

DUBLIN

Front Line Defenders – Head Office
Second Floor, Grattan House
Temple Road, Blackrock
Co. Dublin, A94 FA39, Ireland

info@frontlinedefenders.org
www.frontlinedefenders.org

phone +353 1 212 3750
fax +353 1 212 1001

BRUSSELS

Front Line Defenders – EU Office
Square Marie-Louise 72
1000 Brussels
Belgium

euoffice@frontlinedefenders.org
www.frontlinedefenders.org

phone +32 2 230 9383
fax +32 2 230 0028

Front Line Defenders Safeguarding Policy¹ 29th March 2019

For all Front Line Defenders employees (including those employed as contractors), fellows, interns, volunteers and representatives worldwide. This policy will apply even in the event that Front Line Defenders policy is more stringent than local legislation. Front Line Defenders will undertake a risk assessment that includes Safeguarding as part of the security planning for any work in a country where the legal framework might contradict this policy and/or where the political and human rights context may provide additional challenges to how the policy is implemented, for example where the authorities cannot be trusted.

Additional guidelines and materials are available internally including the organisation's values statement, the revised Complaints Procedure, Staff Terms & Conditions, Travel Security Guidelines, Sexual Harassment Policy, Child Protection Policy.

This policy was adopted by the Board of Directors on 29th March 2019 and the policy and its implementation will be reviewed annually. The policy was developed in consultation with staff, other international NGOs, external experts, and the Programme Sub-Committee of the Board.

Contents:

- 1) Policy Statement
- 2) Front Line Defenders' Safeguarding Principles
- 3) The approach of Front Line Defenders to Safeguarding
- 4) Definitions
 - 4.1. Safeguarding and Protection
 - 4.2. Vulnerability in the context in which we work
 - 4.3. Abuse
 - 4.4. Sexual exploitation and abuse
 - 4.5. Harassment and sexual harassment
- 5) Roles and Responsibilities
- 6) Support for Survivors and Victims
- 7) Safe Programming at Front Line Defenders

1 These guidelines have been drafted using the Safeguarding Adults Policy and other related information from Oxfam as a basis. Oxfam works in a different context but we believe there are significant similarities and they have been obliged to give this matter rigorous attention in the last years. The original document can be seen here: <https://www.oxfam.org.uk/what-we-do/about-us/plans-reports-and-policies> & https://d1tn3vj7xz9fdh.cloudfront.net/s3fs-public/file_attachments/oxfam_employee_code_of_conduct.pdf

- 8) How to Respond to a Complaint or Concern
 - 8.1. What to do if you have concerns about abuse or wellbeing
 - 8.2. Confidentiality
- 9) How to Raise a Complaint or Concern
- 10) Procedure for Handling Complaints
 - 10.1. Internal Response
 - 10.2. Retaliation against Complainants, Victims and Witnesses
 - 10.3. Outcomes of Misconduct
 - 10.4. False Allegations
 - 10.5. Receiving External Complaints and Concerns
- 11) Safe Recruitment
- 12) Research and use of images
- 13) Training

1. Policy Statement

The approach of Front Line Defenders to Safeguarding is based on our core values²:

In providing protection and support to human rights defenders, Front Line Defenders and its staff are committed to:

- *focusing on the primacy and centrality of defenders;*
- *demonstrating profound respect and empathy for defenders;*
- *meeting the needs expressed by defenders in a fast, flexible and relentless manner;*
- *achieving tangible impact;*
- *acting with independence, impartiality and integrity;*
- *performing with dedication, professionalism and accountability;*
- *showing transparency and openness; and*
- *developing participative and cooperative relations.*

Safeguarding is central to our ethos and needs to be integrated in all our activities.

At Front Line Defenders we believe that all people, regardless of age, gender, disability or ethnic origin have a right to be protected from all forms of harm, abuse, neglect and exploitation. Front Line Defenders will not tolerate the abuse of any individuals in any form and we are committed to putting the voices, rights and support of victims and survivors at the heart of our approach³. We will be guided by the Front Line Defenders values statement as well as relevant international human rights instruments including the Universal Declaration of Human Rights (UDHR,1948); the UN Convention on the Rights of the Child (UNCRC,1989); the UN Convention for the Elimination of all forms of Discrimination against Women (CEDAW,1979).

Front Line Defenders will not tolerate sexually abusive or exploitative acts being perpetrated by our employees (including those employed as contractors), fellows, interns, volunteers and representatives, or anyone associated with the delivery of our programmes. Employees and managers are bound to uphold this policy and to report people or incidents that they believe contravene it. Front Line Defenders' managers have a duty to ensure that allegations of sexual exploitation and abuse are investigated and, where they are found to be valid, that appropriate disciplinary measures are taken. Front Line Defenders also has a duty to provide appropriate assistance to any survivors of sexual exploitation and abuse by any individuals representing the organisation.

It is the responsibility of all representatives of Front Line Defenders to raise any concerns they have or those which are reported to them according to this policy. It is not their responsibility to decide whether or not abuse has occurred.

It is the responsibility of all Front Line Defenders managers to ensure the delivery of this policy and to promote it as relevant in all aspects of their work, to hold themselves and others to account and to help create a safe environment for all.

² <https://www.frontlinedefenders.org/en/vision-mission-core-values>

³ https://www.bond.org.uk/sites/default/files/resource-documents/bond_safeguarding_commitments_online.pdf

This policy will be applied in Ireland and in all places where Front Line Defenders undertakes activities. The policy covers sexual exploitation and abuse that occurs whether or not it is in a context related to Front Line Defenders' work.

This policy is intrinsic to an employee's terms and conditions of employment. It will be subjected to review and updating by management in consultation with staff.

2. Front Line Defenders' Safeguarding Principles

Front Line Defenders will ensure that:

- a) Concerns or allegations of abuse or neglect will always be taken seriously and will be reviewed by at least two designated persons who will decide whether there is a basis to conduct a full investigation;
- b) Front Line Defenders will seek to safeguard all individuals we work with, including all human rights defenders, by valuing, listening to and respecting them;
- c) All managers, employees and volunteers and other representatives have access to, and are familiar with, this policy and will know their responsibilities within it;
- d) All people working with and for Front Line Defenders will receive training in relation to Safeguarding at a level commensurate with their role;
- e) All staff, fellows, interns and volunteers will have access to information about how to report concerns or allegations of abuse, including those who may be at risk themselves;
- f) Front Line Defenders will not knowingly recruit staff, fellows, interns, volunteers or other representatives to roles in which they pose a known risk to the safety or wellbeing of individuals;
- g) All managers are responsible for promoting awareness of this policy within their teams.

3. The approach of Front Line Defenders to Safeguarding is :

- a) provide this policy to all staff, interns, fellows, volunteers and consultants as required reading and signing for acceptance of the conditions outlined;
- b) to implement the organisation's Mission Security Guidelines;
- c) to implement the organisation's Policy and Procedures on Bullying and Harassment (Staff Terms and Conditions Appendix 4);
- d) to implement guidelines for communications, images and messaging (Dochas code);
- e) to implement guidelines for safe programming;
- f) to have a Safeguarding team in place (Deputy Director & Head of Evaluation & Grants);
- g) to follow best practice in recruitment and training of staff, interns, fellows, volunteers and consultants.

4. Definitions

4.1 Safeguarding & Protection

Safeguarding individuals we work with, including human rights defenders, is part of the core mission and values of Front Line Defenders. A large part of our work is focused on providing support to individuals who are at risk because of their human rights work. In the context of Front Line Defenders we will use the term “Safeguarding” to refer to ensuring that the representatives or activities of Front Line Defenders do not have a negative impact on the individuals we work with. We will continue to use the term “Protection” to refer to our programmes to support human rights defenders to manage the risks that they face from others as a result of their work.

4.2 Vulnerability in the context in which we work

Many of the individuals Front Line Defenders engages with are experiencing high levels of stress as a result of the context in which they are working. Some of those individuals may also be experiencing trauma or other health issues as a result of attacks they have been subjected to. Front Line Defenders’ representatives are often working in countries where, as a result of poverty, repression, conflict, forced displacement or other factors, many individuals are living in a very vulnerable context. Front Line Defenders’ approach to Safeguarding must take the vulnerability of the individuals we work with into account as well as the power imbalance that always exists between the representative of an international NGO such as Front Line Defenders and those we engage with at the local and national level in many of the countries where we work.

4.3 Abuse

Abuse can take many forms and the circumstances of the individual must always be considered. It may consist of a single act or repeated acts. The following is a list of examples of the different types of abuse which may affect an individual:

- Physical – includes, but is not limited to, hitting, slapping, pushing, kicking, misuse of medication, unlawful or inappropriate restraint and inappropriate physical sanctions.
- Sexual – the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions (see also 2.4).
- Psychological – is emotional abuse which causes distress and can be verbal and non-verbal.
- Financial and material – includes theft, fraud, exploitation and pressure in connection to wills, property, inheritance and financial transactions, or inciting an adult at risk to do any of these things on another individual’s behalf; it may also involve the misuse or misappropriation of property, possessions and benefits of an individual.
- Discriminatory - includes abuse based on an individual’s race, gender, disability, faith, sexual orientation, or age; and other forms of harassment, slurs or similar treatment or hate crime/incident.

- Domestic Abuse – is “any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality.⁴”.

4.4 Sexual exploitation and abuse

Front Line Defenders will use the UN definition.⁵ The term “sexual exploitation” means 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. Similarly, the term “sexual abuse” means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

This includes unwanted sexual activity or behaviour that happens without consent or understanding. Front Line Defenders representatives must never engage in transactional sex. Front Line Defenders representatives must never engage in sexual activity with a child under the age of 18 whatever the local legal age of consent. The organisation will not consider lack of knowledge of the age of a person as an acceptable defence.

4.5 Harassment and Sexual Harassment⁶

The conduct prohibited for employees includes any verbal or physical conduct that may reasonably be perceived as denigrating or showing hostility toward an individual because of the individual's race, colour, religion, gender, pregnancy or related condition, national origin, age, disability, citizenship or other status protected by law. Front Line Defenders also prohibits harassment on the basis of the protected status of an individual's relatives, friends, or associates. Among the types of conduct prohibited for employees are epithets, slurs, negative stereotyping or intimidating acts based on an individual's protected status and the circulation (including, but not limited to, by e-mail), viewing on any computers, displaying or posting of written or graphic materials that show hostility toward an individual because of their protected status.

Sexual harassment is a problem that deserves special mention, and constitutes discrimination and is prohibited and illegal. Sexual harassment includes, but is not limited to unwelcome sexual advances, requests for sexual favours and other verbal or physical conduct of a sexual nature when, for example a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. Sexual harassment is not limited to explicit demands for sexual favours, but may also include such actions as sex-oriented kidding, teasing or jokes; repeated offensive sexual flirtations, advances or propositions; obscene or sexually-oriented language or gestures; viewing on any computers, displaying,

4 UK Home Office Guidance: Domestic Violence and Abuse

5 <https://oios.un.org/resources/2015/01/ST-SGB-2003-13.pdf>

6 Based on AWID Employee Handbook

posting or circulation (including, but not limited to, by e-mail) of obscene or sexually-oriented printed or visual materials; and offensive physical contact such as grabbing, patting, pinching or brushing against another's body.

See also the Child Protection Policy (section 4) for definitions of child abuse, categorised as neglect, emotional abuse, physical abuse and sexual abuse.

5. Roles and Responsibilities

Safeguarding is everyone's responsibility and failure to act on concerns relating to an individual at risk is not an option. Front Line Defenders' managers, and ultimately the Board of Directors, hold overall accountability for this policy and its implementation. There is an option for a complaint to be channelled to a designated Board member where it concerns a senior manager⁷ and the Executive Director will report to the Board on an annual basis regarding the implementation of the policy.

Front Line Defenders' Executive Director and Board are responsible for reviewing and updating this policy annually, and in line with legislative and organisational developments and hold overall accountability for Front Line Defenders Safeguarding.

All representatives⁸ of Front Line Defenders are required to adhere to this policy at all times. It is the responsibility of all employees requesting a third party to undertake work on behalf of Front Line Defenders to ensure that the third party receives a copy of the Safeguarding Policy, understands and signs it.

All Front Line Defenders employees and representatives are obliged to report any suspicions of abuse of individuals. Failure to report to a relevant person suspicion of abuse relating to someone else is a breach of Front Line Defenders' Safeguarding policy, and could lead to disciplinary action being taken. For the avoidance of doubt, there is no obligation placed on any individual to report any incident that has happened to them.

Front Line Defenders' Safeguarding Team is composed by the Deputy Director and the Head of Grants and Evaluation. The Safeguarding Team and Executive Director can offer further support to help staff and volunteers on implementing this policy.

All allegations or suspicions of abuse concerning a child must be reported to the Child Protection Officer according to the procedures outlined in the Child Protection Policy (Section 6).

6. Support for Survivors and Victims

Support will be offered to survivors and victims, regardless of whether a formal internal response is carried out (such as an internal investigation). Support can include specialist psycho-social counselling, access to the Front Line Defenders Employee Assistance Programme and/or access to other specialist and appropriate support as needed.

⁷ See Complaints policy

⁸ Representatives include staff, fellows, interns, volunteers, trainers, consultants and any other person contracted to represent the organisation.

Survivors and victims can choose if and when they would like to take up the support options available to them.

In cases of allegations or suspicions of child abuse, the guiding principle will be that the safety of the child is always the most important consideration.

In all reported incidences an initial risk assessment will be conducted and measures put in place to maintain safety pending investigation for both the victims and survivors and the subject of the complaint. The subject of the complaint will also be supported through these mechanisms until the investigation is complete.

7. Safe Programming at Front Line Defenders

We recognise there is always a possibility of inflicting unintended harm, particularly in relation to vulnerable populations such as human rights defenders at risk. For this reason, we have guidelines and policies in place intended to minimise this risk when directly or indirectly working with human rights defenders.

The Child Protection Policy outlines best practice in the management of activities with children.

Responsibility for ensuring these guidelines and policies are applied lies with relevant managers, the Deputy Director and the Executive Director. However, all Front Line Defenders staff and representatives must take personal responsibility for upholding these guidelines.

8. How to Respond to a Complaint or Concern

Front Line Defenders is committed to responding to all complaints and concerns of abuse.

Internal complaints may be made to the Safeguarding Team (Deputy Director and the Head of Grants and Evaluation), who will follow the process outlined in the Complaints section of Front Line Defenders Staff Terms and Conditions of Service. External complaints will be examined by the Safeguarding Team in accordance with the External Complaints Procedure. Complaints regarding a member of the Safeguarding Team will be referred to the Executive Director. Complaints regarding the Executive Director will be referred to the designated Board member (see Complaints Policy for details).

Front Line Defenders recognises that disclosures and suspicion should always be acted upon swiftly, and if there is an urgent vulnerable individual situation, for example, if a vulnerable person at risk is in imminent danger of abuse, then immediate protective action must be taken.

8.1 What to do if you have concerns about abuse or wellbeing

The first priority should always be the immediate safety and welfare of the individual concerned. Keep calm and act normally; do not say or show that you are shocked. Do not investigate or question the individual who may be at risk or have been abused. If an

individual reports abuse directly to you, only ask questions to get enough information to understand the complaint (e.g. 'who, what, where, when' questions, but not 'why' questions).

Never agree to keep a secret. If a person is in danger you will have to inform others. Do not directly challenge other people about your concerns. Record all the details that support your suspicion and report this in line with internal reporting procedures.

8.2 Confidentiality

Front Line Defenders staff and representatives cannot keep confidences when they involve concerns about abuse. Any information offered in confidence to Front Line Defenders staff or representatives relating to risks or concerns about abuse or the risk of abuse should be received on the basis that it will have to be shared with the relevant person or people in authority. In the first instance this will be the Safeguarding Team.

It is the responsibility of all who represent Front Line Defenders, in whatever capacity, to raise concerns regarding possible or known issues of child abuse or exploitation in projects managed or supported by Front Line Defenders immediately, in line with the Child Protection Policy.

9. How to Raise a Complaint or Concern

Anyone can raise a concern or make a complaint to Front Line Defenders about something they have experienced or witnessed.

Front Line Defenders staff members, fellows, interns and volunteers may make a complaint verbally or in writing to the Safeguarding Team.

Complaints may also be made by others through the dedicated page on our website or by email to complaints@frontlinedefenders.org

If an allegation is made against you, then you must inform your manager immediately. You must create a signed and dated record of the details as you know them and send a copy of this to the Deputy Director. All those accused will be treated fairly and with respect. You may wish to seek support from a colleague in any process and that colleague will also be covered by the confidentiality requirement.

10. Procedure for Handling Complaints

When a complaint or concern has been raised, it must be referred within 24 hours to Front Line Defenders' Safeguarding Team. This can be done on behalf of somebody else, and may only involve a suspicion.

10.1 Internal Response

Within 72 hours of receiving a complaint or concern, Front Line Defenders' Safeguarding Team must convene a case conference. An email should be sent to the complainant to

acknowledge the complaint in writing as soon as possible. Front Line Defenders will refer suspected cases of abuse which if substantiated would constitute an offence under Irish law to the local statutory authorities where possible.

In considering the complaint, the Safeguarding Team will follow the procedure outlined in the Complaints section of the Staff Terms and Conditions of Service, unless other more specific policies apply (e.g. Bullying and Harassment Policy, Child Protection Policy).

Confidentiality (with the exception of reporting mandated in the policy) must be maintained throughout the complaints process by all staff and witnesses. Staff members who breach confidentiality will be subject to disciplinary action up to and including termination of employment. In some cases, such breaches constitute breaking the law.⁹

10.2 Retaliation Against Complainants, Victims and Witnesses

Front Line Defenders will take action against any staff, volunteers or other representatives, whether they are the subject of a complaint or not, who seek or carry out retaliatory action against complainants, victims or other witnesses. Staff who are found to do this will be subject to disciplinary action, up to and including termination of employment.

10.3 Outcomes of Misconduct

Employees who are found to contravene this policy will be subject to disciplinary action that may result in dismissal. Volunteers, contractors and other representatives may have their relationship with Front Line Defenders terminated.

10.4 False Allegations

It is extremely rare that staff or other stakeholders are found to have raised allegations which they knew to be false. If a member of staff from Front Line Defenders is found to have made an allegation that they knew to be false they will be subject to disciplinary action, up to and including termination of employment.

10.5 Receiving External Complaints and Concerns

Complaints raised from outside the organisation must be referred to Front Line Defenders' Safeguarding Team either by the staff member or representative who receives the complaint or directly through the dedicated page on our website or by email to complaints@frontlinedefenders.org. All participants in Front Line Defenders conferences or trainings as well as any partners involved in projects will receive a summary of the Safeguarding Policy with details of where complaints can be made.

⁹ See also Front Line Defenders Privacy Policy which includes Front Line Defenders endeavours to protect all information through compliance with the Irish Data Protection Act 1988, the Irish Electronic Communications Regulations 2003, the UK Data Protection Act 1998 and the UK Electronic Communications (EC Directive) Regulations 2003.

11. Safe Recruitment

Front Line Defenders is committed to recruiting staff, fellows, interns, volunteers and other representatives safely. All documentation submitted in application, interviews and references must address Safeguarding and equality requirements and attitudes in line with the Recruitment Policy.

All applicants must be asked to disclose all criminal convictions in keeping with the parameters of local employment law; we are not able to offer volunteering opportunities to anyone with spent or unspent convictions for sexual offences or any form of abuse;

Applicants should not start work until at least two references have been checked and any legitimate register checks have taken place.

12. Research and use of images

Research with individuals who have been subjected to abuse must be well thought through. Front Line Defenders representatives must give particular attention to the process for gathering content about those subjected to abuse, how to protect their identity, how to share and store such content and how to achieve “informed consent”.

Front Line Defenders is committed to working in conformity with the Dochas Code of Conduct on Images and Messages. Any disputes about the use of images must be addressed to the Deputy Director.

13. Training

All Front Line Defenders staff and other representatives will receive training on Safeguarding commensurate with their role. This training will be carried out by specialists on a regular basis and will include information about Front Line Defenders’ policy positions, reporting and investigation procedures, and how to embed Safeguarding across the organisation.