organisations included in the analysis, 16 (16.8%) did not specify whether their organisation was faith based, including six (6.3%) who also didn't specify their organisation's size. Among the 89 organisations where size was known, small organisations had the highest frequency (n=36, 40.4%) of responses, the majority of which were non-faith based (n=21, 58%). Medium sized organisations had the next most frequent responses (n=33, 37.1%), which had a reasonably even distribution between being faith based (n=17, 51.5%) and non-faith based (n=14, 42.4%). The remaining 20 (22.5%) responses were from large organisations, of which 13 (65.0%) were non-faith based. A detailed overview of organisation size by organisation faith among the 95 responding organisations is shown in Table 1.

Table 1. Overview of ACFID Member Organisation respondents to online survey by organisation size and faith

Organisation Size	Organisation Faith Based						Total	
	No		Yes		Not Stated		n	%
	n	%	n	%	n	%		
Small	21	58.3	7	19.4	8	22.2	36	100.0
Medium	14	42.4	17	51.5	2	6.1	33	100.0
Large	13	65.0	7	35.0	-	-	20	100.0
Not Stated	-	-	-	-	6	100.0	6	100.0
Total	48	50.5	31	32.6	16	16.8	95	100.0

TERMS OF REFERENCE 1.1:

Are relevant compulsory reporting systems, and DFAT and ACFID requirements sufficient and comparable to Australian codes where vulnerable persons are involved? Apart from ACFID Code of Conduct reporting requirements, do you have any other sexual misconduct reporting obligations to, for example, donors or international federations?

Among the 95 responding organisations, between 20% and 40% (range 19 to 39 organisations) had obligations to report incidents of sexual misconduct in addition to the requirements set out in the ACFID Code of Conduct. An analysis of the types of sexual misconduct, the age of the victim and size of ACFID Member Organisation (as defined by ACFID) for donors, international federations, other organisation, no organisations and unknown organisation is presented in detail below.

Thirty-nine of the 95 (41.1%) respondents reported they had an obligation to report incidents of sexual misconduct to donors. Among the 39 responding organisations where reporting obligations were in place to donors, the most frequent related to sexual exploitation and abuse (SEA) of a child (n=18, 46.2%). The majority of these were reported by large organisations (n=10, 55.6%). SEA of a child, SEA of an adult or sexual harassment (SH) of an adult was required to be reported to donors by 13 (13.7%) responding organisations. The majority of these were by small organisations (n=7, 53.6%). The remaining eight respondents reported that they were required to report SEA of a child and an adult to donors (n=7, 17.9%) and sexual exploitation, abuse and harassment (SEAH) of an adult to donors (n=1, 2.6%). A detailed overview of the nature of reporting obligations to donors on sexual misconduct by organisation size among the 95 responding organisations is shown in Table 2A.

Table 2A. ACFID Member Organisation's reporting requirements to donors by nature of sexual misconduct and organisation size

Organisations Size	SEA Child		SEA Adult		SH Adult		SEA Child and Adult		SEAH Adult		SEA Child, SEA Adult, SH Adult		No		Not Applicable		Total	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
DONORS																		
Small	1	2.8	-	-	-	-	2	5.6	-	-	7	19.4	26	72.2	-	-	36	100.0
Medium	6	18.2	-	-	-	-	3	9.1	1	3.0	4	12.1	19	57.6	-	-	33	100.0
Large	10	50.0	-	-	-	-	1	5.0	-	-	2	10.0	7	35.0	-	-	20	100.0
Not Stated	1	16.7	-	-	-	-	1	16.7	-	-	-	-	4	66.7	-	-	6	100.0
Total	18	18.9	-	-	-	-	7	7.4	1	1.1	13	13.7	56	58.9	-	-	95	100.0

SEA = Sexual exploitation and abuse

SH = Sexual harassment

SEAH = Sexual exploitation abuse and harassment

Nineteen of the 95 (20.1%) respondents reported they had an obligation to report incidents of sexual misconduct to international federations. Among the 19 responding organisations where reporting obligations were in place to international federations, the most frequent related to SEA of a child, SEA of an adult or SH of an adult (n=14, 73.7%). The majority of these were reported by medium sized organisations (n=8, 57.6%). The remaining five respondents reported that they were required to report SEA of a child (n=3, 15.8%) and SEA of a child and an adult to international federations (n=2, 10.5%). A detailed overview of the nature of reporting obligations to international federations on sexual misconduct by organisation size among the 95 responding organisations is shown in Table 2B.

Table 2B. ACFID Member Organisation’s reporting requirements to international federations by nature of sexual misconduct and organisation size

Organisations Size	SEA Child		SEA Adult		SH Adult		SEA Child and Adult		SEAH Adult		SEA Child, SEA Adult, SH Adult		No		Not Applicable		Total	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
INTERNATIONAL FEDERATIONS																		
Small	-	-	-	-	-	-	-	-	-	-	1	2.8	35	97.2	-	-	36	100.0
Medium	-	-	-	-	-	-	2	6.1	-	-	8	24.2	23	69.7	-	-	33	100.0
Large	2	10.0	-	-	-	-	-	-	-	-	4	20.0	14	70.0	-	-	20	100.0
Not Stated	1	16.7	-	-	-	-	-	-	-	-	1	16.7	4	66.7	-	-	6	100.0
Total	3	3.2	-	-	-	-	2	2.1	-	-	14	14.7	76	80.0	-	-	95	100.0

SEA = Sexual exploitation and abuse

SH = Sexual harassment

SEAH = Sexual exploitation abuse and harassment

Twenty-nine of the 95 (30.5%) respondents reported they had an obligation to report incidents of sexual misconduct to other organisations. Among the 29 responding organisations where reporting obligations were in place to other organisations, the most frequent related to SEA of a child, SEA of an adult or SH of an adult (n=18, 62.1%). These were most frequently reported by medium and large sized organisations (n=6, 33.3% respectively). The remaining 11 respondents reported that they were required to report SEA of a child (n=6, 20.7%) and SEA of a child and an adult to international federations (n=5, 17.2%). A detailed overview of the nature of reporting obligations to other organisations on sexual misconduct by organisation size among the 95 responding organisations is shown in Table 2C.

Other organisations responded stated they reported incidents of sexual misconduct to included: the Department of Foreign Affairs and Trade (DFAT); the Australian Charities and Not-for-profits Commission (ACNC); churches or other faith based organisations; police; their own organisation; and the Australian Health Practitioner Regulation Agency.

Table 2C. ACFID Member Organisation’s reporting requirements to other organisations by nature of sexual misconduct and organisation size by nature of sexual misconduct and organisation size

Organisations Size	SEA Child		SEA Adult		SH Adult		SEA Child and Adult		SEAH Adult		SEA Child, SEA Adult, SH Adult		No		Not Applicable		Total		
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%	
OTHER ORGANISATIONS																			
Small	1	2.8	-	-	-	-	2	5.6	-	-	4	11.1	29	80.6	-	-	36	100.0	
Medium	3	9.1	-	-	-	-	-	-	-	-	-	6	18.2	24	72.7	-	-	33	100.0
Large	1	5.0	-	-	-	-	3	15.0	-	-	6	30.0	10	50.0	-	-	20	100.0	
Not Stated	1	16.7	-	-	-	-	-	-	-	-	2	33.3	3	50.0	-	-	6	100.0	
Total	6	6.3	-	-	-	-	5	5.3	-	-	18	18.9	66	69.5	-	-	95	100.0	

SEA = Sexual exploitation and abuse SH = Sexual harassment SEAH = Sexual exploitation abuse and harassment

Thirty-seven of the 95 (38.9%) respondents reported they had no obligations to report incidents of sexual misconduct to another organisation. Among the 37 responding organisations where no reporting obligations were in place to other organisations, the most frequent related to SEA of a child, SEA of an adult or SH of an adult (n=30, 81.1%). This was most frequently reported by small sized organisations (n=19, 63.3% respectively). The remaining seven respondents reported that they were not required to report SEA of a child (n=3, 42.9%), SH of an adult (n=2, 28.6%) an SEAH of an adult (n=2, 28.6%). A detailed overview of the nature of no reporting obligations to other organisations on sexual misconduct by organisation size among the 95 responding organisations is shown in Table 2D.

Table 2D. No SEAH reporting requirements by ACFID Member Organisations by nature of sexual misconduct and organisation size by nature of sexual misconduct and organisation size

Organisations Size	SEA Child		SEA Adult		SH Adult		SEA Child and Adult		SEAH Adult		SEA Child, SEA Adult, SH Adult		No		Not Applicable		Total	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
NO SEAH REPORTING OBLIGATIONS																		
Small	1	2.8	-	-	-	-	-	-	1	2.8	19	52.8	-	-	15	41.7	36	100.0
Medium	1	3.0	-	-	1	3.0	-	-	1	3.0	8	24.2	-	-	22	66.7	33	100.0
Large	-	-	-	-	1	5.0	-	-	-	-	2	10.0	-	-	17	85.0	20	100.0
Not Stated	1	16.7	-	-	-	-	-	-	-	-	1	16.7	-	-	4	66.7	6	100.0
Total	3	3.2	-	-	2	2.1	-	-	2	2.1	30	31.6	-	-	58	61.1	95	100.0

SEA = Sexual exploitation and abuse SH = Sexual harassment SEAH = Sexual exploitation abuse and harassment

Three of the 95 (3.2%) respondents reported they did not know what obligations their organisation had to report incidents of sexual misconduct to other organisations. Among the 3 responding organisations where reporting obligations to other organisations was unknown were related to: SEA of a child, SEA of an adult or SH of an adult (n=1, 33.3%); SEA of an adult (n=1, 33.3%); and SEA of a child (n=1, 33.3%). A detailed overview of the nature of unknown reporting obligations to other organisations on sexual misconduct by organisation size among the 95 responding organisations is shown in Table 2E.

Table 2E. Unknown SEAH reporting requirements by ACFID Member Organisations by nature of sexual misconduct and organisation size

Organisations Size	SEA Child		SEA Adult		SH Adult		SEA Child and Adult		SEAH Adult		SEA Child, SEA Adult, SH Adult		No		Not Applicable		Total			
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%		
DON'T KNOW SEAH REPORTING OBLIGATIONS																				
Small	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	36	100.0	36	100.0
Medium	-	-	-	-	-	-	-	-	1	3.0	1	3.0	-	-	-	-	31	93.9	33	100.0
Large	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	20	100.0	20	100.0
Not Stated	1	16.7	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5	83.3	6	100.0
Total	1	1.1	-	-	-	-	-	-	1	1.1	1	1.1	-	-	-	-	92	96.8	95	100.0

SEA = Sexual exploitation and abuse SH = Sexual harassment SEAH = Sexual exploitation abuse and harassment

Do your safeguarding policies include a statement of your commitment to safeguarding?

Eighty-eight of the 95 (92.6%) respondents reported they had a statement of commitment to safeguarding in their policy. All 20 (100%) large sized organisations reported a commitment to safeguarding as did at least 80% of all other sized organisations. A detailed overview by organisation size among the 95 responding organisations is shown in Table 3.

Table 3. ACFID Members with statement of commitment to safeguarding in policies by organisation size

Organisation Size	No		Yes		Total	
	n	%	n	%	n	%
Small	4	11.1	32	88.9	36	100.0
Medium	2	6.1	31	93.9	33	100.0
Large	-	-	20	100.0	20	100.0
Not Stated	1	16.7	5	83.3	6	100.0
Total	7	7.4	88	92.6	95	100.0

Do your safeguarding policies include a zero tolerance statement on sexual harassment, exploitation and abuse?

Eighty-three of the 95 (87.4%) respondents answered the question regarding a zero tolerance statement on SEAH in their organisation’s safeguarding policies. All 83 respondents stated that their safeguarding policy included a zero tolerance statement of SEAH. A detailed overview by organisation size among the 95 responding organisations is shown in Table 4.

Table 4. ACFID Members with a zero tolerance statement on safeguarding by organisation size

Organisation Size	No		No Response		Total	
	n	%	n	%	n	%
Small	32	88.9	4	11.1	36	100.0
Medium	31	93.9	2	6.1	33	100.0
Large	19	95.0	1	5.0	20	100.0
Not Stated	1	16.7	5	83.3	6	100.0
Total	83	87.4	12	12.6	95	100.0

TERMS OF REFERENCE 1.2: Do these systems and requirements interact and operate in a way that is comprehensive, effective, and in accordance with global best practice

Do you keep a detailed register of safeguarding issues reported and the response in: child protection; sexual exploitation and abuse; sexual harassment?

Seventy-eight of the 95 (82.1%) respondents reported that they kept a detailed register of safeguarding issues. Among these 78, the most frequent related to child protection (CP), SEA and SH (n=62, 79.5%). This ranged from 60.6% (n=20) for medium sized organisations to 80.0% (n=16) for large sized organisations. Thirteen of the 95 (13.7%) respondents reported that they did not keep a detailed register of safeguarding issues. A detailed overview by organisation size among the 95 responding organisations is shown in Table 5.

Table 5. ACFID Members with a detailed register of safeguarding issues by organisation size

Organisation Size	CP		CP & SEA		CP, SEA & SH		SEA & SH		No Register Kept		No Response		Total	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
Small	4	11.1	-	-	24	66.7	-	-	5	13.9	3	8.3	36	100.0
Medium	4	12.1	3	9.1	20	60.6	-	-	6	18.2	-	-	33	100.0
Large	2	10.0	-	-	16	80.0	-	-	2	10.0	-	-	20	100.0
Not Stated	1	16.7	1	16.7	2	33.3	1	16.7	-	-	1	16.7	6	100.0
Total	11	11.6	4	4.2	62	65.3	1	1.1	13	13.7	4	4.2	95	100.0

CP = Child Protection SEA = Sexual Exploitation and Abuse SH = Sexual Harassment

Do you have risk registers for all programs?

Seventy-six of the 95 (80.0%) respondents reported that they kept a risk register for all programs. This ranged from 66.6% (n=24) for small sized organisations to 100.0% (n=20) for large sized organisations. Seventeen of the 95 (17.9%) respondents reported that they did not keep a risk register for all programs, of which ten (58.8%) were small sized organisations. A detailed overview by organisation size among the 95 responding organisations is shown in Table 6.

Table 6. ACFID Members with a risk register for all programs by organisation size

Organisation Size	No		Yes		Not Stated		Total	
	n	%	n	%	n	%	n	%
Small	11	30.6	24	66.7	1	2.8	36	100.0
Medium	6	18.2	27	81.8	-	-	33	100.0
Large	-	-	20	100.0	-	-	20	100.0
Not Stated	-	-	5	83.3	1	16.7	6	100.0
Total	17	17.9	76	80.0	2	2.1	95	100.0

Are these risk registers integrated into an overall organisational risk framework?

Among the 76 respondents that reported they kept a risk register for all programs, 67 (88.2%) stated that these were integrated into an overall organisational risk framework. This ranged from 80.0% (n=16) for large sized organisations to 92.0% (n=23) for small sized organisations. Nine of the 76 (11.8%) respondents reported that they did not integrate their risk register into an overall organisational risk framework, of which four (44.4%) were large sized organisations. A detailed overview by organisation size among the 76 responding organisations is shown in Table 7.

Table 7. ACFID Members with a risk registers integrated into organisational risk framework by organisation size

Organisation Size	No		Yes		Total	
	n	%	n	%	n	%
Small	2	8.0	23	92.0	25	100.0
Medium	3	11.5	23	88.5	26	100.0
Large	4	20.0	16	80.0	20	100.0
Not Stated	-	-	5	100.0	5	100.0
Total	9	11.8	67	88.2	76	100.0

TERMS OF REFERENCE 1.3: Do ACFID's members have the required evidence in place to demonstrate their compliance with these requirements? Are accountability, reporting and prevention processes operating an effective?

Does your recruitment process include: criminal background check, working with children check, two referees from previous employers?

Seven of the 95 respondents (7.4%) either did not respond to this question (n=2) or responded as not applicable (n=5). Among the remaining 88 responses, 13 (14.8%) reported that they conducted one of the following recruitment processes for all staff: a criminal background check; two referees from previous employers; a working with children check; or other check. This was reasonably evenly distributed across organisation size.

A further 34 (38.6%) organisations reported that they conducted two recruitment processes for all staff. The most common combination was a criminal background check and two referees from previous employers (n=25, 73.5%). Again this process was common across small, medium and large organisations.

Thirty-two (36.4%) organisations reported that they conducted three recruitment processes for all staff. The most common combination was a criminal background check, working with children check and two referees from previous employers (n=27, 84.4%). This process was most common among small and medium sized organisations. A detailed overview by organisation size among the 88 responding organisations is shown in Table 8A.

Table 8A. ACFID Members recruitment requirements for all staff by organisation size

Recruitment Process for All Staff	Organisations Size									
	Small		Medium		Large		Not Stated		Total	
	n	%	n	%	n	%	n	%	n	%
CBC	2	5.6	-	-	1	5.0	-	-	3	3.2
2RPE	2	5.6	4	12.1	2	10.0	-	-	8	8.4
WWCC	-	-	1	3.0	-	-	-	-	1	1.1
Other	1	2.8	-	-	-	-	-	-	1	1.1
CBC & Other	-	-	1	3.0	-	-	-	-	1	1.1
2RPE & Other	2	5.6	-	-	-	-	-	-	2	2.1
CBC & WWCC	-	-	-	-	1	5.0	-	-	1	1.1
WWCC & 2RPE	3	8.3	1	3.0	1	5.0	-	-	5	5.3
CBC & 2RPE	7	19.4	7	21.2	8	40.0	3	50.0	25	26.3
CBC, 2RPE & Other	1	2.8	1	3.0	3	15.0	-	-	5	5.3
CBC, WWCC & 2RPE	11	30.6	12	36.4	3	15.0	1	16.7	27	28.4
CBC, WWCC, 2RPE & Other	4	11.1	5	15.2	-	-	-	-	9	9.5
Not Stated	-	-	-	-	-	-	2	33.3	2	2.1
Not Applicable	3	8.3	1	3.0	1	5.0	-	-	5	5.3
Total	36	100.0	33	100.0	20	100.0	6	100.0	95	100.0

CBC Criminal background check

WWCC Working with children check

2 RPE Two referees from previous employers

Fifty-four (56.8%) of the 95 respondents either did not respond to this question (n=2) or responded as not applicable (n=52). Among the remaining 41 responses, 25 (61.0%) reported that they conducted one of the following recruitment processes for some staff: a criminal background check; two referees from previous employers; or a working with children check. This was reasonably evenly distributed across organisation size.

A further 9 (22.0%) organisations reported that they conducted two recruitment processes for some staff. The most common combination was a criminal background check and working with children check (n=4, 44.4%). Again this process was common across small, medium and large organisations.

The remaining seven (17.1%) organisations reported that they conducted three (n=6) and four (n=1) recruitment processes for some staff. These all included as least a criminal background check and working with children check. A detailed overview by organisation size among the 41 responding organisations is shown in Table 8B.

Table 8B. ACFID Members recruitment requirements for some staff by organisation size

Recruitment Process for Some Staff	Organisations Size									
	Small		Medium		Large		Not Stated		Total	
	n	%	n	%	n	%	n	%	n	%
CBC	1	2.8	2	6.1	-	-	-	-	3	3.2
2RPE	1	2.8	-	-	-	-	-	-	1	1.1
WWCC	8	22.2	5	15.2	6	30.0	2	33.3	21	22.1
CBC & WWCC	1	2.8	2	6.1	1	5.0	-	-	4	4.2
WWCC & 2RPE	-	-	-	-	2	10.0	-	-	2	2.1
CBC & 2RPE	-	-	1	3.0	1	5.0	-	-	2	2.1
WWCC & Other	-	-	-	-	-	-	1	16.7	1	1.1
CBC, WWCC & 2RPE	1	2.8	1	3.0	3	15.0	-	-	5	5.3
CBC, WWCC & Other	1	2.8	-	-	-	-	-	-	1	1.1
CBC, WWCC, 2RPE & Other	-	-	-	-	1	5.0	-	-	1	1.1
Not Stated	-	-	-	-	-	-	2	33.3	2	2.1
Not Applicable	23	63.9	22	66.7	6	30.0	1	16.7	52	54.7
Total	36	100.0	33	100.0	20	100.0	6	100.0	95	100.0

CBC Criminal background check

WWCC Working with children check

2 RPE Two referees from previous employers

Eight (56.8%) of the 95 respondents reported that they did not conduct one of the following recruitment process checks for staff. The majority of these were reported by small sized organisations (n=5, 62.5%). A detailed overview by organisation size is shown in Table 8C.

Table 8C. No ACFID Members recruitment requirements by organisation size

	Organisations Size									
	Small		Medium		Large		Not Stated		Total	
	n	%	n	%	n	%	n	%	n	%
No Recruitment Process										
CBC	2	5.6	1	3.0	-	-	-	-	3	3.2
2RPE	-	-	1	3.0	-	-	-	-	1	1.1
WWCC	1	2.8	-	-	-	-	-	-	1	1.1
Other	-	-	-	-	1	5.0	-	-	1	1.1
CRC & 2RPE	1	2.8	-	-	-	-	-	-	1	1.1
CRC, WWCC, & 2RPE	1	2.8	-	-	-	-	-	-	1	1.1
Not Stated	-	-	-	-	-	-	2	33.3	2	2.1
Not Applicable	31	86.1	31	93.9	19	95.0	4	66.7	85	89.5
Total	36	100.0	33	100.0	20	100.0	6	100.0	95	100.0

CBC: Criminal background check **WWCC:** Working with children check **2 RPE:** Two referees from previous employers

Does your organisation have a documented process in place for when a disclosure of sexual misconduct is made?

Eighty-three (87.4%) of the 95 respondents reported that they had in place a process for disclosure of incidents of sexual misconduct. This ranged from 81.8% (n=27) for medium sized organisations to 94.4% (n=34) for small sized organisations. Eleven (11.6%) of the 95 respondents reported that they did not have a documented process for disclosure of incidents of sexual misconduct. A detailed overview by organisation size among the 95 responding organisations is shown in Table 9.

Table 9. ACFID Members with a documented process for disclosure of sexual misconduct by organisation size

Organisation Size	No		Yes		Not Stated		Total	
	n	%	n	%	n	%	n	%
Small	2	5.6	34	94.4	-	-	36	100.0
Medium	6	18.2	27	81.8	-	-	33	100.0
Large	2	10.0	18	90.0	-	-	20	100.0
Not Stated	1	16.7	4	66.7	1	16.7	6	100.0
Total	11	11.6	83	87.4	1	1.1	95	100.0

Does this documented process include investigation and disciplinary procedures?

Among the 83 (87.4%) respondents that reported their organisation had a documented process in place for when a disclosure of sexual misconduct was made, 82 responded to a subsequent question about whether this process include investigation and disciplinary procedures. With the exception of two small sized organisations, all respondents reported that their process for when a disclosure of sexual misconduct was made, investigation and disciplinary procedures are included. A detailed overview by organisation size among the 82 responding organisations is shown in Table 10.

Table 10. ACFID Members with a documented process for investigation and disciplinary procedures by organisation size

Organisation Size	No		Yes		Total	
	n	%	n	%	n	%
Small	2	6.1	31	93.9	33	100.0
Medium	-	-	27	100.0	27	100.0
Large	-	-	18	100.0	18	100.0
Not Stated	-	-	4	100.0	4	100.0
Total	2	2.4	80	97.6	82	100.0

Do you have a documented whistle-blowing policy?

Eighty-one (85.3%) of the 95 respondents reported that they had a documented whistle-blowing policy. This ranged from 78.8% (n=26) for medium sized organisations to 100.0% (n=20) for large sized organisations. Thirteen (13.7%) of the 95 respondents reported that they did not have a documented whistle-blowing policy. A detailed overview by organisation size among the 95 responding organisations is shown in Table 11.

Table 11. ACFID Members with a documented whistle-blowing policy by organisation size

Organisation Size	No		Yes		Not Stated		Total	
	n	%	n	%	n	%	n	%
Small	6	16.7	30	83.3	-	-	36	100.0
Medium	7	21.2	26	78.8	-	-	33	100.0
Large	-	-	20	100.0	-	-	20	100.0
Not Stated	-	-	5	83.3	1	16.7	6	100.0
Total	13	13.7	81	85.3	1	1.1	95	100.0

Do you require partners to report instances of sexual exploitation and abuse to you?

Forty-nine of the respondents stated that they require partners to have their own child protection/safeguarding policies. Eight respondents reported a complaints or whistle blowing policy as a requirement of partners. Five respondents stated that they encouraged partners to develop their own policies in addition to or instead of their own and a further five stated that they required a code of conduct policy. Four respondents stated that they required terrorism, sexual assault or harassment, environmental, inclusivity, vulnerable individual safeguarding and or fraud policies. Two organisations stated that the policies they required their partners to have depended on the program being undertaken.

TERMS OF REFERENCE 2.1:

How do regulation and process translate into sector wide culture and practice?

Who do you share your child safeguarding / protection policy with?

Four (4.2%) of the 95 respondents did not respond to this question. Among the remaining 91 respondents, 44 (48.4%) reported that they shared child safeguarding / protection policy with downstream partner organisations, bi-lateral partners and contractors / consultants. This was reasonably evenly distributed across organisation size. A further 26 (28.6%) of the 91 respondents reported that they shared child safeguarding / protection policy with two organisations, most frequently downstream partner organisations and contractors / consultants (n=17, 65.4%). This was most commonly by medium sized organisations (n=10, 58.8%). The remaining 21 (23.1%) respondents reported that they shared child safeguarding / protection policy with one of the following: downstream partner organisations, bi-lateral partners or contractors / consultants. The majority of child safeguarding / protection policy was shared with downstream partner organisations (n=14, 66.7%), particularly small and medium sized organisations (n=8 and n=6 respectively). A detailed overview by organisation size among the 91 responding organisations is shown in Table 12A.

Table 12A. ACFID Member Organisations sharing child safeguarding / protection policy by organisation type and size

	Organisations Size									
	Small		Medium		Large		Not Stated		Total	
	n	%	n	%	n	%	n	%	n	%
Child safeguarding / protection policy										
Downstream Partner Organisations	8	57.1	6	42.9	-	-	-	-	14	100.0
Bi-lateral Partners	1	50.0	1	50.0	-	-	-	-	2	100.0
Contractors / Consultants	3	60.0	-	-	2	40.0	-	-	5	100.0
Downstream Partner Organisations & Bi-lateral Partners	5	71.4	2	28.6	-	-	-	-	7	100.0
Downstream Partner Organisations & Contractors / Consultants	2	11.8	10	58.8	4	23.5	1	5.9	17	100.0
Bi-lateral Partners & Contractors / Consultants	1	50.0	1	50.0	-	-	-	-	2	100.0
Downstream Partner Organisations & Bi-lateral Partners & Contractors / Consultants	15	34.1	12	27.3	13	29.5	4	9.1	44	100.0
NO RESPONSE	1	25.0	1	25.0	1	25.0	1	25.0	4	100.0
Total	36	37.9	33	34.7	20	21.1	6	6.3	95	100.0

Who do you share your external complaints handling policy with?

Eleven (11.6%) of the 95 respondents either did not respond to this question (n=4) or did not share their policy on external complaints handling (n=7). Among the remaining 84 respondents, 30 (35.7%) reported that they shared their policy on external complaints handling with downstream partner organisations, bi-lateral partners and contractors / consultants. This was most common among small sized organisations (n=13, 43.3%). A further 30 (35.7%) of the 84 respondents reported that they shared their policy on external complaints handling with one of the following: downstream partner organisations, bi-lateral partners or contractors / consultants. This was most common among small (n=13, 43.3%) and medium sized organisations (n=11, 36.7%). The remaining 24 (28.6%) respondents reported that they shared their policy on external complaints handling with two organisations, most frequently downstream partner organisations and contractors / consultants (n=14, 58.3%). This was most commonly by medium sized organisations (n=8, 57.1%). A detailed overview by organisation size among the 91 responding organisations is shown in Table 12B.

Table 12B. ACFID Member Organisations sharing external complaints handling policy by organisation type and size

	Organisations Size									
	Small		Medium		Large		Not Stated		Total	
	n	%	n	%	n	%	n	%	n	%
External complaints handling policy										
Downstream Partner Organisations	8	36.4	8	36.4	5	22.7	1	4.5	22	100.0
Bi-lateral Partners	1	50.0	1	50.0	-	-	-	-	2	100.0
Contractors / Consultants	4	66.7	2	33.3	-	-	-	-	6	100.0
Downstream Partner Organisations & Bi-lateral Partners	5	62.5	3	37.5	-	-	-	-	8	100.0
Downstream Partner Organisations & Contractors / Consultants	2	14.3	8	57.1	3	21.4	1	7.1	14	100.0
Bi-lateral Partners & Contractors / Consultants	1	50.0	1	50.0	-	-	-	-	2	100.0
Downstream Partner Organisations & Bi-lateral Partners & Contractors / Consultants	13	43.3	7	23.3	8	26.7	2	6.7	30	100.0
NO RESPONSE	1	25.0	1	25.0	1	25.0	1	25.0	4	100.0
Not Shared	1	14.3	2	28.6	3	42.9	1	14.3	7	100.0
Total	36	37.9	33	34.7	20	21.1	6	6.3	95	100.0

Who do you share your whistle-blowing policy with?

Thirty-four (35.8%) of the 95 respondents either did not respond to this question (n=3) or did not share their policy on whistle-blowing (n=31). Among the remaining 61 (64.2%) respondents, 24 (39.3%) reported that they shared their whistle-blowing policy with one of the following: Downstream partner organisations, bi-lateral partners or contractors / consultants. This was most commonly by small (11, 45.8%) and medium (n=10, 41.7%) sized organisations. A further 23 (37.7%) respondents reported that they shared their policy on whistle-blowing with downstream partner organisations, bi-lateral partners and contractors / consultants. This was most common among small sized organisations (n=13, 43.3%). This was reasonably evenly distributed by organisation size. The remaining 14 (23.0%) respondents reported that they shared their policy on whistle-blowing with two organisations. A detailed overview by organisation size among the 61 responding organisations is shown in Table 12C.

Table 12C. ACFID Member Organisations sharing whistle-blowing policy by organisation type and size

	Organisations Size									
	Small		Medium		Large		Not Stated		Total	
	n	%	n	%	n	%	n	%	n	%
Whistle-blowing policy										
Downstream Partner Organisations	7	53.8	4	30.8	2	15.4	-	-	13	100.0
Bi-lateral Partners	1	100.0	-	-	-	-	-	-	1	100.0
Contractors / Consultants	3	30.0	6	60.0	1	10.0	-	-	10	100.0
Downstream Partner Organisations & Bi-lateral Partners	4	66.7	2	33.3	-	-	-	-	6	100.0
Downstream Partner Organisations & Contractors / Consultants	1	16.7	2	33.3	3	50.0	-	-	6	100.0
Bi-lateral Partners & Contractors / Consultants	2	100.0	-	-	-	-	-	-	2	100.0
Downstream Partner Organisations & Bi-lateral Partners & Contractors / Consultants	8	34.8	5	21.7	7	30.4	3	13.0	23	100.0
NO RESPONSE	1	33.3	1	33.3	-	-	1	33.3	3	100.0
Not Shared	9	29.0	13	41.9	7	22.6	2	6.5	31	100.0
Total	36	37.9	33	34.7	20	21.1	6	6.3	95	100.0

Who do you share your anti-bullying and harassment policy with?

Forty-one (43.2%) of the 95 respondents either did not respond to this question (n=4) or did not share their policy on anti-bullying and harassment (n=37). Among the remaining 54 (56.8%) respondents, 24 (44.4%) reported that they shared their anti-bullying and harassment policy with one of the following: downstream partner organisations, bi-lateral partners or contractors / consultants. This was most commonly by small (10, 41.7%) sized organisations. A further 16 (29.6%) respondents reported that they shared their policy on anti-bullying and harassment with downstream partner organisations and bi-lateral partners and contractors / consultants. This was also most common among small sized organisations (n=8, 50.0%). The remaining 14 (25.9%) respondents reported that they shared their policy on anti-bullying and harassment with two organisations. A detailed overview by organisation size among the 54 responding organisations is shown in Table 12D.

Table 12D. ACFID Member Organisations sharing anti-bullying and harassment policy by organisation type and size

	Organisations Size									
	Small		Medium		Large		Not Stated		Total	
	n	%	n	%	n	%	n	%	n	%
Anti-bullying and harassment policy										
Downstream Partner Organisations	6	46.2	2	15.4	4	30.8	1	7.7	13	100.0
Bi-lateral Partners	1	100.0	-	-	-	-	-	-	1	100.0
Contractors / Consultants	3	30.0	5	50.0	2	20.0	-	-	10	100.0
Downstream Partner Organisations & Bi-lateral Partners	3	60.0	2	40.0	-	-	-	-	5	100.0
Downstream Partner Organisations & Contractors / Consultants	2	28.6	3	42.9	2	28.6	-	-	7	100.0
Bi-lateral Partners & Contractors / Consultants	1	50.0	1	50.0	-	-	-	-	2	100.0
Downstream Partner Organisations, Bi-lateral Partners & Contractors / Consultants	8	50.0	4	25.0	4	25.0	-	-	16	100.0
NO RESPONSE	1	25.0	1	25.0	1	25.0	1	25.0	4	100.0
Not Shared	11	29.7	15	40.5	7	18.9	4	10.8	37	100.0
Total	36	37.9	33	34.7	20	21.1	6	6.3	95	100.0

Who do you share your staff code of conduct with?

Twenty-seven (28.4%) of the 95 respondents either did not respond to this question (n=3) or did not share their staff code of conduct (n=24). Among the remaining 68 (71.6%) respondents, 26 (38.2%) reported that they shared their staff code of conduct with one of the following: Downstream partner organisations, bi-lateral partners or contractors / consultants. This was most commonly by medium (12, 30.8%) sized organisations. A further 22 (32.4%) respondents reported that they shared their staff code of conduct with two organisations, most commonly downstream partner organisations and contractors / consultants (n=11, 50.0%). The remaining 20 (29.4%) respondents reported that they shared their staff code of conduct with downstream partner organisations and bi-lateral partners and contractors / consultants. This was most common among small sized organisations (n=8, 40.0%). A detailed overview by organisation size among the 68 responding organisations is shown in Table 12E.

Table 12E. ACFID Member Organisations sharing staff code of conduct by organisation type and size

	Organisations Size									
	Small		Medium		Large		Not Stated		Total	
	n	%	n	%	n	%	n	%	n	%
Staff code of conduct										
Downstream Partner Organisations	4	44.4	4	44.4	1	11.1	-	-	9	100.0
Bi-lateral Partners	1	50.0	1	50.0	-	-	-	-	2	100.0
Contractors / Consultants	3	20.0	7	46.7	5	33.3	-	-	15	100.0
Downstream Partner Organisations & Bi-lateral Partners	4	57.1	2	28.6	1	14.3	-	-	7	100.0
Downstream Partner Organisations & Contractors / Consultants	3	27.3	5	45.5	2	18.2	1	9.1	11	100.0
Bi-lateral Partners & Contractors / Consultants	2	50.0	1	25.0	1	25.0	-	-	4	100.0
Downstream Partner Organisations, Bi-lateral Partners & Contractors / Consultants	8	40.0	4	20.0	6	30.0	2	10.0	20	100.0
NO RESPONSE	1	33.3	1	33.3	-	-	1	33.3	3	100.0
Not Shared	10	41.7	8	33.3	4	16.7	2	8.3	24	100.0
Total	36	37.9	33	34.7	20	21.1	6	6.3	95	100.0

Do you require partners to have their own safeguarding policies?

Eleven (11.6%) of the 95 respondents did not respond to this question. Among the remaining 84 (88.4%) respondents, 73 (86.9%) reported that they require partner to have their own safeguarding policy. This ranged from 63.9% (n=23) among small sized organisations to 90.0% (n=18) for large sized organisations. A detailed overview by organisation size among the 84 responding organisations is shown in Table 13.

Table 13. ACFID Member's requirements for partners to have their own safeguarding policies by organisation size

Organisation Size	No		Yes		Not Stated		Total	
	n	%	n	%	n	%	n	%
Small	7	19.4	23	63.9	6	16.7	36	100.0
Medium	3	9.1	29	87.9	1	3.0	33	100.0
Large	-	-	18	90.0	2	10.0	20	100.0
Not Stated	1	16.7	3	50.0	2	33.3	6	100.0
Total	11	11.6	73	76.8	11	11.6	95	100.0

Do you monitor partner's implementation of these policies?

Eleven (11.6%) of the 95 respondents did not respond to this question. Among the remaining 84 (88.4%) respondents, 69 (82.1%) reported that they monitored partner's implementation of safeguarding policies. This ranged from 52.8% (n=19) among small sized organisations to 90.0% (n=18) for large sized organisations. A detailed overview by organisation size among the 84 responding organisations is shown in Table 14.

Table 14. ACFID Members monitoring of partner's implementation of policies by organisation size

Organisation Size	No		Yes		Not Stated		Total	
	n	%	n	%	n	%	n	%
Small	10	27.8	19	52.8	7	19.4	36	100.0
Medium	4	12.1	28	84.8	1	3.0	33	100.0
Large	1	5.0	18	90.0	1	5.0	20	100.0
Not Stated	-	-	4	66.7	2	33.3	6	100.0
Total	15	15.8	69	72.6	11	11.6	95	100.0

TERMS OF REFERENCE 2.2:

Does our sector have the capability and resourcing, including around gender equality, to understand and address these issues?

Does your organisation have a safeguarding policy for all programmes?

Among the 93 (97.9%) respondents, 81 (87.1%) reported that their organisations had a safeguarding policy for all programmes. This ranged from 83.3% (n=30) among small sized organisations to 90.0% (n=18) among large organisations. A detailed overview by organisation size among the 93 responding organisations is shown in Table 15.

Table 15. ACFID Members monitoring of partner's implementation of policies by organisation size

Organisation Size	No		Yes		Not Stated		Total	
	n	%	n	%	n	%	n	%
Small	6	16.7	30	83.3	-	-	36	100.0
Medium	5	15.2	28	84.8	-	-	33	100.0
Large	1	5.0	18	90.0	1	5.0	20	100.0
Not Stated	-	-	5	83.3	1	16.7	6	100.0
Total	12	12.6	81	85.3	2	2.1	95	100.0

Is a proportion of your project budget dedicated to safeguarding?

Sixty-eight (71.6%) respondents reported whether a proportion of project budgets was dedicated to safeguarding. The remaining 27 (28.4%) was either not stated (n=17) or unknown (n=10). Fifty-three respondents reported that a proportion of project budgets was dedicated to safeguarding, most commonly by large organisations (n=15, 75%). A detailed overview by organisation size among the 93 responding organisations is shown in Table 16.

Table 16. ACFID Members with a proportion of their project budget dedicated to safeguarding by organisation size

Organisation Size	Budget dedicated to safeguarding									
	No		Yes		Not Stated		Unknown		Total	
	n	%	n	%	n	%	n	%	n	%
Small	11	30.6	14	38.9	5	13.9	6	16.7	36	100.0
Medium	4	12.1	22	66.7	4	12.1	3	9.1	33	100.0
Large	-	-	15	75.0	4	20.0	1	5.0	20	100.0
Not Stated	-	-	2	33.3	4	66.7	-	-	6	100.0
Total	15	15.8	53	55.8	17	17.9	10	10.5	95	100.0

Which of the following focal points do you have?

Eleven of the 95 (11.6%) respondents either did not respond to this question (n=1) or did not have any focal points in their organisations (n=10). Among the remaining 84 respondents, 31 (36.9%) reported three types of focal points, the most common being gender focal point, child protection focal point and safeguarding focal point (n=20, 64.5%). This was most common among small sized organisations (n=9, 45.0%). A further 29 (34.5%) of the 84 respondents reported two types of focal points, the most common being gender focal point and child protection focal point (n=17, 58.6%). This was most common among medium sized organisations (n=8, 47.1%). Seventeen (20.2%) respondents reported that they had one focal point, most commonly a child protection focal point (n=13, 76.5%), of which seven were reported by medium sized organisations. The remaining seven (8.3%) respondents reported four types of focal points: gender focal point and child protection focal point and safeguarding focal point and other focal point. A detailed overview by organisation size among the 91 responding organisations is shown in Table 17.

Table 17. ACFID Members focal points by organisation size

Focal Point	Organisations Size									
	Small		Medium		Large		Not Stated		Total	
	n	%	n	%	n	%	n	%	n	%
Child protection focal point	3	23.1	7	53.8	2	15.4	1	7.7	13	100.0
Gender focal point	2	100.0	-	-	-	-	-	-	2	100.0
Safeguarding focal point	-	-	-	-	1	100.0	-	-	1	100.0
Other, specify	-	-	1	100.0	-	-	-	-	1	100.0
Gender focal point & Child protection focal point	5	29.4	8	47.1	4	23.5	-	-	17	100.0
Child protection focal point & Safeguarding focal point	5	50.0	4	40.0	-	-	1	10.0	10	100.0
Child protection focal point & Other, specify	2	100.0	-	-	-	-	-	-	2	100.0
Gender focal point & Child protection focal point & Safeguarding focal point	9	45.0	4	20.0	5	25.0	2	10.0	20	100.0
Gender focal point & Child protection focal point & Other, specify	1	14.3	2	28.6	4	57.1	-	-	7	100.0
Gender focal point & Safeguarding focal point & Other, specify	-	-	1	100.0	-	-	-	-	1	100.0
Child protection focal point & Safeguarding focal point & Other, specify	1	33.3	1	33.3	1	33.3	-	-	3	100.0
Gender focal point & Child protection focal point & Safeguarding focal point & Other, specify	1	14.3	3	42.9	2	28.6	1	14.3	7	100.0
Not stated	-	-	-	-	-	-	1	100.0	1	100.0
None of the above	7	70.0	2	20.0	1	10.0	-	-	10	100.0
Total	36	37.9	33	34.7	20	21.1	6	6.3	95	100.0

Who are safeguarding incidents reported to?

Among the 94 (98.9%) respondents, 69 (73.4%) stated that their organisation reported safeguarding incidents to the senior leadership and the Board. This ranged from 58.3% (n=21) among small sized organisations to 87.9% (n=29) among medium sized organisations. A detailed overview by organisation size among the 94 responding organisations is shown in Table 18.

Table 18. Who ACFID Members report safeguarding incidents to by organisation size

Organisation Size	Safeguarding incidents reported to									
	The senior leadership & The Board		The senior leadership		The Board		Not Stated		Total	
	n	%	n	%	n	%	n	%	n	%
Small	21	58	9	25.0	6	16.7	-	-	36	100.0
Medium	29	88	2	6.1	2	6.1	-	-	33	100.0
Large	16	80	4	20.0	0	0.0	-	-	20	100.0
Not Stated	3	50	2	33.3	0	0.0	1	16.7	6	100.0
Total	69	73	17	17.9	8	8.4	1	1.1	95	100.0

Does your organisation have a gender equity policy that applies to internal processes?

Among the 93 (97.9%) respondents, 82 (88.2%) reported that their organisation had a gender equity policy for internal processes. This ranged from 81.8% (n=27) among medium sized organisations to 95.0% (n=19) among large sized organisations. A detailed overview by organisation size among the 93 responding organisations is shown in Table 19.

Table 19. ACFID Members with gender equity policy that applies to internal processes by organisation size

Organisation Size	No		Yes		Not Stated		Total	
	n	%	n	%	n	%	n	%
Small	4	11.1	31	86.1	1	2.8	36	100.0
Medium	6	18.2	27	81.8	-	-	33	100.0
Large	1	5.0	19	95.0	-	-	20	100.0
Not Stated	-	-	5	83.3	1	16.7	6	100.0
Total	11	11.6	82	86.3	2	2.1	95	100.0

Do you have specific training on gender equity, safeguarding and whistle-blowing?

Sixteen of the 95 respondents (16.8%) either did not have specific training on gender equity, safeguarding or whistle-blowing (n=15) or did not respond to this question (n=1). Among the 79 remaining respondents, 32 (40.5%) reported that they had specific training on two training topics, most commonly gender equity and safeguarding (n=19, 59.4%). This was reasonably evenly distributed across organisation size. A further 27 (34.2%) respondents reported that they had specific training on three training topics: gender equity, safeguarding and whistle-blowing. Again, this was reasonably evenly distributed across organisation size. The remaining 20 (25.3%) respondents reported that they had specific training on one of the topics, most commonly safeguarding (n=15, 75.0%). A detailed overview by organisation size among the 79 responding organisations is shown in Table 20.

Further examination of the 15 respondents that reported that they did not have specific training on gender equity, safeguarding and whistle-blowing, showed that ten (66.7%) reported they had taken steps to address their approach to sexual misconduct as a result of the increased focus of the issue over the past months.

Table 20. ACFID Members with training on gender equity, safeguarding and whistle-blowing by organisation size

	Organisations Size									
	Small		Medium		Large		Not Stated		Total	
	n	%	n	%	n	%	n	%	n	%
Training										
Safeguarding	6	40.0	5	33.3	2	13.3	2	13.3	15	100.0
Gender equity	2	66.7	1	33.3	-	-	-	-	3	100.0
Whistle-blowing	-	-	2	100.0	-	-	-	-	2	100.0
Gender equity & Safeguarding	6	31.6	6	31.6	7	36.8	-	-	19	100.0
Safeguarding & Whistle-blowing	2	20.0	4	40.0	2	20.0	2	20.0	10	100.0
Gender equity & Whistle-blowing	2	66.7	1	33.3	-	-	-	-	3	100.0
Gender equity & Safeguarding & Whistle-blowing	8	29.6	9	33.3	9	33.3	1	3.7	27	100.0
None of the above	10	66.7	5	33.3	-	-	-	-	15	100.0
Not Stated	-	-	-	-	-	-	1	100.0	1	100.0
Total	36	37.9	33	34.7	20	21.1	6	6.3	95	100.0

When is this training conducted and how often?

Sixteen of the 95 respondents (16.8%) either did not have specific training on gender equity, safeguarding and whistle-blowing (n=15) or did not respond to this question (n=1). Among the remaining 79 respondents, 36 (45.6%) respondents reported that this training is conducted at induction, which was most commonly conducted annually (n=16). A further eight (10.1%) respondents stated that training was conducted at staff meetings / forums / training days, all with the exception of one of which were conducted annually.

TERMS OF REFERENCE 3.2:

What do relevant staff in ACFID's members understand to be their responsibilities, and what aspects do they struggle with?

Question 5: How do you make your policies accessible to staff?

Respondents reported that the most common mechanism of making policies available to staff was during the induction / on boarding process (n=43). Other reported mechanisms included online formats such as: shared drives (n=40); intranet (n=25); website (n=21); Dropbox (n=6); and email (n=6). Note multiple responses were provided.

Question 6: Do you have policies in relation to staff members in the field being victims of sexual misconduct?

Among the 90 (94.7%) respondents who answered this questions, 56 (62.2%) reported that they had policies in relation to staff members in the field being victims of sexual misconduct. This ranged from 48.5% (n=16) among medium sized organisations to 75.0% (n=15) among large sized organisations. Among the 34 (37.8%) who did not have policies, almost half (44.1%) were medium sized organisations. A detailed overview by organisation size among the 90 responding organisations is shown in Table 21.

Further examination of the 56 respondents that stated they had policies in relation to staff members in the field being victims of sexual misconduct, 14 were contained in general bullying / harassment / assault/ wellbeing policies or procedures and nine were contained in specific sexual assault or harassment policies. Ten respondents stated that the issue was covered under complaints and / or whistle blower policies, four stated that the issue was covered under a child protection policy and three under a security/ safeguarding policy. The remaining respondents stated that the issue was covered in other policies, such as: an organisational handbook / manual (n=5); a global or travel policy (n=4); an employee program (n=2); and unspecified policies (n=5).

Table 21. ACFID Members with policies in relation to staff members in the field being victims of sexual misconduct by organisation size

Organisation Size	No		Yes		Not Stated		Total	
	n	%	n	%	n	%	n	%
Small	14	38.9	22	61.1	-	-	36	100.0
Medium	15	45.5	16	48.5	2	6.1	33	100.0
Large	5	25.0	15	75.0	-	-	20	100.0
Not Stated	-	-	3	50.0	3	50.0	6	100.0
Total	34	35.8	56	58.9	5	5.3	95	100.0

TERMS OF REFERENCE 4.3:

Does the culture, processes and practices in ACFID Members create an adequate culture in which employees, community members and others feel safe to report behaviour that causes concern, and supported when they do so?

Do you require partners to report instances of sexual exploitation and abuse to you?

Among the 85 (89.5%) respondents who answered this questions, 63 (74.1%) reported that they require partners to report to them instances of sexual exploitation and abuse. This ranged from 58.3% (n=21) among small sized organisations to 75.0% (n=15) among large sized organisations. Among the 22 (25.9%) who did not have policies, over 75% (n=17) were small and medium sized organisations. A detailed overview by organisation size among the 90 responding organisations is shown in Table 22.

Table 22. ACFID Members with requirements for partner organisations to report to them instances of sexual exploitation and abuse by organisation size

Organisation Size	No		Yes		Not Stated		Total	
	n	%	n	%	n	%	n	%
Small	9	25.0	21	58.3	6	16.7	36	100.0
Medium	8	24.2	24	72.7	1	3.0	33	100.0
Large	4	20.0	15	75.0	1	5.0	20	100.0
Not Stated	1	16.7	3	50.0	2	33.3	6	100.0
Total	22	23.2	63	66.3	10	10.5	95	100.0

Do you conduct capacity building with partners around: child protection, sexual harassment, exploitation and abuse?

Twenty-six of the 95 (27.4%) respondents did not respond to this question. Among the remaining 69 respondents, 31 (44.9%) reported three types of capacity building: child protection and sexual harassment and exploitation and abuse. This was evenly distributed across organisation size. A further 27 (39.1%) of the 69 respondents reported capacity building with partners on child protection. This was most common among medium (n=11) and large (n=9) sized organisations. A detailed overview by organisation size among the 69 responding organisations is shown in Table 23.

Table 23. ACFID Members conduct of capacity building with partners by organisation size whistle-blowing by organisation size

	Organisations Size									
	Small		Medium		Large		Not Stated		Total	
	n	%	n	%	n	%	n	%	n	%
Capacity building with partners										
Child protection	5	18.5	11	40.7	9	33.3	2	7.4	27	100.0
Exploitation and abuse	-	-	-	-	-	-	1	100.0	1	100.0
Child protection & Exploitation and abuse	2	25.0	5	62.5	-	-	1	12.5	8	100.0
Child protection & Sexual harassment	-	-	2	100.0	-	-	-	-	2	100.0
Child protection & Sexual harassment & Exploitation and abuse	10	32.3	10	32.3	10	32.3	1	3.2	31	100.0
Not Stated	19	73.1	5	19.2	1	3.8	1	3.8	26	100.0
Total	36	37.9	33	34.7	20	21.1	6	6.3	95	100.0

Appendix G: Documentation Reviewed*

(* documents highlighted formed part of the systematic best practice literature review)

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Appendix H: About the Reviewers

Review Manager and Lead Author : Dr Maaïke Møller

MBCChB, BSc(Hons), FFCFM (RCPA), MPH, MRCOG, MForenMed, DTM&H, DMCC

Maaïke is a Forensic Physician at the Victorian Institute of Forensic Medicine where she is also the Clinical Lead for Family Violence. She is a Fellow of the Faculty of Clinical Forensic Medicine (RCPA) and has a Masters in Forensic Medicine (Monash). Maaïke is also an Adjunct Senior Lecturer in the Department of Forensic Medicine, Monash University.

Maaïke has worked extensively in women's health and is a Member of the Royal College of Obstetricians and Gynaecologists (UK). She has a strong interest in population health and the health of vulnerable women in particular and has a Masters in Public Health (London), a Diploma in Tropical Medicine & Hygiene (Liverpool) and a Diploma in the Medical Care of Catastrophes (Society of Apothecaries). She has practiced aid work in the field in a limited capacity in the past.

Maaïke has an interest in Ethics in Medicine and has a BSc(Hons) in Bioethics (Bristol) and is co-author of a book entitled *The Practical Guide to Medical Ethics & Law* (2ed, 2005 Pastest).

Review Coordinator: Dr Liz Manning B.Arts (Hons), PhD

Dr Manning is the National and International Program Manager at the VIFM. This work entails the design, development and delivery of offshore and onshore forensic medical capacity development programs; international forensic medical network facilitation in Africa, Asia and the Pacific regions; and liaison with stakeholders such as the ICRC, Department of Foreign Affairs and Trade ; Australian Federal Police; WHO; UNODC and the International Criminal Court. Dr Manning has delivered VIFM projects in Namibia, Uganda, Indonesia, Fiji, Malaysia, Thailand, Kiribati and Samoa. Dr Manning also organises specialist forensic medical training placements for international medical graduates at the VIFM. She has a background in executive management and governance in government and the not for profit sector with a focus on organisational development and sexual health services.

Review Research Lead: Associate Professor Lyndal Bugeja BA (Hons), PhD

Dr Lyndal Bugeja has a joint appointment as an Associate Professor at Monash Nursing and Midwifery and the Department of Forensic Medicine. She has qualifications in criminology and a research doctorate in public health. Her experience in the conduct of medico-legal death investigations and the utility of information generated for these investigations has been applied to the prevention of injury and violence. She has contributed to the development of a number of mortality surveillance systems to enhance the medico-legal death investigation for the purposes of prevention.

In collaboration with research colleagues she has been awarded competitive grants from both international and national funding bodies, including the National Health and Medical Research Council and Department of Social Services. Lyndal has designed and led a number of collaborative research studies that have culminated in the development of evidence-based recommendations to mitigate the risk of injury and violence. Her research has contributed to legislative and policy changes that subsequently reduced fatal injury. Lyndal is an accredited higher degrees supervisor and has supervised students during internships and in Honours, Masters and PhD programs.

Review Consultant & Field Trip Lead: Associate Professor David Wells

OAM, M.A. (Melb.), M.B.B.S., (Mon.), D.M.J., Dip. R.A.C.O.G.,
F.R.A.C.G.P., FFCFM (RCPA).

Ass. Professor Wells was the Head of Forensic Medicine at the Victorian Institute of Forensic Medicine (VIFM) for 19 years and now acts as a Consultant to the VIFM. He is an Associate Professor in the Department of Forensic Medicine at Monash University (and has held a similar role in the Department of Paediatrics). He developed the international post-graduate program in Forensic Medicine at Monash University.

While he retains a role at the VIFM, his recent activities have been as a consultant to the World Health Organization and the United Nations Office on Drugs and Crime. These include the development of forensic medical services in Africa and the Palestinian Occupied Territories, developing responses to domestic violence (Pacific Region) and a global project for the WHO, aimed at assisting victims of sexual violence that occurs during periods of armed conflict and identifying perpetrators of those crimes.

Review Consultant & Focus Group Lead: Dr Angela Williams

MBBS MForensMed GradDipLaw FFFLM GAICD MBA FFCFM(RCPA) MPH MHM

Dr Angela Williams is a Senior Consultant Forensic Physician with the Victorian Institute of Forensic Medicine and Senior Lecturer for Monash University, and has enjoyed a career in Clinical Forensic Medicine since 2000. She has provided forensic medical services to many adult and child victims of sexual, physical and family violence as well as having examined alleged offenders. This includes the preparation of medicolegal reports and the provision of evidence in Coronial, Criminal and Children' courts.

As an expert in her field, Dr Williams has worked in advisory roles to the Australian Defence Force, the Australian Football League and Ambulance Victoria regarding the recognition and prevention of interpersonal violence. She has delivered international programs in the medical and legal response to sexual violence on behalf of DFAT and AusAid, and has been a Consultant to the Victorian Forensic Paediatric Medical Service.

Dr Williams' qualifications include a Masters in Forensic Medicine, Graduate Diploma in Law, an MBA and a Masters in Public Health/Masters in Health Management. She holds Fellowships with the Faculty of Forensic and Legal Medicine (UK) and the Faculty of Clinical Forensic Medicine (RCPA).

Review Research Assistant: Laura Zark BPsych(Hons)

Laura Zark completed her Bachelor of Psychology (Honours) in 2017, with an Honours research project investigating physical and sexual family violence in Victoria. She currently holds Research Assistant positions at the Victorian Institute of Forensic Medicine, Monash University and RMIT University. Laura's research interests include sexual violence, minority groups' experiences with the criminal justice system, and forensic mental healthcare. Laura intends to pursue postgraduate study in Clinical Forensic Psychology with the goal of becoming an active researcher and clinician.