



NEW ZEALAND
FOREIGN AFFAIRS & TRADE
Manatū Aorere

New Zealand International Development Cooperation Programme

Preventing Sexual Exploitation Abuse and Harassment Policy





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1. Background

The Ministry of Foreign Affairs and Trade (MFAT) has zero tolerance towards sexual exploitation, abuse or harassment (SEAH) of any kind. This applies to the management of Activities in the New Zealand International Development Cooperation Programme by MFAT staff and delivery partners.¹

SEAH is unacceptable in any form. SEAH undermines the credibility and legitimacy of international aid and MFAT's ability to deliver the 2030 Agenda including the Sustainable Development Goals. Preventing exploitation, abuse and harassment (PSEAH) is a shared responsibility. Government, business, non-government organisations, institutions, communities, and individuals all need to play a role.

This Policy sets out expectation and requirements for MFAT staff and delivery partners to work to prevent and manage the risks from sexual exploitation, abuse or harassment of all kinds in the delivery of New Zealand's International Development Cooperation Program.

¹ MFAT delivery partners include contractors, subcontractors and any other entity engaged to deliver NZ Aid Programme activities excluding foreign governments. Application of this Policy to downstream partners is the responsibility of the partner with whom MFAT has a contract.

2. Purpose

To prevent the suffering of harm from sexual exploitation, sexual abuse and sexual harassment and when these incidents do occur to respond in a victim centric manner, applying the principles of natural justice and ensuring effective resolution.

MFAT prioritises prevention and effective response and requires its delivery partners to do the same. MFAT requires the commitment, support and investment of its delivery partners for this Policy to be effective. MFAT and delivery partners have a collective responsibility to build capacity to prevent SEAH.

3. Scope

This Policy applies to delivery partners involved in management of the New Zealand International Development Cooperation Programme.²

MFAT delivery partners are required to act in accordance with and comply with this Policy by working to increase the protective factors directly or indirectly, associated with the delivery of development activities and programmes. MFAT delivery partners give practical effect to this Policy through promoting healthy and inclusive work places, ensuring planning and risk management systems incorporate PSEAH, and by resolving incidents in an appropriate way

IDC funded Activities must comply with Partner Government laws and regulations. Where the Partner Government has laws and regulations in place these shall take precedence. MFAT supports efforts to harmonise approaches to the standards and management of risks and harm, maximise the use of country systems, and avoid duplication of effort.³ Where there is a discrepancy between MFAT's policies and the Partner Government laws and regulations, or, partner donor policies, the 'highest standard wins'.

This Policy places the onus on all MFAT delivery partners to:

- Act in accordance with the principles and reporting requirements specified in this Policy
- Report within 2 working days of any suspected or alleged SEAH incident related to the delivery of MFAT business
- Implement the minimum standards referred in this Policy.

² MFAT's *Unacceptable Behaviour Policy* and *Speak Up Safely Programme* applies to MFAT staff at all times.

Policy should be read in conjunction with MFAT’s Code of Conduct and a component of MFAT’s Development.

This Policy places an onus on all MFAT delivery partners to quality and Do No Harm Safeguards:

- minimise the risk of SEAH occurring
- respond to SEAH in a meaningful way
- report all SEAH incidents to MFAT
- ensure incidents are resolved effectively.

4. Principles

The principles reflect New Zealand’s international commitment to address SEAH and reduce violence against women, children, gender diverse people and those who are vulnerable.

The six key principles that underpin and guide policy implementation are:

Principle 1. Prevention is a shared responsibility

Preventing Sexual Exploitation, Abuse and Harassment is everyone’s responsibility. Real change to SEAH will not occur unless every sector plays a role – government, business, non-government organisations, institutions, communities and individuals. MFAT and partners who deliver activities and manage funds under the New Zealand Aid Programme have a responsibility to build capacity to deal sensitively and effectively with SEAH that occurs within the course of their work.

Principle 2. Zero tolerance

MFAT defines zero tolerance as being proactive in the prevention of SEAH. Delivery partners need to respond to every allegation in a fair and reasonable way with due regard for procedural fairness. Zero tolerance is not the same as zero incidents.

MFAT requires delivery partners to be proactive in both monitoring and responding to SEAH in all phases of the Aid Programme. This includes recognising the impact of inequalities of the following:

- gender
- sexual orientation
- ethnicity
- religion
- power imbalance
- poverty
- disability
- age
- health.

MFAT requires delivery partners to hold SEAH perpetrators to account.

Principle 3. Victim/survivor needs are prioritised

All SEAH responses must prioritise victim/survivor⁴ safety and needs.

Prioritising the rights, needs and wishes of the victim/survivor requires that they are:

- immediately protected from further harm
- supported in a timely manner
- treated with dignity and respect throughout
- not discriminated against through age, gender, ethnicity, or sexual orientation
- supported to be involved in decision making to the extent they wish to be
- provided with comprehensive information
- given access to appropriate counselling and health services to assist coping and recovery
- protected through privacy and confidentiality in line with prevailing legislation to the extent possible.

Where the incident appears to have a criminal aspect, careful consideration needs to be given as to whether the matter needs to be referred to the local investigation body. Relevant factors include:

- the nature of the incident
- the wishes and safety of the victim/survivor
- the safety of others
- likelihood of further harm occurring if the matter is reported / not reported
- local legislative requirements

⁴ Victim/Survivor is a person who is, or has been, sexually exploited, harassed or abused.

Principle 4. Creating healthy and inclusive workplaces

The creation of a healthy, informed and open workplace supports PSEAH. A diverse and inclusive workplace should role model respectful behaviours to create an environment where people feel safe to 'speak up' with the assurance that they will be treated fairly and with respect.

Engagement with intended New Zealand Aid Programme beneficiaries should be based on respect for diversity, promotion of gender equality, social inclusion, and a strong do-no-harm focus.

Principle 5. Confidentiality and due-process

MFAT expects every SEAH investigation to be conducted in a fair and reasonable way and in accordance with the principles of natural justice. This includes fairness of procedure; freedom from bias; taking each complaint seriously; acting immediately; maintaining confidentiality except when required by law⁵; and the protection from retaliation and/or victimisation. Applying the principles of natural justice helps protect the rights of all parties.

Principle 6. Reporting enhances accountability and transparency

Delivery partners are accountable to MFAT as well as the communities that they work with. Reporting allows delivery partners and MFAT to monitor SEAH, understand risk, and provide assurance to stakeholders.

Transparency and reporting of incidents and responses promotes ongoing PSEAH system improvements.

⁵ Privacy Act 2020 or local legislative requirements

5. Application

MFAT requires all delivery partners to apply both the PSEAH Principles and Minimum Standards as set out in paragraph 10 below. All delivery partners must have robust PSEAH policies, procedures and assurance systems in place, and make these available to MFAT when requested.

It is the responsibility of delivery partners to ensure that their PSEAH processes and procedures are being followed by both their own staff as well as their downstream partners.

Each delivery partner must assess the risk of sexual exploitation, abuse and harassment occurring and take appropriate actions to mitigate all levels of risk. Assessment, reassessment and reporting must be ongoing.

Where an SEAH incident does occur the delivery partner will:

- respond in accordance with the MFAT Policy Principles in this document.
- report the incident in accordance with the Minimum Standards outlined in this document.

For definition guidance please refer to paragraph 11.

6. Reporting

All suspected or alleged incidents related to the delivery of MFAT business must be reported to MFAT within two (2) working days. Mandatory reporting requirements apply to all MFAT staff and MFAT partners.

All SEAH reports will be managed in confidence. Reports of concern must be emailed to safeguard.reporting@mfat.govt.nz

MFAT partners are expected to also follow their own reporting, response, investigation and disciplinary procedures related to allegations against their own staff or downstream partners.

Where safe to do so alleged incidents that involve a criminal aspect should be reporting through the correct local law enforcement channels. Reporting to law enforcement channels or other agencies must be preceded by a risk assessment avoid or mitigate unintended harm.

The supply of information, disclosure or reporting, when made in good faith, will not be subject to civil, criminal or disciplinary proceedings by that person or organisation under this policy.

7. Compliance and assurance

MFAT will monitor compliance through a range of approaches. Delivery partners are expected to apply principle-based measures to ensure they and their downstream partners comply with this Policy. Delivery partners are also expected to have robust PSEAH policies, procedures and assurance systems in place to comply with this Policy.

Non-compliance may lead MFAT to immediately suspend or terminate funding arrangements with the delivery partner.

8. Implementation

This Policy has been implemented since 4th October 2019. A review of this policy will be conducted within four (4) years of its most recent review thereafter. For enquiries, guidance or information on the Policy contact: safeguarding@mfat.govt.nz

9. Roles and Responsibilities

Role	Responsibilities
Deputy Secretary PDG	Accountable for Ministry-wide application, management and review of this policy. Accountable for ensuring all International Development Cooperation (IDC) related interventions meet the required level of standard within this policy.
Divisional Managers	Responsible for Ministry-wide application, management and review of this policy. Responsible for ensuring all IDC related interventions adhere to and meet the required level of standard within this policy
Unit Managers	Responsible for ensuring all Ministry staff involved in the delivery of IDC activities are aware of this Policy and adhere to the standards including responsibility for reflecting the principles of this Policy in IDC business processes
All MFAT Staff	Responsible for ensuring application of the standards when developing and managing activities within IDC related activities.
Senior Adviser Safeguarding and Protection	Support the owner of this Policy with management, application and review. Manage on behalf of the Policy owner and in confidence, all reports of concern made regarding SEAH to MFAT
Delivery Partners	Apply the Principle and standards of this Policy to their own PSEAH Policy systems and processes, including reporting and investigations, to all activities. Ensuring their own staff and downstream partners are aware of, apply and comply with this Policy and standards.

10. MFAT Minimum Standards

MFAT Minimum Standards	Obligation	
	Organisation	Individual
1. Demonstrated understanding of PSEAH policies principles and standards.	Must demonstrate organisational commitment to PSEAH through a documented PSEAH Policy or equivalent that aligns with the Principles and Minimum Standards set out in this document. Must be able to demonstrate staff awareness and understanding of this Policy.	Must be able to demonstrate an ongoing understanding of and commitment to the principles and standards set out in this Policy.
2. Have SEAH reporting and investigation procedures in place.	Must be able to demonstrate that all SEAH incidents are managed, reported and investigated in a timely and consistent manner. Procedures must ensure that incidents are escalated to senior management and reported to MFAT in line with reporting standards set out in this document.	Must ensure incidents are escalated to MFAT in line with reporting standards set out in this document.
3. Have risk management processes that include the risk of SEAH.	Must have effective risk management assessments and mitigations in place that consider the risk of SEAH.	Must demonstrate effective risk management assessments and mitigations that consider the risk of SEAH.
4. Incidents and noncompliance reported to MFAT.⁶	An alleged SEAH incident must be reported to MFAT within two working days of the organisation becoming aware of the incident. Any SEAH Policy non-compliance must be reported to MFAT within five working days. The report must summarise the non-compliance and set out the actions the delivery partner has taken or will take.	Must report any alleged SEAH incident within two working days. Must report any non-compliance to MFAT's PSEAH Policy within 5 working days.

⁶ New Zealand Government Agencies and Multilateral Agencies are required to provide aggregated reporting of incidents and non-compliance on a periodic basis.

5. Effective PSEAH training in place. 6. Recruitment and screening processes and employment practices address and manage the risk of SEAH.	Must be able to demonstrate ongoing PSEAH training for personnel (including downstream partners) that deliver the New Zealand Aid Programme. Must be able to demonstrate robust PSEAH recruitment and screening processes for all personnel / consultants including having in place appropriate and enforceable standards of conduct.	Must demonstrate completion of PSEAH training. This includes recertification.
7. Transactional sex⁷ is prohibited in humanitarian and disaster response settings. It is also prohibited in locations where transactional sex is illegal or where there is no regulation to adequately protect sex workers.	Delivery partners must have a policy that meets this minimum standard and considers additional risk factors that would warrant the prohibition of transactional sex. Must demonstrate effective communication of transactional sex policies to its staff and downstream delivery partners.	Must demonstrate completion of PSEAH training. This includes recertification.
8. MFAT requires delivery partners have a policy or equivalent that specifically addresses Fraternisation⁸.	MFAT does not seek to prohibit fraternisation but does require the delivery partner to have a policy that addresses the potential harm caused by fraternisation.	

⁷ Transactional sex refers to the exchange of money, employment, goods or services for sex, including sexual favours.

⁸ Fraternisation refers to any non-transactional sexual relationship between a delivery partner and a beneficiary of the NZ Aid Programme.

11. Definitions

Definition of Sexual Exploitation, Abuse and Harassment

***Sexual exploitation** refers to 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.

Definition of Sexual Exploitation, Abuse and Harassment

***Sexual abuse** is the actual or threatened physical intrusion of a sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or other behaviour directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting.

***Sexual harassment** refers to when a person makes any unwelcome sexual advance or 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 personnel.

Some examples of behaviour that may be sexual harassment include:

- staring and leering
- unnecessary familiarity, such as unwelcome affection or touching
- suggestive comments or jokes, insults or taunts of a sexual nature
- intrusive questions or statements about your private life
- displaying posters, magazines or screen savers of a sexual nature
- sending sexually explicit emails or text messages
- inappropriate advances on social networking sites
- accessing sexually explicit internet sites
- requests for sex or repeated unwanted requests to go out on dates
- behaviour that may also be considered to be an offence under criminal law such as physical assault, indecent exposure, sexual assault, stalking or obscene communication.

MFAT

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