

Sexual Harassment, Exploitation and Abuse (SHEA) Policy

Policy for all staff and representatives

Drafted: 25/06/2020

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Approved by: Approved by IWGIA's Board, December 2020

Date for next review: June 2022

Introduction	2
Purpose and Scope.....	3
Duties and Regulations	3
Child Safeguarding	3
Prevention of SHEA towards beneficiaries of IWGIA support	4
How to report a SHEA concern	4
Confidentiality.....	7

Introduction

IWGIA is committed to working with others to promote, protect and defend Indigenous Peoples' rights, and to build a world which upholds the rights and dignity of all. IWGIA's SHEA policy is integrated into our standard contracts and partner agreements. Interconnected to this policy are the anti-corruption policy, code of conduct and travel safety and security policy.

By SHEA IWGIA means:

Any unwanted or forced sexual act committed without consent or threat thereof. Harassment, exploitation or abuse can occur either against a person's will, by force or coercion, or when a person is incapable of giving consent, such as when they are under duress, under the influence of drugs or alcohol.

- **Sexual harassment** - is understood as any kind of unwanted verbal, non-verbal or physical behaviour of a sexual nature with the aim or impact that a person's dignity is violated, especially if it happens in a threatening, hostile, degrading, humiliating or offensive environment.
- **Sexual exploitation** - is understood as attempts or actual abuse of position of power to exploit a person's vulnerability for sexual gain. This also applies to relationships where economic, social or political advantage is gained from another person on the basis of sexual exploitation.
- **Sexual abuse** - can consist of either a threat of or actual physical abuse of a sexual nature.

Sexual exploitation and abuse also include sexual relations with a child, in any context, defined as: **Child - a "human being below the age of eighteen years"**.

IWGIA is committed to preventing any form of sexual harassment, exploitation and abuse and responding robustly when these harms take place.

SHEA incidents are rooted in an imbalance of power, particularly gendered and sexualised abuses of power. IWGIA views any form of sexual violence as a gross violation of human rights. IWGIA maintains a zero-tolerance policy with its staff or other individuals working with IWGIA (hereafter "representatives")¹ and related to IWGIA activities and is committed to react to any form of sexual harassment, exploitation or abuse towards anyone IWGIA comes into contact with through its work.

IWGIA is committed to:

- Creating a **safe working environment** that upholds the rights and dignity of all.
- Ensuring that our SHEA work, continuously improves based on best practises.
- Ensuring that our approach is **survivor-centred**².
- IWGIA is committed to working with complainants and survivors to ensure they are central to any response, are not further harmed or disempowered by any processes, and receive support throughout.
- Demonstrating our **zero-tolerance approach** to SHEA concerns by:

¹ Other individuals working with IWGIA include (but are not limited to) partners' staff, IWGIA volunteers (including board), consultants, contractors, interns, dependents accompanying staff while working for IWGIA, and other individuals acting on behalf of IWGIA.

² A survivor-centered approach means placing the needs and priorities of survivors of violence at the forefront of any response.

- listening, fully investigating complaints, and reflecting and learning from them.
- ensuring that **all allegations of SHEA are responded to** in a timely, robust, and survivor-centred manner.
- ensuring that we **embed SHEA** into every aspect of our work – from recruitment to programme design and implementation.

IWGIA's zero-tolerance approach to SHEA, means that the following SHEA clause must be included in all cooperation agreements:

“The parties agree to actively prevent sexual exploitation, abuse and harassment (SHEA), and to ensure, in the best possible way, that the intervention is carried out in an environment free of all kinds of exploitation, abuse and harassment, sexually or otherwise, especially in the case of particularly vulnerable groups.”

Purpose and Scope

The purpose of this policy is to outline IWGIA's approach to SHEA. All representatives must familiarise themselves with this overarching policy.

This policy is binding for **all IWGIA staff**, whether full time, part time or engaged on fixed term contracts.

It is also binding for other individuals working with IWGIA, including (but not limited to) partners, volunteers (including board), consultants, contractors/suppliers/vendors acting in IWGIA's name or on IWGIA's behalf, interns, visitors (e.g., donors), dependents accompanying staff while working for IWGIA, and other individuals acting as representatives of IWGIA (hereafter “representatives”). This policy is binding both during working hours and when on mission outside of working hours.

Duties and Regulations

IWGIA provides a safe working environment through the following duties and regulations:

- Representatives have a **duty to create a safe working environment** that respects the dignity and rights of all. Staff and representatives are strictly prohibited from carrying out any form of SHEA towards anyone they come into contact with through their work.
- IWGIA **prohibits staff and representatives from engaging in sexual activity with people whom they line manage or supervise** and, in the case of the most senior managers, any more junior staff.
- IWGIA does not prohibit staff from beginning relationships with each other outside of the unequal power dynamics outlined above but all representatives engaged in or beginning relationships with other staff or representatives must behave professionally and conduct their relationships in a way that does not impact on IWGIA's work.

Child Safeguarding

The following rules and regulations are set up to ensure that procedures are in place to protect all children (defined as anyone under the age of 18, or older if the local law indicates this), from deliberate or unintended actions that place them at risk of abuse or exploitation carried out by IWGIA staff and representatives

- IWGIA strictly prohibits staff and representatives from engaging in any kind of sexual activity with children as defined above. Mistaken belief of age is not considered a defence.
- IWGIA strictly prohibits staff and representatives from engaging in or promoting any form of abusive, exploitative or harmful behaviour towards children.
- All staff and representatives have a **duty to protect the rights of children** and ensure that our SHEA approach is embedded into all areas of our work.

Prevention of SHEA towards beneficiaries of IWGIA support

The following rules and regulations are set up to ensure that procedures are in place **to protect the beneficiaries of IWGIA support**, from sexual abuse or exploitation carried out by IWGIA representatives.

- IWGIA strictly prohibits staff and representatives from engaging in any form of abusive, exploitative, or harmful behaviour with beneficiaries of IWGIA support.
- IWGIA strictly prohibits staff and representatives from buying sex while implementing their duties / activities for IWGIA.
- All staff and other representatives have a **duty to protect the beneficiaries of IWGIA's work** and ensure that IWGIA's SHEA approach is embedded into all areas of IWGIA's work. Every aspect of our work must be carried out in a way that ensures the rights and dignity of all beneficiaries of IWGIA support.

Relationships or any kind of sexual activity with community members who are not beneficiaries of IWGIA support (i.e. not receiving direct assistance from IWGIA or involved directly in any programming activities) are not prohibited. However, IWGIA representatives together with management must ensure the relationship is not and could not be perceived to be exploitative or abusive.

How to report a SHEA concern

Anyone can report SHEA concerns via email through the Whistleblowing function, where it will be directed to the SHEA Focal POINT (whistleblower@IWGIA.org).

IWGIA staff can alternatively use the shop steward or work environment representative or go directly to the management.

All staff and representatives are required to report if:

- Any beneficiary of IWGIA support alleges that they or another person is experiencing or at risk of experiencing sexual harassment, exploitation or abuse - whether carried out by IWGIA representatives or staff.
- A representative suspects that someone connected to IWGIA carries out sexual harassment, exploitation or abuse towards recipients of IWGIA support.
- An IWGIA staff is experiencing sexual harassment, exploitation or abuse by a colleague

If an IWGIA representative does not report an incident they may face disciplinary proceedings.

The SHEA Focal Point is responsible for confidentially reporting all concerns, anonymised, to the Management Team.

The SHEA Focal point will contact the relevant Programme coordinator to ensure that donors and others³ linked institutionally to the alleged harasser are informed of SHEA concerns in line with agreed requirements.

If anyone has concerns that any individual has been or is at risk of being abused, exploited, or harmed in any way they must report this immediately in line with the reporting procedures outlined below. However, IWGIA recognizes the agency and independence of the individual. Individuals do not have to report their own experience of SHEA.

IWGIA commits to ensuring that survivors can choose if, when and how to make a report and decide whether they want IWGIA to take formal action. There may be occasions where IWGIA has a duty of care to respond even if the survivors do not want to take forward action. This will be managed on a case-by-case basis, following clear risk assessments, and the safety and wellbeing of the survivor will be paramount throughout.

There is no time limit on when someone can raise a concern about something they have experienced. There may be limitations to how a historical concern can be addressed / investigated but IWGIA will take every reasonable measure to address the concern. IWGIA will ensure that the safety, dignity and rights of the survivor are respected at all times. We are committed to carrying out fair investigations that protect the rights of all involved, ensuring that confidentiality is maintained and that the wellbeing of all is protected.

Responding to Concerns and Complaints

Incident Management Process

Anyone can raise a concern or complaint. An individual can raise a complaint even if they have no evidence other than their own experience, recognizing that sexual harassment, exploitation and abuse usually occur away from the public eye and therefore it can be difficult to produce evidence (e.g., a witness).

IWGIA will work with survivors and complainants to understand how they would like the issue they raised to be addressed; this policy does not prejudice the right of survivors and complainants to also use external procedures (e.g., criminal justice procedures) where that is their preference to do so.

If a survivor or complainant makes a formal complaint and wants an investigation to be carried out, or if IWGIA takes the view that they have a duty of care to carry out an investigation, then an investigation process will be initiated, and must follow agreed safeguarding guidelines.

IWGIA will support its partners to develop measures to ensure that any investigations carried out are objective, timely, fair and built on IWGIA's SHEA approach. All parties should be able to participate in the investigation without fear of retaliation.

Step 1: Complaint received (timeframe: actions taken within 1 week)

³ e.g., other IWGIA partners involved with that organisation, so that they can fulfil their own donor reporting requirements; statutory/regulatory bodies.

- a) Within 72 hours the complaint is acknowledged, and the SHEA Focal Point will engage with complainant on their concerns, inform the management and together form a safeguarding team to handle the case.
- b) The chair of IWGIA's Board will be informed that a case has been opened.
- c) The safeguarding team will assess what action can be taken. If an investigation needs to be conducted, the safeguarding team will decide how and by whom this investigation will be conducted. If an investigation cannot be carried out (e.g., if survivor does not want an investigation or there is insufficient information to proceed) then the case will be closed and other actions that can be taken to address concerns will be assessed.
- d) Within 1 week the safeguarding team will discuss the case, lay out the methodology, the timeline and if necessary, carry out a risk assessment to address any immediate security or welfare concerns, and possibly seek legal guidance/external support.

Step 2: Investigation (timeframe: ~4 weeks)⁴

An investigation can include carrying out any interviews, gathering any available evidence, and producing an investigation report.

- e) The survivor should be interviewed first (or provide a written response to questions submitted by the Investigators where a verbal interview is not possible), followed by any witnesses and the complainant if not the survivor, and then the subject of complaint.
- f) The Investigation Report is submitted back to the established safeguarding team.

Step 3: Decision (timeframe: actions taken within 72 hours after step 2 is completed)

- a) The established safeguarding team reviews the report and together with management takes a decision on the report and its findings.
- b) The SHEA focal point documents the decision (through minutes) and informs the complainant and subject of complaint.
- c) The safeguarding team, and/or others as appropriate, will carry out any recommendations agreed on (e.g., disciplinary action, warning and potential termination, suspension with or without pay pending disciplinary proceedings, letter of censure in the personnel file of the person, awareness raising, policy development) with involvement from management as required.

Step 4: Outcomes shared and lessons learnt (timeframe: up to 2 weeks following decision made)

- d) The Board is informed of the outcome.
- e) The subject of complaint and the survivor have the right to appeal against the decision, in line with this policy and its procedures. If there are concerns about the response (e.g., if a conflict of interest has allegedly impacted on the investigation) this must be brought to the attention of the Board chairperson. If the subject of complaint and/or the survivor have concerns about reporting or if they want to appeal against how a process has been managed they can report directly to the SHEA Focal Point, who must then include external expertise to carry out step 2 and 3.
- f) Within 8 weeks:
A meeting is convened so that the SHEA Focal Point and the safeguarding team can discuss learning from the case. **Feedback must be sought from the survivor and complainant** and incorporated into the lessons learnt conversation. Lessons learnt must be shared as

⁴ This will vary depending on nature and complexity of case.

appropriate, removing identifiable information, with the board to ensure key learning is shared and improvements made to practice.

IWGIA will make a decision on a case-by-case basis about how allegations of harassment, abuse or exploitation will be addressed. Allegations relating to child exploitation or abuse will always be addressed by external experts. IWGIA will refer cases to appropriate professionals and organisations that act in line with IWGIA's values and puts the welfare of the child or adult at-risk as the highest priority.

Retaliation Against Complainants, Survivors and Witnesses

IWGIA will take action against any staff or other representatives who seek to or carry out retaliatory action (e.g., intimidation, threatening behaviour) against complainants, survivors, witnesses or any others involved or believed to be involved in an incident management process. Staff who are found to have done this will be subject to disciplinary action.

False or malicious complaints

If an IWGIA representative is found to have made a false allegation they will be subject to disciplinary action.⁵

Confidentiality

Confidentiality is critical to carrying out SHEA work. We are committed to working with survivors/complainants and others involved in an incident management process in a confidential and respectful manner. Information must be shared on a 'Need to Know' basis – that is, only those who need to be informed so they can support an investigation or because they hold overall responsibility will be given information, and they will receive only as much information as they need in order to be effective.

If information is shared confidentially which relates to criminal actions, a child or suggests that someone's life is in danger, then action will need to be taken outside of standard confidentiality procedures in order to ensure that everyone is safe. This will be managed on a case-by-case basis, and the safety and wellbeing of the child or adult at-risk in question is always paramount.

IWGIA will ensure that it complies with local and international data protection laws when gathering, storing, or sharing any data relating to individuals involved in SHEA incidents. Preferred methods for communicating and sharing sensitive information will be used whenever possible.⁶

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⁵ It is important to note that if a case is not upheld that does not mean the complaint was false, rather that there was insufficient evidence to uphold the allegation.

⁶ Signal for phone communications when possible, encrypted e-mail from the official whistleblower e-mail.