



GZ: (StratDoc/1-ORI/2022)

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

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1. Introduction

ADA has zero tolerance for all forms of sexual exploitation, sexual abuse and sexual harassment (SEAH) and child abuse.

Human rights, gender equality and the empowerment of women and girls are central concerns of the Austrian Development Cooperation in its humanitarian and development cooperation work. ADA recognizes the responsibility to promote an organizational culture of human dignity and social justice and to maintain a safe and respectful workplace, within its own institutional bounds, the programmes and projects supported or implemented, as well as within partner organisations that ADA works with.

All people have the right to a life free from SEAH, and no child should be subjected to abuse of any form. Development or humanitarian projects can increase the risk of Gender Based Violence (GBV), particularly SEAH, because they often involve work with marginalised or vulnerable persons in settings of unequal gender relations and power dynamics. This can result in a culture of discrimination and privilege.

ADA is committed to maintain the highest professional and ethical standards and to non-discriminatory, respectful behaviour where misconduct is not accepted, where power is not abused, and vulnerabilities are not exploited. ADA is determined to protect the interests and needs of affected persons. SEAH acts are detrimental to the work and the achievement of ADA's goals. They constitute a human rights violation and damage the reputation of ADA and that of its employees.

In line with the OECD DAC Recommendation on Ending Sexual Exploitation, Abuse, and Harassment in Development Co-operation and Humanitarian Assistance (2019) ADA shall:

- (1) Develop policies and professional conduct standards and seek to foster organisational change and leadership on SEAH in the provision of international aid.
- (2) Develop and/ or support survivor- and victim-centred response and support mechanisms.
- (3) Establish organisational reporting and response systems and procedures for the prevention of SEAH.
- (4) Conduct training, raise awareness, and communicate on SEAH prevention.
- (5) Contribute to international coordination for SEAH prevention and response.
- (6) Develop mechanisms for monitoring, evaluation and reporting on SEAH prevention and response.

2. Definition of terms

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.

Sexual abuse: The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Sexual harassment: Unwanted physical, verbal, or non-verbal conduct or gestures of a sexual nature that can include indecent remarks, suggestions or demands that are or might reasonably be perceived as offensive or humiliating.

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

Gender Based Violence (GBV): Violence directed against a person because of that person's gender, or violence that affects persons of a particular gender disproportionately.

Community-based Complaint Mechanism (CBCM): Reporting mechanism adapted to specific local contexts that integrates the role of formal and informal community structures in revealing sexual exploitation, abuse, or harassment acts faced by community members, in an all-inclusive and culturally appropriate manner.

Survivor: Survivor refers to the person who is, or has been, sexually exploited, abused, or harassed.

Survivor-centred: Putting experiences, rights, needs, and wants of survivors at the centre of SEAH reporting, investigative, and response systems, taking special consideration of vulnerable groups, including women and children, as well as people most at risk of discrimination on the basis of, for example, disability, gender identity and sexual orientation, race, ethnicity, age or religion. A survivor-centred approach should be grounded in respect for human rights, as well as respect, confidentiality, safety, and non-discrimination.

ADA employees: All staff at ADA Head Office in Vienna, Coordination Offices and Project Offices.

ADA-related personnel: ADA Supervisory Board members and visitors to ADA premises.

Project partners and contractors: Entities who have entered grant agreements or contracts with ADA, including their staff, individual and corporate partners, sub-grantees and sub-contractors, and related personnel, including community volunteers and incentive workers.

ADA-related activity: Any activity that is financed, administered, implemented, or supported by ADA, either with its own resources or those of others, or any activity that materially affects or may affect ADA.

3. Purpose and Scope of the Policy

Through this Organizational Policy for the Prevention of Sexual Exploitation, Abuse and Sexual Harassment (PSEAH Policy), ADA is committed to implement the [OECD DAC Recommendation on Ending Sexual Exploitation, Abuse, and Harassment in Development Co-operation and Humanitarian Assistance](#) (2019), the [EU Gender Action Plan III](#), and recognizes the [Inter-Agency Standing Committee Minimum Operating Standards on Protection from Sexual Exploitation and Abuse](#), the [GCF Revised Policy on the Prevention and Protection from Sexual Exploitation, Sexual Abuse and Sexual Harassment](#) (2021), including its [Annex 1: Revised Environmental and Social Policy](#), and the PSEAH elements of the [Core Humanitarian Standard on Quality and Accountability](#) as essential international standards for tackling sexual exploitation, abuse and sexual harassment (SEAH). Furthermore, the [Bundesgesetz über die Gleichbehandlung im Bereich des Bundes](#) (Austrian Act on Equal Treatment) and the Strafgesetzbuch (Austrian Penal Code) include relevant provisions.

The Policy establishes zero tolerance of:

- Sexual exploitation and abuse as well as sexual harassment that occurs between or against ADA employees or related personnel and project partners, contractors, or other stakeholders involved in the delivery of development cooperation and humanitarian aid interventions of ADA, or against a beneficiary of such interventions or a member of a community concerned by such interventions.
- Child abuse, whereby ADA considers children as anyone under the age of 18—even if national law may have a lower age—and, as such, not able to give free and voluntary consent. Sexual activity with individuals below the age of 18 is therefore considered child sexual abuse. Mistaken belief regarding the age of the child and consent from the child is not a defence in SEAH of children.

The Policy also sets out general SEAH risk mitigation requirements for ADA-financed or implemented interventions. It is thus linked to the ADA Risk Management Strategy and guiding materials and the Environmental, Gender, and Social Impact Management (EGSIM) Manual.

The Policy applies to all ADA employees, related personnel, project partners, and contractors of ADA when engaged in ADA-related activities. It defines obligations for individuals working

in and with ADA to prevent and respond to SEAH and to refrain from condoning, encouraging, participating in, or engaging in SEAH.

4. Policy principles

ADA is committed to the following principles in relation to safeguarding against SEAH:

- ADA has zero tolerance of SEAH or any abuse of children.
- ADA shall not engage with counterparties who condone, encourage, participate in, or engage in SEAH.
- ADA shall take all appropriate measures to prevent, mitigate, investigate, and remedy SEAH acts perpetrated in ADA-related activities.
- ADA shall take all appropriate measures to protect survivors of SEAH. This includes ensuring their anonymity and physical safety, and protection from retaliation because of a report of SEAH.
- Everyone has the responsibility of safeguarding against SEAH.

5. Principles of organisational conduct

ADA commits to the following principles of organisational conduct:

- ADA makes every effort to promote, create and maintain a safe organisational culture in which employees, project partners, contractors, related personnel, and beneficiaries of ADA financed or implemented activities know expected behaviours and how to raise complaints and concerns. ADA leaders promote ADA's commitment to gender equality, diversity, and respect for others. This includes high-level oversight and accountability to prevent and respond to SEAH and child abuse.
- ADA emphasises the prevention of SEAH through adopting risk-based approaches that identify key risks and undertakes measures to prevent or minimize harm to all genders. ADA ensures that measures to manage SEAH risks include:
 - Disclosure of expected behaviour to ADA employees, project partners, contractors, and beneficiaries of projects implemented by ADA.
 - ADA employees signing of a Code of Conduct (CoC), and receiving related training,
 - The incorporation of (community-based) complaint mechanisms (CBCMs), as appropriate, in ADA financed or implemented projects. Wherever feasible, ADA will support the implementation of joint complaint mechanisms in country in partnership with other donors, PSEAH networks, or women organizations.
- ADA minimizes harm to women and girls, boys, and potentially vulnerable persons, by ensuring effective sensitization and training, as needed, of ADA, project partners and contractors on safeguarding against SEAH, including on how to preserve safety, adequate reporting and investigation processes, and the respective sanctions of misconduct.
- ADA builds on existing local knowledge by engaging with local communities for support throughout the project cycle.
- ADA measures for safeguarding against SEAH will be evidence-based by building on global research and knowledge on how to address GBV and SEAH effectively.
- ADA enables continuous learning by ensuring operations integrate regular monitoring and feedback on effectiveness of SEAH mitigation and safeguarding measures.

6. Obligations of individuals working in and with ADA

Individuals working in and with ADA:

- (1) Shall uphold the guiding principles of this Policy and contribute to creating and maintaining an environment which prevents SEAH.
- (2) Shall not condone, encourage, participate in, or engage in SEAH.
- (3) Shall not engage in sexual activity with a child. Sexual activity with individuals below the age of 18 is considered child sexual abuse. Mistaken belief regarding the age of the child is not a valid legal defence.
- (4) Shall not have sexual relations with beneficiaries, recognising the inherent unequal power dynamics and that such behaviour can undermine the integrity and credibility of ADA's work.
- (5) Shall not exchange money, offers of employment, goods or services for sex or sexual favours, nor any forms of humiliating, degrading or exploitative behaviour in ADA-related activities.
- (6) Subject to the availability of protection against retaliation, have a duty to report any suspected SEAH act in ADA-related activities as soon as possible after becoming aware of it to one of the points of contact listed in this Policy.

7. Recruitment

ADA will seek to employ staff who are aligned with ADA's mission and values.

ADA will ensure, that all employees are aware of the PSEAH Policy, the expected behaviours and conduct and how to report misconduct.

In compliance with applicable laws, ADA will prevent known perpetrators of SEAH and child abuse from being (re)hired or (re)deployed. Managers and Human Resources will ensure recruitment screening processes for all employees, particularly for those who will have any direct contact with children and/or vulnerable adults.

It is also expected from all implementing partners to adopt similar due diligence human resource clauses to prevent known perpetrators from being (re)hired or (re)deployed.

8. Communicating the policy

The ADA PSEAH Policy will be published on ADA's website, where it shall be available to all employees, related personnel, partners and the wider public.

All ADA employees must acknowledge the PSEAH Policy and sign the CoC referencing SEAH when entering a work contract. The PSEAH Policy will be available in English and German, and an information brief of the Policy will be translated into the official languages of the countries where ADA offices are located.

An obligatory induction training on SEAH safeguarding will be provided, that new ADA employees must complete within the first three months of employment. A refresher training shall be offered on a regular basis. The training will include the expected standards of conduct, the consequences of failure to fulfil those standards, the mechanism to report actual or alleged incidents of SEAH and child abuse, and where to seek further information about SEAH safeguarding across the organisation.

9. Reporting and investigation

ADA employees, project partners and contractors shall inform ADA without delay through appropriate channels of any suspected SEAH in the context of ADA-related activities

ADA takes all concerns and complaints about sexual harassment, exploitation and abuse, and child abuse in connection with ADA-related activities involving ADA employees, project partners and contractors seriously and initiates rigorous investigation of complaints that indicate actual or alleged SEAH acts. A procedural guideline on reporting and investigation of SEAH acts, including an incident notification

form, shall complement the PSEAH Policy and ADA's CoC, thereby contributing to the overall organizational culture of integrity and respect.

Acts of SEAH committed by ADA employees, project partners or contractors will be subject to disciplinary measures, criminal complaints, termination of contract and claims for damages as appropriate under applicable rules and legislation.

ADA's actions are informed by a survivor-centred approach which means that the needs and wishes of survivors' guide ADA's response, that survivors are treated with dignity and respect, and their rights to privacy and support are prioritized.

9.1. Points of contact

An open dialogue between superiors and employees is very important to ADA. Any questions about the application of the PSEAH Policy in a specific case, or about preventing or reporting possible acts of SEAH, can be addressed to one of the departments or people as indicated below. ADA ensures that employees who make a report in good faith do not suffer any detrimental effects. All enquiries and reports are checked carefully and handled confidentially.

- **Superiors (at Head Office, Coordination Offices, Project Offices):** Superiors are generally the first people an employee can contact regarding general questions about day-to-day work in the office and interpersonal behavior.
- **The Head of Unit Human Resources and Organizational Management:** Acts of SEAH committed or suffered by ADA employees should, whether alleged or actual, always be reported to the Head of Unit Human Resources and Organizational Management who may, as appropriate, involve ADA's Integrity Officers. The Unit Human Resources and Organizational Management acts as ADA Focal Point on SEAH. It will coordinate and advise on the development and implementation of the PSEAH Policy, including receiving and responding to reports on SEAH acts and providing referral or next step advice in accordance with organizational procedures.
- **SEAH Safeguarding focal point at ADA Coordination Offices:** For each Coordination Office, a SEAH Safeguarding focal point will be appointed, who will coordinate closely with the SEAH focal point at ADA Head Office to support the implementation of the PSEAH Policy at the partner-country level.

These departments and persons may be contacted by email, by telephone or personally to discuss the relevant matters.

Project partners, contractors, beneficiaries of ADA financed or implemented activities and interested members of the public may also contact the departments and persons specified above, if they have a reasonable suspicion that the PSEAH Policy has been breached.

The **ADA Equality Officer** (Gleichbehandlungsbeauftragte) or the **ADA Works Council** may also be contacted. The ADA Equality Officer will be consulted in an advisory capacity for management of SEAH acts and cases by the ADA SEAH focal point to support the implementation of a survivor-centred approach and the elimination of any gender-based discrimination.

In the case of suspected criminal acts, the ADA Whistleblower Portal should be used for reporting. ADA employees are under an obligation to do so. For more information on the Whistleblower Portal refer to <https://www.entwicklung.at/en/ada/integrity>.

9.2. Safeguarding against SEAH at country level

For priority countries of the Austrian Development Cooperation a general local SEAH Risk Assessment shall be elaborated under the guidance of the ADA Coordination Office. The assessment will inform SEAH risk analysis of projects, amongst others in the framework of the EGSIM, and the setup of adequate local complaint mechanisms.

A SEAH risk assessment shall include the following considerations:

- The general risk of GBV in the country (desk review, based on existing recent studies, e.g., of specialized agencies if available).
- The locally relevant legal frameworks regarding SEAH and consequences of misconduct, GBV, violence against women or against specific groups of vulnerable people (such as LGBTQI+), girls and early marriage.
- Mapping of service providers offering guiding information to put a referral pathway in place for survivors of SEAH, including medical, legal, and psycho-social support if needed.

The SEAH risk assessment shall further be used by ADA when implementing third-party funded interventions as a background document during project development to support the definition of CBCMs.

Based upon the country SEAH risk assessment, for each Country Coordination Office, customized and locally adapted safeguarding procedures on SEAH shall be developed under the responsibility of the Head of Office.

The safeguarding procedures assign roles and responsibilities for the reporting, investigation, and referral of SEAH acts, and define sanctions and appropriate disciplinary action in the case of misconduct of local employees. They include a description of the available complaints, feedback, and accountability mechanisms.

The safeguarding procedures further include, amongst others:

- Specific regulations for reports of abuse or exploitation of individuals under the age of 18 years
- The procedure for referral of alleged SEAH incidents that involve a criminal aspect to the correct local law enforcement channels where it is safe to do so and is in accordance with the wishes of the survivors,
- The procedure for undertaking an internal investigation of an alleged SEAH incident,
- Support offered to complainants/survivors
- Provisions for periodic review of the procedure regarding its effectiveness.

10. Working with partners

SEAH safeguarding assessments will be part of the due diligence process when considering new partnerships and integrated in ADA's risk assessment tools.

ADA will ensure that all financing agreements and contracts:

- Include appropriate language ensuring that the project partners and contractors abide by a zero tolerance of SEAH and child abuse in ADA related activities, take corrective measures and inform their contract partner when these have occurred.
- Expressly state that violations of the above obligations by ADA's direct partners shall constitute grounds for ADA to terminate the agreements/contracts.

Depending on the perceived SEAH risks, ADA requires from project partners and contractors, to establish appropriate grievance mechanisms or CBCMs that indicate when and where to report incidents and what follow-up actions will be taken. As applicable and considering EGSIM recommendations, ADA project partners and contractors shall further inform project beneficiaries and communities in a way understandable to them about the expected standards of conduct and how and when to use the complaint mechanisms.

11. Policy implementation, monitoring, reporting and review

The Managing Director shall be responsible for the effective implementation of this Policy.

The Managing Director and the Senior Management Team will be informed on a yearly basis about SEAH Risks, complaints and activities related to the implementation of this Policy.

The Executive Unit Law shall ensure that within 6 months of the adoption of this Policy, all new financing agreements and contracts include wording as indicated in the Chapter “Working with Partners”.

The SEAH Focal Point shall ensure, as far as possible and within 6 months of the adoption of this Policy, the development of the procedural guideline on reporting and investigation of SEAH acts, including an incident notification form.

For priority countries of the Austrian Development Cooperation a general local SEAH Risk Assessment shall be elaborated under the guidance of the Head of the ADA Coordination Office with support from the Unit Themes and Quality within one year of the entry into force of this Policy. The Heads of ADA Coordination Offices shall subsequently be responsible for the development of customized and locally adapted safeguarding procedures within 18 months of the entry into force of this Policy.

Every three years, the Policy shall be reviewed and updated considering revised donor commitments at the international level. The SEAH Focal Point will present a report based on the results of the review to the Managing Director and the Senior Management on issues related to the implementation along with any recommendations for changes.

12. Final provisions

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Updated: -

Responsible for the further development of this Policy: Unit Human Resources and Organizational Management.

Dr. Friedrich Stift
Managing Director

Annex 1

List of documents and templates linked to the PSEAH Policy

The following internal documents are relevant for the ADA Organizational Policy for the Prevention of Sexual Exploitation, Abuse and Sexual Harassment:

- Policy Document of the Austrian Development Cooperation: Gender Equality and the Empowerment of Women and Girls. Implementing the EU Gender Action Plan II 2016–2020 (update 2022)
- ADA Environmental, Gender and Social Impact Management (EGSIM) Manual, including the Environmental, Gender and Social Standards (EGSS) checklist and the EGSIM Staff Guidance Note
- Risk Management Strategy of the Austrian Development Agency)
- Staff Handbook on Risk Management in Projects and Programmes
- Instruments for risk management in projects and programmes:
 - o Partner Assessment Tool
 - o Project Risk Management Plan
 - o Template “Ad Hoc Report in the event of crisis“
 - o Flowchart “Procedure in the event of crisis/high risk situation”
- [ADA Code of Conduct](#) ADA works agreement and FAQ on the ADA whistleblowing system
- General Terms and Conditions to the Austrian Development Agency Grant Agreement for Support in the Field of Development Cooperation
- ADA General Terms and Conditions for Consultant Services and Similar Intellectual Services