



PREVENTION OF SEXUAL EXPLOITATION, ABUSE AND HARRASHMENT (PSEAH) POLICY

Fundasaun Alola
Mercado Lama Mascarinhas, Dili
PO Box 3 Dili
Timor-Leste
www.alolafoundation.org



Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH) Policy

Introduction

Alola Foundation's People operate in a privileged position of trust and are often working with other in the community who are in less powerful and vulnerable situations. Alola Foundation recognises the serious obligation it holds to do everything possible to respect and protect others in the community with whom it works. Sexual exploitation and abuse of people in the community we aim to protect, are among the most grievous ways that Alola Foundation can fail in its mission.

We base our policy on the international standards of the United Nations and our international donors, including the:

- United Nations Secretary-General's 2017: *Strategy to prevent and respond to sexual exploitation and abuse (A/71/818)*;
- United Nations Secretary General's Bulletin: *Special measures for the protection from sexual exploitation and sexual abuse (ST/SGB/2003/13)*; and
- General Assembly's *Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel (A/RES/62/214 of 21 December 2007)*

The Child Safeguarding Policy and Procedures sets out expectations, systems and processes aimed at preventing all abuse of children, including sexual exploitation, abuse and harassment. The Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH) Policy sets out the expectations, systems and processes aimed at preventing sexual exploitation other people in the community with whom we work, as well as the actions that will ensue if incidents of sexual exploitation, abuse and harassment occur, that they are identified.

Policy Statement

Alola Foundation totally prohibits, and has zero tolerance for, any actions by its People that constitute sexual exploitation, abuse or harassment of people in the community. Alola Foundation's People have a strict obligation to take all possible steps to strengthen protection, prevent sexual exploitation and abuse, and to promote the rights of people in the community with whom we work. If an Alola Foundation Person acts in a way that is sexually exploitative or abusive, Alola Foundation will take immediate steps to protect and support those affected, and to impose disciplinary action as outlined in this Policy. Action will include referral to law enforcement agencies, while taking into account risks to those who have been affected.

This Policy should be read in conjunction with the Alola Foundation Child Safeguarding Policy.

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Scope

This Policy applies to all People as defined below and meaning all those engaged with Alola Foundation's work including employees, students, interns, volunteers, Board members, contractors, consultants, partners, suppliers and service providers.

Exclusions

Nil.

Objectives

This Policy outlines:

- What is defined as sexual exploitation, abuse and harassment;
- Alola Foundation's approach to preventing sexual exploitation, abuse and harassment and our commitment to the safety of people with whom we work;
- Alola Foundation's expectations of Our People;
- The reporting of and the consequences in the case of identified policy breaches.

Definitions

People/Person refers to all employees, students, interns, volunteers, Board members, contractors, consultants, partners, ambassadors, suppliers and service providers.

Partners refers to organisations that Alola Foundation works with in the delivery of a project or activity.

Staff refers to permanent or contract employees of Alola Foundation.

Child/Children A child is any individual under the age of 18.

Fraternalisation refers to any relationship occurring in the course of conducting Alola Foundation 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.

Vulnerable Adults are defined as:

- those aged over 18 years
- those who, due to their gender, mental or physical health, disability, ethnicity, religious identity, sexual orientation, economic or social status, or as a result of disasters and conflicts, are deemed to be at risk.

Sexual Exploitation means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, included but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another (*from the United Nations Secretary General's Bulletin: Special measures for the protection from sexual exploitation and sexual abuse (ST/SGB/2003/13)*).

Sexual Abuse means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions (*from the United Nations Secretary*

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General's Bulletin: Special measures for the protection from sexual exploitation and sexual abuse (ST/SGB/2003/13)).

Sexual Harassment means the unwelcome sexual advance, or an unwelcome request for sexual favours, from one person to another, or the engagement in other unwelcome conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated. Sexual harassment can take various forms. It can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by any person of any gender towards any person of any gender. Sexual harassment can be perpetrated against beneficiaries, community members, citizens, as well as staff and personnel. *(from Australian Government Department of Foreign Affairs and Trade, Prevention of Sexual Exploitation, Abuse and Harassment Policy, 2019).*

Workplace is the business location where the Staff usually undertake work activities, or where they are working remotely undertaking work activities (for example, undertaking a field visit or overseeing a program at a partner's location). This includes working outside usual business hours and any work-related events including conferences and social events either at the usual business location or an external location.

Policy Principles

Alola Foundation adapts and applies the core principles as defined by the UN Secretary-General (ST/SGB/2003/13):

Sexual activity with children is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence (further details are in the Child Safeguarding Policy).

Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited. This includes any exchange of assistance that is due to beneficiaries of assistance/program participants.

Alola Foundation People are typically in a position of power in relation to beneficiaries of assistance/ program participants. Any actual or attempted abuse of this power for sexual purposes is exploitative, undermines the credibility and integrity of the work of Alola Foundation, and is prohibited.

Where an Alola Foundation Person develops concerns or suspicions regarding Sexual Exploitation, Abuse or Harassment by someone, whether in the same agency or not and whether or not within Alola Foundation, he or she must immediately report such concerns via established reporting mechanisms.

Preventing Sexual Exploitation, Abuse and Harassment is a shared responsibility. Alola Foundation People are obliged to help create and maintain an environment that prevents Sexual Exploitation, Abuse and Harassment. Alola Foundation managers at all levels have a particular responsibility to support and develop systems that maintain this environment.

Zero tolerance of inaction of incidents of Sexual Exploitation, Abuse and Harassment is core to Alola Foundation.

Sexual Exploitation, Abuse and Harassment by Alola Foundation People is never acceptable and constitute acts of serious misconduct and are therefore grounds for termination of employment, or professional relationship severing in the case of non-employees, and may require referral to law enforcement agencies.

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Policy in Action

Reporting incidents or concerns

Any Alola Foundation Person having reasonable grounds to suspect that Sexual Exploitation, Abuse or Harassment has occurred is mandated to report the matter immediately (within 24 hours) to their Project Coordinator, Program Manager, HR Coordinator or the CEO. This includes any alleged incidents that pose a significant reputational risk to Alola Foundation.

Community members or any other external person are strongly encouraged to immediately notify an Alola Foundation Person if they, or someone they know, is thought to have been the victim of Sexual Exploitation, Abuse or Harassment perpetrated by an Alola Foundation Person.

Community members or other external persons can notify a concern or incident using any of the following mechanism:

Inform any Alola Foundation representative at any time in person or via phone, text, email or other communication;

Via the contact details contained in the Alola Foundation Complaints procedure (available in Tetun);

Via the Alola Foundation national office, Dili, in person or telephone 332 3855.

The process for receiving and managing allegations and concerns under this Policy will be according to Alola Foundation's Complaints Policy and Procedure.

The Alola Foundation Management Team is responsible for implementing Alola Foundation's Complaints Policy and Procedure and ensuring this is accessible for reporting any instances of Sexual Exploitation, Abuse and Harassment.

The Alola Foundation Management Team is responsible for regularly informing our People, Partners and communities on measures taken to prevent and respond to Sexual Exploitation, Abuse and Harassment. Such information should be developed and disseminated in consultant with referral services and include details on complaints mechanisms, the status and outcome of investigations in general terms, feedback on actions taken against perpetrators and follow-up measures taken as well as assistance available to complainants and victims.

The CEO is responsible for reporting all incidents arising under this Policy to the Alola Foundation Board.

The CEO is responsible for reporting all incidents arising under this Policy to relevant donors in line with contractual and partnership obligations. Reports of abuse or exploitation of individuals under the age of 18 years must follow Alola Foundation's Child Safeguarding Policy.

Confidentiality

Instances of Sexual Exploitation, Abuse and Harassment raised under this Policy will be treated confidentially. However, when an incident is identified it may be necessary to reveal its substance to people such as other Alola Foundation personnel, external persons involved in the investigation process or law enforcement agencies.

Where there is a reasonable belief that a criminal offence has occurred, the matter will be reported to the appropriate law enforcement agency while taking into account risks to those who have been affected. When referral is made to law enforcement, any action by Alola Foundation will be guided by such an agency. Any decision not to refer to law enforcement requires the approval of the Alola Foundation CEO and will be documented in order to record the reasons for the decision.

Alola Foundation will take reasonable precautions to store any records or files relating to a matter

of Sexual Exploitation, Abuse and Harassment securely and to permit access by authorised persons only.

Unauthorised disclosure of information relating to a matter will be taken seriously and may result in disciplinary action, which may include dismissal.

Awareness

- Alola Foundation will publish this PSEAH Policy on its website.
- This policy will be available in Tetun to ensure it is understood by all our People and the communities we work with.

Risk Assessment & Risk Management

- The Management Team will include in the organisational risk review process, identification of risks relating to PSEAH and actions to mitigate such risks.
- The Alola CEO and Program Managers are responsible for undertaking SEAH risk assessment as part of project and program design. PSEAH risks and mitigation are assessed, documented and monitored throughout the life of a project/ program.
- The Alola CEO is responsible for ensuring that local complaints mechanisms are developed.
- The Alola Foundation Board has overall responsibility for all policies including Risk Management and PSEAH Policies. The CEO will provide a quarterly incident report to the audit, risk and governance committee summarising all instances of PSEAH and actions taken by management. Should a significant instance occur that may have significant risk to the affected individual or the organisation, this will be directly reported to the audit, risk and governance committee at the earliest opportunity and outside the normal reporting timelines.
- The CEO and Alola Foundation Board will review the systems and processes every two years in order to continually strengthen the organisation's approach to the prevention of sexual exploitation, abuse and harassment.
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HR practices, training and investigations

- The HR Coordinator is responsible for implementing robust recruitment and hiring practices to screen candidates. This includes use of background and criminal reference checks along with targeted and objective reference checking.
- The HR Coordinator is responsible for including Alola Foundation's standards on PSEAH in induction materials and related training courses for Alola Foundation's People. Training will be conducted across Alola Foundation offices at least every two years.
- The HR Coordinator is responsible for ensuring Alola Foundation's People know how to report allegations and concerns related to SEAH.
- The CEO is responsible for managing organisational investigations of allegations of Sexual Exploitation, Abuse and Harassment. All investigations will be conducted in a timely and professional manner. Alola Foundation may utilise the services of external experts to support any such investigation.
- The CEO will take swift and appropriate disciplinary action in relation to People who commit acts of Sexual Exploitation, Abuse and Harassment. This will usually include suspension while investigations are conducted. Substantiated acts of SEAH are regarded as serious misconduct and will result in disciplinary action including dismissal and/or referral to relevant

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external authorities including referral to law enforcement agencies in the event of suspected criminal action.

- The CEO will transparently share misconduct information with other organisations who make a request as part of their own due diligence and integrity checks on their people and partners.

Partners

- The CEO and Program Managers are responsible for ensuring that our Partners are aware of Alola Foundation's expectations in regards to this policy and will highlight that any failure on their part to report or take action where Sexual Exploitation, Abuse and Harassment has occurred shall constitute grounds for the termination of any Agreement or partnership with Alola Foundation. Contracts and Agreements with Partners will reflect this expectation in compliance with our commitment to PSEA.

Victim support and non-retaliation

- Alola Foundation Program Managers are responsible for taking appropriate action to ensure that retaliatory actions are not taken against the victim or reporter.
- Wherever possible the HR Coordinator will provide or arrange support to victims of Sexual Exploitation, Abuse and Harassment. This may include assistance with medical/health treatment, counselling, referral or legal support.

Conduct of Alola Foundation's People

Alola Foundation's Code of Conduct and Alola Foundation's Child Safeguarding Policy set out core expectations of Alola Foundation's People including respectful relationships, non-exploitative behaviour and child safeguarding. More detailed expectations on child safeguarding are included within the Child Safeguarding Policy and related procedures.

The PSEAH Policy provides detail about the expectations of our People concerning the prevention and reporting of Sexual Exploitation, Abuse and Harassment.

Alola Foundation People:

- Will treat all beneficiaries with respect and not use language or behave towards them in an inappropriate way, harassing, abusing, sexually provocative, demeaning or culturally inappropriate manner.
- Will not exchange money, employment, goods or services, protection or assistance for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour.
- Will not engage in transactional sex in the course of Alola Foundation business.
- Non-national staff are prohibited from fraternisation while engaged in Alola Foundation business.
- Will not participate in or support any form of Sexual Exploitation, Abuse or Harassment activity including, for example, people trafficking, or pornography.
- Will immediately (within 48 hours) report any concerns or suspicions regarding possible violations of this Policy via the defined reporting approach within the Complaints Policy and Procedure, or in the case of those under 18 years of age, the Child Safeguarding Policy and Procedures. Failure to report such conduct could lead to disciplinary action.
- Will take all reasonable steps commensurate with their role to prevent, oppose and combat all Sexual Exploitation, Abuse and Harassment.
- Will immediately disclose charges, convictions and other outcomes of an offence that relates to Sexual Exploitation, Abuse and Harassment, including those that may be acceptable under

traditional law.

- Will always strive to create and maintain an environment that promotes adherence to and implementation of this Policy.

Any substantiated violation of these expectations is regarded as a serious breach of policy and will result in disciplinary action which may include termination for our Staff, students, interns, volunteers, Board members, contractors and consultants, and could lead to the cessation of any partnership agreement with our Partners. Criminal behaviour will be reported to law enforcement agencies.



Approved by:
15 Dec, 2021

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Kirsty Sword Gusmão, Chair, Fundasaun Alola Board
on behalf of the full Board of Fundasaun Alola



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Maria Imaculada Guterres, CEO

Rua Bispo de Medeiros, Mascarenhas, Mercado Lama, Dili, Timor-Leste
Tel: +670-3323 855
Email: info@alolafoundation.org
Website: <http://www.alolafoundation.org/>

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