

UNICEF Australia – Protection from Sexual Exploitation and Abuse (PSEA) Policy

1. Policy Statement

UNICEF Australia (UA) believes all individuals have the right to live free from sexual exploitation and abuse (SEA), including sexual violence, bullying, punishment, retaliation and any abuse of power due to age, nationality, race, sex, gender, sexuality, sexual orientation, culture, ethnicity, indigeneity, language, religious or political belief, socio-economic status, family or criminal background, disability, physical or mental health, displacement, or any other status. SEA are unacceptable breaches of human rights¹ and contravene UA's core values.

UA recognises that SEA can occur within the community, within an organisation or as a result of the interactions of an organisation with a community. UA acknowledges that SEA is intrinsically linked to gender inequality and constitutes a form of gender-based violence, with the majority of SEA survivors being women and the majority of perpetrators being men. UA is conscious that other factors contribute to or exacerbate SEA, such as power imbalances (including, but not limited to, between men and women; authorities and community members; majority and minority ethnic, religious, political or other groups; organisation staff and beneficiaries; senior and junior staff), as well as the nature of development and humanitarian initiatives (where family or community protection structures may become weak or collapse; strong power imbalances may exist between development/humanitarian workers and beneficiaries; and stressful and demanding working conditions may exacerbate personal or communal dynamics and tensions). UA is aware that all these factors, especially if concurrent, increase the likelihood of SEA and the vulnerability of specific groups of people, and inhibits their ability and willingness to speak out about SEA incidents.

Acknowledging this, UA commits to the protection from SEA (**PSEA**) by cultivating an organisational and partnership culture that does not tolerate any form of SEA against any external or internal stakeholder carried out by any of its staff or associates; staff or associates of implementing partners and contractors in Australia and abroad (including downstream implementing partners/contractors) working on UA-supported/funded programs in communities or with vulnerable/marginalised populations or individuals; or visitors to UA or UA-supported/funded programs. UA fosters gender equality within its organisation, programs and partnerships, and commits to challenging power dynamics and attitudes which permit or excuse sexual misconduct.

UA adopts rigorous systems and processes to prevent, identify and respond to SEA in its work and operations, and requires all its implementing partners and contractors in Australia and abroad (including downstream implementing partners/contractors) working on UA-supported/funded programs in communities or with vulnerable/marginalised populations or individuals to have solid PSEA systems as a condition for partnership.

UA ensures that PSEA measures are embedded, accessible and clearly communicated to UA staff, associates and the communities in which it works. Moreover, UA makes it mandatory for its staff and associates to report witnessed or alleged SEA incidents and breaches of this Policy and its implementation procedures. UA commits to responding to such reports and incidents in an effective,

¹ Provided by the Universal Declaration of Human Rights and reiterated in the Convention on the Rights of the Child and the Convention for the Elimination of All Forms of Discrimination Against Women.

confidential and timely manner and with a survivor-centric approach, focusing on the safety, well-being and best interest of the survivor as the prime consideration.

UA staff and associates, and implementing partners and contractors in Australia and abroad (including downstream implementing partners/contractors) who commit SEA within UA-supported/funded programs or breach this Policy and its implementing procedures may incur disciplinary measures proportioned to the severity of the breach/incident, which may include dismissal, termination of partner/contractual agreements, and/or referral to law enforcement agencies.

2. Purpose

The purpose of this Policy is to establish a set of internal **preventative** and **responsive** principles and approaches to:

1. **Safeguard beneficiaries and community members:** by minimising the risk of SEA within UA and UA-supported/funded programs, and adequately responding in the event that SEA should occur.
2. **Safeguard staff:** by (a) minimising the risk of SEA within UA and UA-supported/funded programs for all UA staff and associates, UA implementing partners and contractors in Australia and abroad (including downstream implementing partners/contractors), and visitors, and adequately responding in the event that SEA should occur in those instances; and (b) avoiding ambiguous workplace situations and behaviours, which may be misinterpreted and potentially lead to false allegations against UA staff and associates.
3. **Safeguard UA:** by showing its genuine commitment to PSEA and preventing cases from happening, UA protects its reputation and maintains supporter confidence and funding stability.

3. Guiding Principles

UA's commitment to PSEA is guided by the following principles:

- **Zero tolerance of sexual exploitation and abuse:** UA does not tolerate SEA of adults or children by anyone who works for or is associated in any capacity with UA, including implementing partners, contractors and visitors.
- **Alignment with international and national standards:** UA's PSEA approach is informed by Australian and State legislation and standards including guidance from ACFID and DFAT, as well as international conventions, standards and policies relating to PSEA and UNICEF global standards and procedures.
- **Non-discrimination:** Within the programs it supports/funds UA is committed to protecting from SEA all internal and external stakeholders, including UA staff and associates, UA implementing partners or contractors, visitors, any child or adult beneficiaries, and UA Young Ambassadors and young people involved in UA's work regardless of their age, nationality,

race, sex, gender, sexuality, sexual orientation, culture, ethnicity, indigeneity, language, religious or political belief, socio-economic status, family or criminal background, disability, physical or mental health, displacement, or any other status.

- **Shared responsibility:** UA considers PSEA to be a shared responsibility, expecting all UA staff, associates, implementing partners and contractors in Australia and abroad (including downstream implementing partners/contractors) and visitors to be committed to, and uphold the principles of this Policy.
- **Gender equality and mitigating power imbalances:** UA's approach takes into account the gendered and power-based nature of SEA and incorporates this understanding into efforts to effectively prevent and respond to SEA, including through applying a gender-sensitive lens (at a minimum).
- **Acknowledgement of PSEA risks:** UA acknowledges that SEA might occur within its programs and operations (recognising that it is often a hidden and under-reported phenomenon due to power dynamics, fear, stigma, discrimination, cultural norms or other sensitivities). Acknowledging risk is a first crucial step in order to take action and prevent all these forms of abuse from happening.
- **Accountability and transparency:** UA has systems in place to document, monitor and report on the implementation of this Policy, as well as mechanisms to ensure that management and staff are committed to, and are undertaking their PSEA roles and responsibilities to the best of their capacity.
- **Commitment to action/response:** UA commits to acting on all reports of SEA and breaches of this Policy, through timely, confidential, safe and effective processes and investigation approaches, as well as providing assistance and support to survivors.
- **Survivor-centric approach:** UA takes a 'do no harm' approach, prioritising the rights, needs and wishes of the survivor, whilst providing procedural fairness to all parties. UA's approach to SEA prevention and response will focus on the impact to the survivor, rather than the intent of the perpetrator.
- **Protection of survivors, witnesses, reporters and alleged/actual perpetrators:** UA ensures that all those involved in an alleged or actual incident or case (survivor, witness, reporter, alleged/actual perpetrator) remain safe and have their right to confidentiality upheld (unless UA is required to share details to law enforcement during criminal proceedings or investigations). UA is committed to maintaining an environment where legitimate concerns are able to be reported without fear of retaliatory action or retribution. These principles are more clearly articulated in UA's Whistleblower Policy.

4. Application

This Policy applies to:

- **All staff and associates of UA**, full time or part time, temporary or long-term, consultants, interns, volunteers, secondees, Board members and any other person associated or working under contract with UA in any capacity, (referred to as “**UA staff and associates**”).
- **UA implementing partners and contractors in Australia and abroad (including downstream implementing partners/contractors)**, if their UA-supported/funded program involves direct or indirect contact with communities and/or vulnerable/marginalised populations or individuals
- **All visitors to UA or UA-supported/funded programs** (including those conducted by implementing partners and contractors in Australia and abroad, and/or downstream implementing partners/contractors) , such as donors, supporters, ambassadors, or any other person visiting UA or UA-supported/funded programs for any purpose (referred to as “**visitors**”).

5. Responsibilities:

All UA staff and associates, UA implementing partners and contractors, and visitors are responsible for championing good practice and an organisational culture that prioritises safeguarding and fosters gender equality, respect and healthy power balances. All UA staff and associates are also required to immediately internally report any witnessed, suspected or alleged cases of SEA, or breaches of this Policy, UA’s *Child Safeguarding & PSEA Code of Conduct*, and/or UA’s *Child Safeguarding & PSEA Implementation Procedures*, in line with UA’s *Child Safeguarding & PSEA Incident Reporting Guidelines*.

The Director of International Programs is responsible for

- a) ensuring relevant SEA incidents in DFAT-supported programs are reported immediately to DFAT in line with UA’s obligations, respecting the principles of confidentiality, accountability, transparency, and the best interest of the survivor; and
- b) communicating this Policy with UNICEF partner Country Offices and assessing their implementation of UNICEF PSEA procedures in line with this Policy. The International Programs Team will offer support to UNICEF partner Country Offices to strengthen PSEA procedures as requested.

The Director of Australian Programs Team is responsible for communicating this Policy with national implementing partners and contractors, ensuring they have PSEA systems in line with UA and national standards, or alternatively work with UA on a mutual agreed and timebound Action Plan to ensure PSEA is taken into consideration in the implementing partner’s program supported/funded by UA, if it involves direct or indirect contact with communities and/or vulnerable/marginalised populations or individuals.

The Director of People and Culture is responsible for ensuring robust recruitment, induction and training processes are in place to prevent SEA and strengthen knowledge and understanding of PSEA among UA staff and associates.

The Child Safeguarding & PSEA Committee (a sub-committee delegated by the Executive Leadership Team, comprising the Child Safeguarding & PSEA Focal Points, the Director of People and Culture,

and one CS&PSEA Focal Point from each UA team/department – see below) serves as the operational guarantor of this Policy, ensuring it is implemented across the organisation. All executive decisions related to policies, procedures and strategies of the *Child Safeguarding & PSEA Committee* are presented to the ELT for approval.

Child Safeguarding & PSEA Lead(s), who are nominated by the CEO, are responsible for steering and coordinating the *Child Safeguarding & PSEA Committee* and leading the implementation of UA's child safeguarding and PSEA strategy and work across the Organisation.

Child Safeguarding & PSEA Focal Points, one nominated in each team/department, support the Child Safeguarding & PSEA Lead(s), as required, and constitute an additional avenue for staff and associates to immediately (and verbally) report SEA incidents or breaches.

Executive Child Safeguarding & PSEA Team comprises of the Chief Executive Officer (CEO) and the Chair of the Board, who nominate two members of the ELT, the Child Safeguarding & PSEA Lead or any of the *Child Safeguarding & PSEA Focal Points* to join, based on the specificity of a situation or case. The *Executive Child Safeguarding & PSEA Team* serves as the overall guarantor of the Child Safeguarding and PSEA Policies and convene on an annual basis, or an urgent basis in the event of a child safeguarding or SEA incident or breach of the Child Safeguarding or PSEA Policies.

The ELT is accountable for setting the tone from the top and creating an organisational culture that prioritises PSEA. The ELT is also responsible for ensuring this Policy is reviewed and updated every three years (or at any other time, if required), in line with legislative and organisational developments. ELT is responsible for ensuring compliance with UA's external PSEA obligations, including legislative and related to ACFID and DFAT obligations, and partnership requirements.

The UA Board is responsible for reviewing and approving changes to this Policy and for considering the guiding principles of this Policy in decision making.

6. Implementation

Implementation of this Policy is achieved through the following approaches and mechanisms, which are further detailed in the *Child Safeguarding & PSEA Implementation Procedures*:

- **Recruitment and screening of staff:** UA incorporates PSEA principles and practice into all recruitment and screening of staff and volunteers, including, but not limited to, background and referee checks, working with children checks, tailored safeguarding interview questions and reiteration of UA's PSEA commitment in job advertisements and throughout the recruitment/screening process.
- **A Code of Conduct:** UA adopts a *Child Safeguarding & PSEA Code of Conduct* which includes PSEA obligations and expected behaviours, and is signed by UA staff and associates, and visitors to UA programs. Implementing partners and contractors in Australia and abroad (including downstream implementing partners/contractors) working on UA-supported/funded programs which involve direct or indirect contact with communities and/or vulnerable/marginalised populations or individuals are required to have a Code of Conduct with similar standards or comply with *UA's Child Safeguarding & PSEA Code of Conduct*.

- Risk assessment and management:** UA integrates PSEA (and child safeguarding) into organisational, programmatic and activity-based risk assessment processes (including a gender analysis of the setting/context where a program will be implemented or making reference to an existing/recent gender analysis – not more than 1-year old) and ensures that appropriate mitigation strategies are in place for any identified PSEA-related risks. UA also requires implementing partners and contractors in Australia and abroad (including downstream implementing partners/contractors) to conduct a PSEA (and child safeguarding) risk management exercise of all UA-supported/funded programs which involve direct or indirect contact with communities and/or with vulnerable/marginalised populations or individuals.
- Incident reporting:** UA has an accessible, safe, confidential and robust internal mechanism to report PSEA incidents or breaches of this Policy, UA's *Child Safeguarding & PSEA Code of Conduct* and UA's *Child Safeguarding & PSEA Implementation Procedures*. Internal reporting is mandatory for all staff, associates, implementing partners and contractors in Australia and abroad (including downstream implementing partners/contractors), and UA complies with relevant on-reporting obligations to law enforcement agencies, as appropriate, and immediate on-reporting to DFAT and ACFID.

In line with its survivor-centred approach, before referring a case to local authorities and/or relevant services, UA ensures to respect the right of a person, including children, to freely choose, through an informed consent process, which type of support services they wish to access or to decline services entirely. In exceptional cases, UA may need to refer cases – even without the survivor's informed consent – when there are immediate safety concerns for the survivor or others, or when UA is required by law (for example, in the case of a criminal offence).

- Training:** UA provides regular training to staff and associates on SEA, this Policy, UA's *Child Safeguarding & PSEA Code of Conduct*, and UA's *Child Safeguarding & PSEA Implementation Procedures*, with special focus on PSEA principles and standards of behaviour, roles and responsibilities and incident reporting procedures.
- Acting on incidents/breaches:** UA adopts a robust system to act on reports of SEA incidents and breaches by staff, associates, implementing partners and contractors in Australia and abroad (including downstream implementing partners/contractors), which ensures the best interest of the survivor at all times, and guarantees the confidentiality and safety of all those involved (survivor, witness, alleged or actual perpetrator, and reporter). The response system includes appropriate disciplinary action proportionate to the severity of the incident or breach (which are further defined in the *Child Safeguarding & PSEA Implementation Procedures*).
- Working with implementing partners and contractors:** UA requires implementing partners and contractors in Australia and abroad (including downstream implementing partners/contractors), to have PSEA systems of comparable standards to UA or alternatively work with UA on a mutually agreed and timebound Action Plan to ensure PSEA is taken into consideration in their program supported/funded by UA or in their services provided to UA, if it involves direct or indirect contact with communities and/or vulnerable populations or

individuals (in all cases, this involves a child safeguarding and PSEA risk assessment and, when relevant, may include signing and abiding by UA’s *CS & PSEA Code of Conduct* and/or other UA child safeguarding or PSEA procedures or standards). This is included in partnership contracts and service/supplier agreements, with compliance being regularly assessed.

- Visitors to UA or UA-supported programs:** UA has specific PSEA procedures which apply to all visits by external parties that it organises/arranges to UA or UA-supported/funded programs (including of implementing partners or contractors in Australia and abroad, and downstream implementing partners/contractors), which include, but are not limited to, requiring visitors to undergo background checks, receive a pre-departure PSEA briefings and sign and abide by UA’s *Child Safeguarding & PSEA Code of Conduct*. UA also conducts a PSEA (and child safeguarding) risk assessment of the visit, with relevant additional risk mitigation strategies, as required.
- Support to Survivors:** UA commits to providing direct or referral support to survivors through a survivor-centric approach.

7. Review

Version	Date	Comments	Author/s	Approved By	Next Review Date
V1	May 2020		Adrian De Giovanni & Vivien Wong	ELT and UA Board	May 2023
V2	March 2022		Adrian De Giovanni	Programs Committee	May 2023

Annex 1: Definitions

What UA intends by:

- **Child:** UA uses the UN Convention on the Rights of the Child definition of a child, which is any person under the age of 18.
- **Child Safeguarding:** the *duty of care* and responsibility of private and public organisations to adopt preventative and responsive systems, policies and practices to safeguard from harm and abuse all the children they come into direct and indirect contact with in their day-to-day operations and work.
- **Fraternisation:** Fraternalisation refers to any relationship occurring in the course of conducting UA business that involves— or appears to involve — partiality, preferential treatment or improper use of rank or position including but not limited to voluntary sexual behaviour. It includes sexual behaviour not amounting to intercourse, a close and emotional relationship involving public displays of affection or private intimacy and the public expression of intimate relations.
- **Gender-Based Violence:** An umbrella term for violence directed toward or disproportionately affecting someone because of their actual or perceived gender identity. The term 'gender-based violence' is primarily used to underscore the fact that structural, gender-based power differentials around the world place women and girls at risk for multiple forms of violence. This includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty, whether occurring in public or in private life. While women and girls suffer disproportionately from GBV, men and boys can also be targeted. The term is also used by some actors to describe targeted violence against lesbian, gay, bisexual, transgender, questioning, intersex and asexual (LGBTQIA+) individuals, in these cases when referencing violence related to norms of masculinity/femininity and/or gender norms.
- **Protection from Sexual Abuse and Exploitation:** the *duty of care* and responsibility of private and public organisations to adopt preventative and responsive systems, policies and practices to safeguard the beneficiaries and community members involved in UA programs/projects/activities; UA's staff and associates, implementing partners and contractors, and visitors; and UA as an organisation from sexual abuse and exploitation (*essentially, the focus of this Policy*).
- **Safeguarding:** Actions, policies and procedures that create and maintain protective environments to protect people from exploitation, harm and abuse of all kinds, especially vulnerable adults and children. It also refers to appropriate response when harm does occur. Safeguarding applies consistently and without exception across our programs, partners and staff.
- **Sexual Abuse:** The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. It covers all forms of sexual violence including but not limited to: rape and attempted rape (which includes attempts to force someone to perform oral sex); and sexual assault (which includes non-consensual kissing and touching).

All sexual activity (including involvement in or exposure to pornography and sexual slavery, voyeurism, exhibitionism and using sexually explicit language) with a child (anyone under the age of 18) is considered to be sexual abuse.

- **Sexual Exploitation:** Any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. It includes profiting monetarily, socially or politically from sexual exploitation of another, by using one’s position of authority, influence or control to pressure, force or manipulate someone to do something against their will knowingly or unknowingly, by threatening them with negative repercussions such as withholding project assistance, not approving an employee’s work support requests, threatening to make false claims about an employee in public etc.
- **Survivor-Centric Approach:** A survivor-centric approach to protection from and response to any form of abuse focuses on the impact to the survivor, rather than the intent of the perpetrator. This approach ensures the survivor is:
 - Treated with dignity and respect;
 - Involved in the decision making;
 - Provided with comprehensive information, including time-frames;
 - Provided with mediation or alternative dispute resolution;
 - Protected for privacy and confidentiality where information will only be shared on a ‘need-to-know’ basis, and protected from retaliation;
 - Not discriminated against on the basis of their gender, age, race/ethnicity, ability, sexual orientation or other characteristics;
 - Able to access counselling, health and legal services, and psychosocial, reintegration and security support to assist with their recovery; and
 - Not re-traumatised through the process of reporting.
- **UA implementing partners and contractors (including downstream implementing partners/contractors):** any individual or entity (government, multi-lateral, non-governmental, community-based or other) under contract with or funded/supported by UA for the purpose to conduct programs/projects/activities in Australia or abroad on behalf of or endorsed by UA, as well as their partners and contractors (i.e. UA’s downstream partners/contractors). UA’s primary implementing partners abroad are UNICEF Partner Country Offices (see definition below).
- **UA staff and associates:** anyone working for UA, full time or part time, temporary or long-term, including, consultants, interns, volunteers, secondees, Board members and any other person associated or working under contract with UA in any capacity.
- **UNICEF Partner Country Office:** A UNICEF Country Office with whom UNICEF Australia holds a signed Letter of Acknowledgement and a minimum of one active Directly Supported Program. These are UNICEF Australia’s primary implementing partners abroad.
- **Violence:** The intentional use of physical force or power, threatened or actual, by an individual or group, that either results in or has a high likelihood of resulting in actual or potential harm to another individual’s health, survival, development or dignity. Violence can be committed by individuals or by the State as well as group and organisations through their members and

policies. It results not only in fear of/or actual injury but also in fundamental interference with personal freedom and an individual's physical and emotional development.

- **Visitors:** any individual visiting, for any purpose, UA or UA-supported programs and activities conducted by partners (including outside Australia), such as donors, supporters, ambassadors, journalists or similar.

Annex 2: Supporting Documents

2.1 Policy & Procedure Linkages

This policy should be read in conjunction with the following UA policies and related procedures:

- Child Safeguarding Policy, and Child Safeguarding and PSEA Code of Conduct
- Child Safeguarding & PSEA Implementation Procedures
- Guidance Notes on Online and Social Media Activities
- Implementation Procedures on Taking and Using Images
- Guidance Note on Informed Consent When Taking and Using Images and Content
- Equal Opportunity, Anti-Discrimination, Harassment and Bullying Policy
- Whistleblowing Policy
- Complaints Policy
- Recruitment Policy
- Country Office Partnership Policy
- UA Code of Conduct
- Social Media Policy
- Internal Complaints and Staff Grievance Policy

2.2 Other supporting documents

Australian Council for International Development, *Code of Conduct*, ACFID: Revised 1 January 2019; Effective from 1 June 2017.

Australian Council for International Development, *Code of Conduct Good Practice Toolkit*, <https://acfid.asn.au/use-the-code> , accessed 3 May 2016.

Australian Council for International Development, *Guidance for the Development of Sexual Exploitation, Abuse and Harassment Policy*, https://acfid.asn.au/sites/site.acfid/files/resource_document/Guidance%20for%20the%20development%20of%20a%20PSEAH%20Policy.pdf, August 2019, accessed August 2019.

Australian Council for International Development, *Quality Assurance Framework*, <https://acfid.asn.au/sites/site.acfid/files/Quality%20Assurance%20Framework%20JUNE%202017.pdf>, accessed 29 September 2019. Effective from 1 June 2017.

Criminal Code Act 1995 (Commonwealth)

Department of Foreign Affairs and Trade, *Prevention of Sexual Exploitation, Abuse and Harassment Policy*, <https://dfat.gov.au/international-relations/themes/preventing-sexual-exploitation-abuse-and-harassment/Documents/pseah-policy.pdf>, April 2019, accessed April 2019.

Interagency Standing Committee, *Minimum Operating Standards*, https://interagencystandingcommittee.org/system/files/3_minimum_operating_standards_mos-psea.pdf, accessed September 2019

Office of the High Commissioner for Human Rights (OHCHR), *Convention on the Elimination of All Forms of Discrimination against Women*, Adopted by the UN General Assembly in 1979, <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>, accessed 4 July 2019.

Office of the United Nations High Commissioner for Human Rights (OHCHR), *Convention on the Rights of the Child*, Adopted by the UN General Assembly in 1989, <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>, accessed 4 July 2019.

Office of the High Commissioner for Human Rights (OHCHR), *International Bill of Human Rights*, Adopted by the UN General Assembly in 1948, <https://www.ohchr.org/Documents/Publications/Compilation1.1en.pdf>, accessed September 2019.

Sustainable Development Goals Knowledge Platform, *Sustainable Development Goals*, <https://sustainabledevelopment.un.org/?menu=1300>, accessed September 2019.

United Nations Department of Economic and Social Affairs, Disability, *Convention on the Rights of Persons with Disabilities*, adopted by the UN General Assembly in 2006, <https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>, accessed September 2019.

The Victorian Institute of Forensic Medicine, *Shaping the Path*, 2018, <https://www.vifm.org/wp-content/uploads/ACFID-Report-Final.pdf>, accessed July 2019.