

Safeguarding Policy

Prevention of sexual exploitation, harassment, abuse, bullying, racism and other forms of harm

Policy for all staff and representatives

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Purpose and Scope

The purpose of this policy is to outline IWGIA's approach to Safeguarding. All staff and representatives of IWGIA must familiarise themselves with and uphold this policy.

We recognize that all human beings are equal, irrespective of their age, sex, gender identity, abilities, language, ethnicity, sexual orientation, marital status, nationality, class, faith, or culture. We recognize the right of every person, without discrimination, to protection from harm, including protection from sexual exploitation, abuse and harassment.

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, board members, consultants, contractors 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").

The policy is binding at all times, including outside working hours.

Interconnected to this policy are the anti-corruption policy, staff handbook, code of conduct, travel safety and security policy, privacy policy, research ethical guidelines.

Introduction

IWGIA is committed to working with others to promote and defend Indigenous Peoples' rights, and to promote building a world which upholds the rights and dignity of all.

Based on this commitment, IWGIA is also committed to Safeguarding, which means it promotes respectful relations with and between all staff and representatives, and takes all reasonable measures to prevent harm, including all forms of exploitation, abuse, bullying, racism, harassment and abuse of power that may arise from contact with its staff, programmes or operations – especially for those who are at risk or vulnerable.

Sexual exploitation, abuse and harassment 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 exploitation** - is understood as 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 another. It includes but is not limited to exchanging money, employment, goods or services for sex. This includes transactional sex regardless of the legal status of sex work in the country. It also includes any situation where sex is coerced or demanded by withholding or threatening to withhold goods or services or by blackmailing¹.
- **Sexual abuse** - means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. Any sexual activity with children (persons under the age of 18 years) constitutes sexual abuse.
- **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.

¹ <https://www.unhcr.org/what-we-do/how-we-work/tackling-sexual-exploitation-abuse-and-harassment/what-sexual-exploitation>

IWGIA is committed to preventing any form of harm and responding robustly when allegations about misconduct is reported.

Breaches of Safeguarding is rooted in an imbalance of power, including sexualised abuse of power. IWGIA views any form of sexual or other exploitation, abuse, and harassment as a gross violation of human rights. As well as being morally wrong, acts of discrimination, bullying, harassment, or workplace violence are illegal in many contexts and can cause serious damage to people affected by this behavior, the morale, productivity, values, image, and performance of IWGIA. IWGIA thus maintains a **zero-tolerance policy** with its staff and representatives and is committed to react immediately to any breaches of the Safeguarding Policy towards anyone IWGIA encounters through its work.

IWGIA is committed to:

- Creating a safe working environment that upholds the rights and dignity of all.
- Ensuring that our Safeguarding Policy is mainstreamed into our programmes and activities and is continuously improved based on best practises.
- Ensuring that our approach is **survivor-centred**².
- 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 breaches of Safeguarding Principles by:
 - Taking all complaints serious.
 - Promptly and confidentially investigate complaints impartially and reflect and learn from them.
 - Ensuring that all allegations of Safeguarding breaches are responded to in a timely, robust, and survivor-centred manner.
 - Ensuring that we embed Safeguarding Principles into every aspect of our work.

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

“The parties agree to implement and uphold IWGIA Safeguarding Policy. Thus, actively prevent any form of harm including sexual exploitation, abuse and harassment, and to ensure, in the best possible way, that the work of IWGIA at all levels 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.”

Confidentiality

Confidentiality is critical in dealing with breaches of the Safeguarding Policy. IWGIA is committed to working with survivors/complainants and others involved in an incident, 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 the overall responsibility, will be given information, and they will receive only as much information as they need to act effectively.

If information relates to criminal actions, a child or if someone's life is in danger, then action will need to be taken outside of standard confidentiality procedures 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 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 incidents where Safeguarding has been breached. Safe methods for communicating and sharing sensitive information will be used whenever possible.³

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

³ Signal for phone communications, when possible, encrypted e-mail from the official whistleblower e-mail.

Duties and Regulations

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

- Staff and 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 violating the Safeguarding Policy towards anyone they encounter through their work.
- **IWGIA strictly prohibits** staff and representatives to engage in violent/abusive behaviors and actions. These include but are not limited to using inappropriate language or behavior, any form of discrimination, bullying and harassing a person verbally or physically, any behavior that represents emotional/psychological abuse, engage in any forms of humiliating, degrading or exploitative behavior.
- **IWGIA strictly 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. However, to protect the work of IWGIA and ensure to manage the conflicts of interest that can occur when staff or representatives engage in or begin relationships with other staff or representatives, IWGIA obligates all engaging in or beginning relationships to declare this to the Management.
- All staff and representatives have a duty to report Safeguarding concerns – and cooperate with an authorised investigation.
- If a risk assessment finds that the alleged perpetrator could be dangerous, IWGIA will provide for immediate removal of the alleged perpetrator from his/her/their role pending the investigation.

Child Safeguarding

The following rules and regulations are set up to ensure that procedures are in place to protect all children (**defined as a human being under the age of 18**), from deliberate or unintended actions that place them at risk of abuse or exploitation carried out by IWGIA staff and representatives. Transgression of these rules and regulations must immediately be acted upon.

- IWGIA **strictly prohibits** staff and representatives from engaging in any kind of sexual activity with children. Mistaken belief of age is not considered an excuse. As any sexual activity with children is considered child abuse any allegations will be reported to the authorities.
- IWGIA **strictly prohibits** staff and representatives from engaging in violent/abusive behaviour and actions. These include but are not limited to using inappropriate language or behaviour when dealing with a child or children, bullying and harassing a child verbally or physically, punishing a child, exposing a child to sexualized images, online grooming and trafficking, any behaviour that represents physical, emotional/psychological abuse.
- IWGIA **strictly prohibits** staff and representatives from engaging in or promoting any form of abusive, exploitative, or harmful behaviour towards children. This includes the consumption and distribution of materials containing the sexual abuse of children, such as ‘child abusive material’ of a sexual nature.
- All staff and representatives have a **duty to protect the rights of children** and ensure that our Safeguarding Policy is embedded into all areas of IWGIAs work.

Safeguarding 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 staff or representatives. Transgression of these rules and regulations must immediately be acted upon.

- 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 employed or otherwise affiliated with IWGIA.
- IWGIA **strictly prohibits** the relationships or any kind of sexual activity of staff or representatives with members of support receiving communities.
- All staff and representatives have a **duty to protect the beneficiaries of IWGIA** and ensure that IWGIA's Safeguarding Policy 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.

How to report a Safeguarding concern or suspicion

To ensure that complaints are dealt with appropriately, at least two Safeguarding Focal Points have been appointed and trained to receive and act upon complaints.

Anyone can report Safeguarding concerns or suspicions through the whistleblowing function, where it will be directed to the appointed Safeguarding Focal Points <https://datarightsguardian.com/org/iwgia>. Or report a concern directly to one of the Safeguarding Focal Points.

All IWGIA 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 any harm (including but not limited to sexual exploitation, abuse, or harassment) - whether carried out by IWGIA representatives or staff.
- A representative or staff suspects that someone, either staff, representatives or otherwise connected to IWGIA is harming anyone (sexually or otherwise).
- An IWGIA staff or representative is experiencing exploitation, abuse or harassment of any kind by a colleague or other representatives of IWGIA.
- An IWGIA staff or representative is suspecting exploitation, abuse, or harassment of any kind by staff or representative towards staff, representatives, beneficiaries, or members of receiving communities.

IWGIA staff and representatives are obligated to report any concern or suspicion that someone is exposed to any misconduct immediately to the Safeguarding Focal Points or through the whistle-blower function. Failing to report is regarded as a violation of IWGIAs Safeguarding Policy.

If an IWGIA staff or representative does not report an incident as described above, they will face disciplinary proceedings or even dismissal.

The Safeguarding Focal Points must respect complete confidentiality.

There may be occasions where IWGIA has a duty of care to respond even if the survivors do not want to take forward any 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 raising a concern about something 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 always respected. We are committed to carrying out an investigation 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 violence, discrimination, harassment, exploitation, and abuse usually occur away from the public eye and therefore it can be difficult to produce evidence (e.g., a witness).

This policy does not prejudice the right of survivors and complainants to also use external procedures (e.g., criminal justice procedures) should it be their preference.

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

IWGIA will ensure that all investigations carried out are objective, timely, and built on IWGIA's Safeguarding Principles. All parties should be able to participate in the investigation without fear of retaliation.

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

- Immediately ensure the safety of stakeholders (medical and /or psychological support is ensured)
- Within 72 hours the complaint is acknowledged, and the Safeguarding Focal Points will engage with complainant on their concerns. The daily management will together with the Safeguarding Focal Points form a Safeguarding Team to handle the case.
- The chair of IWGIA's Board will be informed that a case has been opened.
- The Safeguarding Team will assess what actions 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, then the case will be closed and other actions that can be taken to address concerns will be assessed.
- 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: about 4 weeks)⁴

- As IWGIA does not have the capacity in-house to carry out investigations, this step will be outsourced.
- The Safeguarding Team is responsible for hiring a consultant to carry out the investigation.

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

- The established Safeguarding Team reviews the investigation report. Management takes a decision on the findings, i.e. need for any disciplinary actions. The Safeguarding Team is not involved in such decision.

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

- The Safeguarding Focal Points documents the decision (through minutes) and informs the complainant and subject of complaint.
- Management 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).

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

- The Board is informed of the case and the outcome (anonymized).
- The subject of complaint and the survivor have the right to appeal against the decision to the director or the shop-steward.
- Within 8 weeks a meeting is convened so that the Safeguarding Focal Points 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 appropriate, removing identifiable information, with the board to ensure key learning is shared and improvements made to practice.

Consequences of Non-Compliance with this policy

Staff, board members, volunteers, consultants, contractors and other representatives: for staff, disciplinary action up to and including termination of contract, and for others, an end to the relationship either through termination of contract or ending of the agreement/arrangement that covers their association with IWGIA.

Visitors and Partners: up to and including termination of all relations including contractual and partnership agreements with IWGIA.

Appropriate legal and other actions may be taken for breaches or non-compliance.

IWGIA will decide on a case-by-case basis about how allegations of breaches of the Safeguarding Policy will be addressed. Allegations relating to child 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 representative 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.

Malicious complaints

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

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.