



PREVENTION OF SEXUAL EXPLOITATION, ABUSE AND HARASSMENT POLICY

APPLICABILITY	AOG World Relief Vietnam Team (Staff) Members & International Volunteers
VERSION	May 2022
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APPROVED ON	25 May, 2022
SCHEDULED REVIEW DATE	25 May, 2025

SECTION 1:

PREAMBLE, PURPOSE & SCOPE

1. PREAMBLE

There is no higher standard of just human interaction than that required of us by God and laid out for us in the Bible. God in his nature embodies love and justice and expects our relationships and interactions with others to be based on the same principles. In fulfilling our responsibilities, we protect each other's rights. This is captured today in what we call human rights.

Human rights are based on an understanding that all people are created equally and have equal value and equal dignity before God, affirmed not just in creation but also in redemption. All humans, regardless of age, race, gender, social background, religion, disability and/or belief, hold human rights equally.

Sexual exploitation, abuse and harassment is a violation of basic human rights. AOG World Relief Vietnam recognises that vulnerable adults and children are particularly at risk of sexual exploitation, abuse, and harassment. Sexual exploitation, abuse, and harassment, as well as a range of non-sexual abuses of power, take various forms and can happen to anybody at any time during their lives, but are more likely when one person is in a position of power over another. Therefore, this policy has been developed to outline our commitment and strategies to prevent and limit the risk of sexual exploitation, abuse and harassment occurring within our programs or perpetrated by our stakeholders.

2. PURPOSE

The purpose of this Prevention of Sexual Exploitation, Abuse and Harassment Policy (PSEAH) is to outline the preventative and responsive measures AOG World Relief Vietnam (hereon after referred to as AOGWR Vietnam) has in place to safeguard people against sexual exploitation, abuse, and harassment. This policy aims to achieve this by:

- Demonstrating AOGWR Vietnam's commitment and approaches to prevention of sexual exploitation, abuse and harassment;
- Outlining the expectations and responsibilities of AOGWR Vietnam's stakeholders;
- Providing guidance on how to respond to concerns and allegations; and
- Setting high standards around personal behaviour that must be adhered to by all AOGWR Vietnam stakeholders.

3. SCOPE

There are two groups identified within the scope of this policy:

1. Those identified as AOGWR Vietnam key stakeholders, specifically:

- All AOGWR Vietnam Team (Staff) Members.
- All AOGWR Vietnam Advisory Board Members.
- All AOGWR Vietnam International Volunteers.

2. Other stakeholders including local partner governments and agencies, multilateral organisations, downstream partners including event-staff, contractors, and consultants, as well as local volunteers and/or visitors.

AOGWR Vietnam recognises that members within these groups cannot be screened according to the same recruitment and screening processes as the above listed key stakeholders due to national governance structures, frameworks, and requirements. We also recognise that they must also abide by their own relevant policies, international declarations, conventions, agreements, and domestic legal frameworks that relate to PSEAH.

However, to uphold high standards of risk mitigation and management processes, AOGWR Vietnam expects these groups to act in accordance with the principles and reporting requirements outlined in this policy.

4. RELATED POLICIES

This policy should be read and enforced together with:

- AOGWR Vietnam's Child Safeguarding Policy and Procedures
- [AOGWR Vietnam's Gender Policy](#)
- [AOGWR Vietnam's External Complaints Handling Policy](#)
- [AOGWR Vietnam's Communications Policy](#)

5. DEFINITIONS

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

- Sexual exploitation and abuse;
- Sexual harassment;
- Child sexual abuse and exploitation;
- Women and men sexually exploited through sex work;
- Possessing, controlling, producing, distributing, obtaining, or transmitting sexually exploitative images of adults and children.¹

Sexual Exploitation - any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another².

Sexual Abuse - The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. It covers sexual offences including but not limited to: 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 with someone under the age of consent is sexual abuse³.

¹ AVI, *Prevention of Sexual Exploitation and Abuse Policy*, 2018, <https://www.australianvolunteers.com/assets/Uploads/ResourceFiles/09c9a50566f/Prevention-of-Sexual-Exploitation-and-Abuse-PSEA-Policy-FINAL-September-2018.pdf>.

² UN Secretariat, *Secretary General Bulletin: Special measures for protection from sexual exploitation and sexual abuse*, 2003, <https://www.unhcr.org/en-au/protection/operations/405ac6614/secretary-generals-bulletin-special-measures-protection-sexual-exploitation.html>.

³ Department of Foreign Affairs and Trade, *Prevention of Sexual Exploitation, Abuse and Harassment Policy*, 2019, <https://dfat.gov.au/international-relations/themes/preventing-sexual-exploitation-abuse-and-harassment/Documents/pseah-policy.pdf>.

Sexual Harassment - A person sexually harasses another person if the person makes an unwelcome sexual advance or an unwelcome request for sexual favours or engages 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 personnel⁴.

Child Abuse - Abuse as defined by the Australian Child Protection Act 1993 can be physical, emotional, sexual or in the form of neglect. Intervention is required where the child has suffered or is likely to suffer neglect or abuse which is detrimental to the child's wellbeing.

- **Physical abuse** is commonly characterised by physical injury resulting from practices such as punching, beating, shaking, biting, burning or otherwise harming a child.
- **Sexual abuse** occurs when an adult or older child, uses their power or authority over the child or takes advantage of the child's trust to involve them in sexual activity. This sexual activity does not just mean sexual intercourse; it means any sexual activity including flashing, fondling, masturbating and oral sex.
- **Emotional abuse** tends to be a chronic behavioural pattern directed at the child/young person whereby their self-esteem and social competence is undermined or eroded over time.
- **Neglect** is characterised by the failure to provide for the child/young person's basic needs. This can occur through direct and deliberate action or by omission or deliberate inaction to care for the child/young person.
- Abuse happens to both male and female children of all ages, ethnicity and social backgrounds, abilities, sexual orientation, religious beliefs and political persuasion. Abuse can be inflicted on a child by both men and women, as well as by young people themselves. In some cases, professionals and other adults working with children in a position of trust also abuse children.

Child Exploitation - Child exploitation includes one or more of the following:

- Committing or coercing another person to commit an act or acts of abuse against a child.
- Possessing, controlling, producing, distributing, obtaining, or transmitting child exploitation material.
- Committing or coercing another person to commit an act or acts of grooming or online grooming⁵.

⁴ Department of Foreign Affairs and Trade, Prevention of Sexual Exploitation, Abuse and Harassment Policy, 2019, <https://dfat.gov.au/international-relations/themes/preventing-sexual-exploitation-abuse-and-harassment/Documents/pseah-policy.pdf>.

⁵AIFS, CFCA Resource Sheet, 2018, aifs.gov.au/cfca/publications/australian-child-protection-legislation.

Fraternisation - Any relationship 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 could include 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 relations⁶

Safeguarding - Actions, policies and procedures that create and maintain protective environments to protect people from exploitation, harm, and abuse of all kinds⁷.

Survivor – Centred Approach - A survivor-centred approach prioritises the rights, needs, wishes and empowerment of survivors of sexual exploitation and abuse (SEA) in both the prevention of and response to SEA. In practice, this means ensuring:

- those who are affected by SEAH have accessible mechanisms to make a complaint that are designed with their needs and contexts in mind;
- SEA complaints are investigated sensitively and confidentially with primary concern for the survivor; and
- any response is both robust and sensitive to the wishes and protection of survivors⁸

6. OUR COMMITMENT

AOGWR Vietnam is committed to:

- develop organisation-specific strategies to prevent and respond to sexual exploitation, abuse and harassment;
- create a safe working culture for all AOGWR Vietnam stakeholders;
- undertake risk assessments to identify areas of risks and mitigation strategies;
- ensure AOGWR Vietnam stakeholders are informed regarding the commitments and policies outlined in this document including how to report concerns or allegations;
- investigate **ALL** reports of sexual exploitation, abuse and harassment linked to our stakeholders or AOGWR Vietnam funded activities. Concerns or allegation of sexual exploitation, abuse and harassment will always be taken seriously, investigated, and acted on; and
- take immediate and appropriate action against AOGWR Vietnam stakeholders who commit sexual exploitation, abuse or harassment.

⁶ Department of Foreign Affairs and Trade, *Prevention of Exploitation, Abuse and Harassment Policy, 2019*, <https://dfat.gov.au/international-relations/themes/preventing-sexual-exploitation-abuse-and-harassment/Documents/pseah-policy.pdf>

⁷ ACFID, *Guidance for the Development of a Prevention 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.

⁸ Australian Council for International Development, https://acfid.asn.au/sites/site.acfid/files/resource_document/Guidance%20for%20the%20development%20of%20a%20PSEAH%20Policy.pdf

7. STAKEHOLDER STANDARDS

All AOGWR Vietnam **key stakeholders** must uphold and promote the highest standards of ethical and professional conduct and abide by AOGWR Vietnam policies.

AOGWR Vietnam **key stakeholders** will not:

- Request any service or sexual favour from beneficiaries of AOGWR Vietnam funded programs, children or others in the communities in which AOGWR Vietnam works, in return for protection or assistance.
- Will not engage in sexually exploitative or abusive relationships. An example of this would be using a position of authority or power to coerce a sexual favour or relationship from anyone, including a co-worker.
- Exchange money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour. This prohibition against exchange of money for sex means AOGWR Vietnam stakeholders may not engage the services of sex workers.
- Have sexual activity with any person under the age of 18, regardless of the local age of consent, i.e. the local or national laws of the country in which the stakeholder works. Ignorance or mistaken belief of the child's age is not a defence. Refer to the AOGWR Vietnam Child Safeguarding (Protection) Policy.
- Support or take part in any form of sexual exploitative or abusive activities, including, for example, child pornography.
- All other AOGWR Vietnam stakeholders as listed in the policy scope section must seek counsel from AOGWR Vietnam management before entering a relationship with a program beneficiary which may involve sexual activities or be perceived as fraternisation. AOGWR Vietnam strongly discourages any stakeholders from engaging in such a relationship with a program beneficiary due to the inherent conflict of interest and potential for abuse of power. Such relationships can undermine the credibility and integrity of AOGWR Vietnam's work.

AOGWR Vietnam **key stakeholders** must:

- Undertake to create and maintain an environment that promotes implementation of this policy.
- Immediately report (within 48 hours) any concerns or suspicions they have regarding possible violations of this policy by other AOGWR Vietnam stakeholders.
- Be aware that sexual behaviour is an area of particular sensitivity, where conduct may more easily be seen as offensive or be misinterpreted.
- Ensure personal conduct towards a co-worker is not exploitative or such that it reasonably leads to a perception of exploitation or harassment.

- Immediately inform AOGWR Vietnam management (Program Director/s or Program Managers) if they become engaged in a personal relationship which may be perceived as inappropriate or exploitative, or where real or perceived unequal power dynamics exist. Workers who are unsure if their relationships fall into this category should discuss the situation with AOGWR Vietnam management (Program Director/s or Program Managers).

AOGWR Vietnam **key stakeholders** who are in management positions must:

- operate from a survivor centred approach
- commit to limit the use of non-disclosure agreements within grievance procedures

SECTION 3:

PROCEDURES

8. BREACH OF POLICY

Sexual exploitation, abuse, and harassment constitute acts of gross misconduct and are therefore grounds for termination of employment or association with AOGWR Vietnam. Disciplinary actions/possible outcomes for breach of this policy include:

- AOGWR Vietnam internal investigation
- Suspension pending investigation
- Performance management
- Formal warning and monitoring
- Reporting to DOLISA (assigned government partner agency) who may then involve relevant authorities (including but not limited to the People's Committee, Police, Poor Association, and/or Women's Union)
- Termination of employment for workers or assignment for program participant

9. RECRUITMENT AND SCREENING

AOGWR Vietnam recruitment practices aim to recruit the safest and most suitable staff and volunteers and deter those who wish to cause harm to people from seeking engagement with AOGWR Vietnam. The following screening measures are required for all short-listed candidates or applicants who wish to join the AOGWR Vietnam team:

- **Police Check:** For Vietnamese team (staff) members and foreigners residing in Vietnam, a Stamp of Approval from the Police Department on their criminal record.
- **Working with Children Check (Australians):** Acknowledging that Vietnam does not have a Working With Children Check or the equivalent currently, if potential new recruits are Australian or another nationality that has the WWC available, recruits will be required to submit their completed WWC to AOGWR Vietnam as part of their application process. Successful applicants must keep this check renewed throughout their employment or volunteering.
- **Reference Checks:** A minimum of two non-related referees will be contacted verbally and asked specific questions regarding any concerns of sexual misconduct.

For **international volunteers**, it is a requirement that a Working With Children Check (or the equivalent) be provided prior to their travel to Vietnam and volunteer commencement at AOGWR

Vietnam. They are also required to read, sign, and adhere to the AOGWR Vietnam Child Safeguarding (Protection) Policy prior to arrival.

We recognise that for other stakeholders per those listed in the second group of the policy scope section including local partner governments and agencies, multilateral organisations, downstream partners including event-staff, contractors, and consultants, as well as local volunteers and/or visitors, the same recruitment and screening processes are not possible due to local requirements.

However, to manage, monitor, and mitigate the risk of allowing potential predators into our office or onto project sites with vulnerable people, AOGWR Vietnam:

- Expects these groups to act in accordance with the principles and reporting requirements outlined in this policy.
- We will also ensure that such personnel will not engage directly with a vulnerable person and/or community member on their own without an AOGWR Vietnam team (staff) or board member present, or a recognised legal guardian per location specific requirements.
- Through our partnership and/or project commitment agreements, AOGWR Vietnam will seek assurances that PSEAH is part of due diligence processes.

10. TRAINING AND AWARENESS

All AOGWR Vietnam stakeholders have a role to play in safeguarding the rights and protection of people from all forms of abuse, exploitation and harassment. Therefore, AOGWR Vietnam is committed to ensuring we equip and train all our key stakeholders to outwork this responsibility and promote the protection and rights of those in contact with our programs and people.

AOGWR Vietnam will ensure key stakeholders:

- receive this policy and relevant induction training at the commencement of their engagement with AOGWR Vietnam; and
- sign and agree to abide by the policy.

11. REPORTING

AOGWR Vietnam is committed to providing a safe, supportive and secure environment to report SEA. AOGWR Vietnam will take all concerns seriously and respond immediately. All reports of SEA will be recorded, regardless of whether substantiated or full investigation required.

AOGWR Vietnam key stakeholders must immediately report (within 48 hours) any concerns, suspicions or allegations of sexual exploitation, abuse, harassment or breach of this policy. This includes any concerns, suspicions or allegations involving an employee/volunteer or any incident occurring within an AOGWR Vietnam funded activity.

Community members, or any other external person are also strongly encouraged to report any concerns and to immediately notify if they, or someone they know, is thought to have been the victim/survivor of sexual exploitation, abuse and harassment perpetrated by an AOGWR Vietnam stakeholder or within an AOGWR Vietnam program or funded activity.

A report should be made to:

AOGWR Vietnam Child Safeguarding Officer (CSO)

childprotection@aogwr.org

+84 236 3519 692

79 – 83 3 Thang 2 Street, Da Nang, VIETNAM

12. INVESTIGATION

When a belief or suspicion of sexual exploitation, abuse or harassment is reported the AOGWR Vietnam management team (Program Director/s or Program Managers) will act immediately by launching an investigation based on established procedures and in accordance with the [AOGWR Vietnam External Complaints Policy](#) and Handling Procedures. If the incident involves a child, the AOGWR Vietnam Child Safeguarding (Protection) Policy will be followed.

All reports will be appropriately investigated no matter who the alleged perpetrator is. When applicable, the incident is reported to the police, government agencies or other relevant organisations.

During the investigation:

- The AOGWR Vietnam management team (Program Director/s or Program Managers) will lead the investigation with other members of senior management and if deemed appropriate an AOGWR Vietnam board member.
- The AOGWR Vietnam management team (Program Director/s or Program Managers) will ensure relevant laws and legislative procedures are followed (external legal advice will be sought when required).
- The reporter, victim/survivor and person subject to an allegation will be treated with respect from the start of the process until the case is closed.
- External counselling will be provided, if necessary, to those involved.

- Person subjected to an allegation may be stood down or partnership suspended. This process does not indicate guilt or innocence. If the individual is an employee, they will continue to receive full pay and other entitlements.
- AOGWR Vietnam will seek to be guided by respect for the choices and wishes of the victim/survivor, whilst also ensuring that due process, outlined in this policy, is followed.
- If the allegation is organisational; involves a partner organisation; if it is considered in the best interests of children/adult involved; or if the organisation is non-cooperative, then AOGWR Vietnam may suspend the partnership until the investigation has concluded and an acceptable resolution has been achieved.
- The investigation will be considered top priority until closed.

What happens if the incident is proven or suspicion credible?

In the event that an incident has been proven or there is credible suspicion, AOGWR Vietnam will automatically terminate a staff member or any other stakeholder's association with the organisation.

A Partner Organisation, which according to AOGWR Vietnam, does not respond adequately to a proven incident or credible suspicion (e.g. this may include terminating staff or appropriately addressing risks) will have its partnership terminated.

13. SURVIVOR SUPPORT AND ASSISTANCE

AOGWR Vietnam will ensure survivors of sexual exploitation, abuse and/or harassment are offered support and assistance, such as referral to safe health/medical, psychosocial and legal/justice response where appropriate and, where required, to specialised children's or women's services.

14. REVIEWING THE Policy

This policy will be **reviewed every three years**. The AOGWR Vietnam management team (Program Director/s or Program Managers) will manage the review and stakeholders will be consulted during this process.

15. COMMITMENT

I, _____, have read and understood the above AOGWR Vietnam Prevention of Sexual Exploitation, Abuse, and Harassment Policy and agree to adhere to it and the associated procedures in their entirety.

Signed: _____

Date: _____

APPENDIX 1: CONFIDENTIAL INCIDENT REPORTING FORM

In accordance with AOGWR Vietnam’s reporting procedures, any incident, belief or suspicion of sexual exploitation, abuse or harassment violation is to be reported and the information passed on to the AOGWR Vietnam’s management (Program Directors/Manager). This includes non-compliance with AOGWR Vietnam Prevention of Sexual Exploitation, Abuse or Harassment Policy. Activities or practices in AOGWR Vietnam projects that do not protect the best interests of the victim/survivor or do not meet applicable local laws or standards must also be reported.

Please note:

- In no way, nor under any circumstances, is anyone to attempt to persuade someone not to notify, or even to delay notifying, authorities in the case of sexual exploitation, abuse, and harassment concern.
- It is not your responsibility to investigate even for the purpose of gathering information for this form. It is sufficient to just report on what you observed, aware of or were told.

PART ONE: ABOUT YOU (Note: This form is to be filled out by the person making the report)

Name: _____

Contact Details (e.g. phone, email, address): _____

Relationship with AOGWR Vietnam (e.g. Employee, Volunteer etc): _____

Relationship with person: _____

PART TWO: VICTIM/SURVIVOR DETAILS

Name (s): _____ Age: _____ Gender: F / M

Any other relevant details or issues to be aware of (e.g. cultural issue, disability, ethnicity, religion etc): _____

Who does the individual live with (include address and contact details)? _____

Is the individual aware of this referral? YES/NO Is the parent/guardian aware of this referral? YES/NO

Where is the individual now? Is s/he in a place of safety and are there any immediate medical issues? _____

PART THREE: YOUR CONCERN

Sexual Exploitation, Abuse or Harassment concern:

- Observed/suspected by yourself
- Disclosure by the person
- Allegation made by (name & details) _____

Date(s), time(s) and location(s) of incident(s): _____

Who is the person suspected?

- AOGWR Vietnam Staff or other representative
- Staff of a AOGWR Vietnam Partner organisation
- Someone in the community

Name and other relevant details of person suspected (e.g. address, job position, relationship with person, etc):

Details of Report

Please include the following:

- *Details of the sexual exploitation, abuse or harassment concern or incident (Include what is alleged to have happened? What were the circumstances etc)*
- *Write down exactly what the victim/ survivor has said (in his/her own words) and what you said (NB: Do not ask the victim/survivor leading question-record actual details)*
- *Observations made by you (e.g. observed injuries, persons perceived emotional state etc. Mark which observations are fact or opinion)*

Have local authorities/external agencies been notified? Yes/No **Date of notification:** _____

Explain (e.g. name of authorities/agency, advice received, actions etc):

Signature: _____ **Date:** _____

PART FOUR: COMPLETED BY AOGWR VIETNAM MANAGEMENT TEAM (PROJECT DIRECTORS/MANAGER)

Date matter was referred: _____ Date responded to complainant: _____

Investigation: How was the investigation conducted? Who was involved in the investigation, roles, and responsibilities? Include key dates of investigation.

Findings & Comments:

Actions: Include action taken and any continued follow-up needed.

Organisational Change Opportunities Identified: Strengths and weaknesses in areas such as the PSEAH Policy and its implementation and management etc.

Recommendations: To prevent possible sexual exploitation, abuse and harassment violations and improve the investigation process in the future.

Report prepared by: _____

Signed: _____ Date: _____

AOGWR VIETNAM MANAGEMENT TEAM SECTION ONLY
(PROJECT DIRECTORS/MANAGER)

Name: _____

Signed: _____ Date: _____