

# POLICY ON HUMAN RIGHTS AND WORKING WITH MARGINALISED GROUPS & VULNERABLE PEOPLE

## 1. PURPOSE

- 1.1. This policy articulates Saffron Aid's commitment to respect and promote human rights and advance the inclusion of marginalised groups and vulnerable people, especially through the design and implementation of Aid and Development Activities.

## 2. BACKGROUND

- 2.1. Human rights are central to achieving effective and equitable conservation and development outcomes. They are universal, inalienable, interdependent and interrelated. Everyone is born with and possesses the same human rights, regardless of nationality, ethnicity, indigeneity, race, age, gender, gender identity, sexuality, sexual orientation, religious or political affiliation, disability, poverty, socio-economic status, caste, class, displacement, or any other status.
- 2.2. Saffron Aid has been active in the development and promotion of the 2030 Agenda for Sustainable Development, at the core of which are 17 Sustainable Development Goals ("the SDGs"). We endorse, in particular, the SDGs' vision that "**all human beings can fulfil their potential in dignity and equality and in a healthy environment**" and commitment to focus on the most vulnerable in order to "**reach the furthest behind first.**"
- 2.3. Saffron Aid is a founding signatory of the *Conservation Initiative on Human Rights*' "Conservation and Human Rights Framework" which articulates a commitment to:
  - **Respect internationally proclaimed human rights**, as contained in the Universal Declaration on Human Rights and other applicable international instruments, and **ensure that conservation efforts do not contribute to infringements of human rights**
  - **Support and promote the protection and realisation of human rights**
  - **Make special efforts to avoid harm to those who are vulnerable** to infringements of their rights and to support the protection and fulfilment of their rights
  - Support the **improvement of governance systems** that can secure the rights of indigenous peoples and local communities.
- 2.4. Saffron Aid abides by the Australian Council for International Development's (ACFID) Code of Conduct, which commits members to:
  - Respect and protect human rights
  - Respect and respond to the needs, rights and inclusion of those who are vulnerable and those who are affected by marginalisation and exclusion

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- Promote the empowerment of primary stakeholders
- Promote gender equality and equity
- Promote the empowerment of people with disabilities
- Promote the participation, and advance the safeguarding of, children.

2.5. This policy should be read in conjunction with Saffron Aid's *Sustainable & Inclusive Development Policy* and *Gender Policy*.

### 3. POLICY

#### ***General human rights***

3.1. International human rights standards, and the codes and frameworks to which Saffron Aid is bound, outline principles that affect not just the scope of development programs and projects, but the process through which development strategies are formulated and implemented. Saffron Aid endorses these principles as a framework for our Aid and Development Activities, particularly recognising:

- The inherent dignity of each person
- The principle of equality and non-discrimination
- The indivisibility and interdependence of civil, political, economic, social and cultural rights
- The fundamental principles of the right to participation, and principles of inclusion and plurality. These principles are further articulated in Saffron Aid-Australia's *Sustainable and Inclusive Development Policy (2018)*.

3.2. Saffron Aid recognises that the promotion of human rights in the context of conservation and development programs and projects involve complex issues not easily resolved by a policy commitment or human rights checklist. In considering the human rights dimensions of our work, Saffron Aid is open to dialogue with Partner Organisations, local communities, and bodies representing the interests of marginalised groups.

3.3. Saffron Aid endorses the 2030 Agenda for Sustainable Development, and our programs and projects support communities and countries to achieve the Sustainable Development Goals. The 2030 Agenda is a universally adopted development framework grounded in the Universal Declaration of Human Rights, international human rights treaties, the Millennium Declaration, and the 2005 World Summit Outcome Document, and is informed by other instruments such as the Declaration on the Right to Development.

3.4. Saffron Aid is committed to respecting and promoting the human rights of all people, and recognises that special attention must be given to the rights of people and groups who are often marginalised or particularly vulnerable to infringements of their rights.

#### ***Promoting Gender Equality and Equity***

*Note: this section should be read in conjunction with Saffron Aid-Australia's Gender Policy.*

Cultural perspectives are often deeply entrenched and can influence a wide range of societal norms, roles, responsibilities, relationships, power dynamics, and access to resources. Saffron Aid understands that gender refers to the socially constructed characteristics applied to women and men, boys and girls, as well as transgender and people who do not necessarily identify as male or female. Saffron Aid does not make the assumption that

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gender is fixed and acknowledges that people express or experience gender in different ways.

- 3.6. Saffron Aid recognises that all people, regardless of gender or sexual identity, possess the same human rights, including the right to participate in and benefit from development, and in many cases, people face discrimination and/or exclusion due to their gender or sexual identity.
- 3.7. Saffron Aid believes that contributing to gender equality is an essential building block for sustainable development and effective conservation. An integral part of WWF-Australia's mission is to ensure that natural resources of our planet are shared equitably.
- 3.8. Saffron Aid ensures that the design and implementation of our conservation and development programs and projects incorporate different gender perspectives and are based on gender disaggregated data and contextual analysis of barriers to the full participation of people marginalised due to their gender. In particular, Saffron Aid and our Partner Organisations promote opportunities for women and girls to participate in decision-making.
- 3.9. Saffron Aid also recognises that promoting reproductive and sexual health rights are integral to achieving gender equality. Ensuring that all people have information on, and access to, safe, effective and affordable family planning methods of their choice is also an important means of improving global health and reducing pressures on the environment.

### ***Promoting the Rights of People with Disabilities***

- 3.10. Saffron Aid understands that disability refers to the interaction between persons with impairments and social and environmental barriers that hinders their full, equal and effective participation.
- 3.11. Saffron Aid endorses the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol, and recognises people with disabilities as active agents, capable of claiming their rights and making decisions about their lives based on their free and informed consent.
- 3.12. Noting that an estimated 20% of the population of the poorest people in developing countries have a disability<sup>1</sup>, and that people with disabilities are more likely to face increased risks of social exclusion, violence and marginalisation<sup>2</sup>, Saffron Aid recognises that disability is a major development concern for individuals, their families and wider communities.
- 3.13. Saffron Aid and our Partner Organisations commit to embedding disability-inclusive approaches across our development and conservation work, including through:
  - Culturally-appropriate disaggregation of social and economic data by disability indicators<sup>3</sup>
  - Consultation with local Disabled Peoples Organisations (DPOs)

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<sup>1</sup> World Health Organisation (2011) *World Report on Disability*

<sup>2</sup> Hughes, K et al (2012) "Prevalence and risk of violence against adults with disabilities: a systematic review and meta-analysis of observational studies" *The Lancet* Volume 379, Issue 9826, 1621-1629.

<sup>3</sup> *Saffron Aid encourages, at a minimum, the use of the Washington Group Short Set of Disability Questions for establishing an appropriate baseline for informing disability-inclusive program/project design.*

- Adapting project and program designs and implementation processes to facilitate the participation of, and equitable benefit sharing with, people with disabilities.

### ***Promoting the Rights of Children***

- 3.14. Saffron Aid is committed to protecting the rights of children and recognises children as a social group often excluded or marginalised in development processes.
- 3.15. Children are endowed with the same inalienable rights as adults. Due to their increased vulnerability to exploitation and abuse, children also have the right to additional, special protections.
- 3.16. WWF-Australia's first priority is to manage the risks of any inadvertent infringement of children's rights, particularly the right to be protected from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, as defined in the UN Convention on the Rights of the Child. Our approach to managing these risks is outlined in WWF-Australia's *Child Protection Policy (2018)*.
- 3.17. Saffron Aid also recognises the rights of children to express their views freely in all matters affecting their lives. In the context of our aid and development work, we seek opportunities to safely and meaningfully facilitate the participation of children and, where appropriate, incorporate their perspectives into the design and implementation of activities.

### ***Promoting the Rights of Indigenous Peoples***

- 3.18. Saffron Aid recognises that most of the remaining significant areas of high natural value on Earth are inhabited by indigenous peoples and that indigenous peoples, their representative institutions and conservation organisations should be natural allies in the struggle to conserve both a healthy natural world and healthy human societies.
- 3.19. Saffron Aid acknowledges that without recognition of the rights of indigenous peoples, no constructive agreements can be reached between conservation and development actors and indigenous peoples.
- 3.20. Saffron Aid recognises that, around the world, indigenous peoples are often discriminated against and politically, socially, and economically marginalised.
- 3.21. Saffron Aid is committed to make special efforts to respect, protect and comply with the collective and individual rights of indigenous peoples, including customary as well as resource rights, in the context of development and conservation initiatives.
- 3.22. Saffron Aid recognises the enormous contributions that indigenous people make to the maintenance of many of the Earth's most fragile ecosystems. We endeavour to work with locally recognised representatives of indigenous groups to design and implement programs and projects that meet conservation and development objectives as well as supporting the rights of indigenous peoples to improve the quality of their lives and benefit directly and equitably from the conservation and sustainable use of natural resources within their territories or other benefits realised from their intellectual property and traditional knowledge.
- 3.23. WWF recognises that indigenous peoples have the right to determine priorities and strategies for the development or use of their lands, territories, and other resources, including the right to require that States obtain their free and informed consent prior to the

approval of any project affecting those lands, territories, and resources.

- 3.24. In instances where multiple local groups claim rights to resources in indigenous territories, Saffron Aid recognises the primary rights of indigenous peoples based on historical claims and long-term presence, with due regard for the rights and welfare of other legitimate stakeholders.
- 3.25. Saffron Aid recognises the right of indigenous peoples not to be removed from the territories they occupy. Where their relocation is considered necessary as an exceptional measure, it shall take place only with their free, prior and informed consent, and in full respect of national and international laws and conventions which guarantee the rights of indigenous peoples.
- 3.26. Saffron Aid recognises the right of indigenous peoples living in voluntary isolation and/or initial contact to their lives, lands and territories, and to freely decide to remain in isolation, maintain their cultural values, and freely decide if, when and how they wish to contact and/or integrate with the outside world.
- 3.27. Saffron Aid's activities within indigenous peoples' lands and territories, partnerships with indigenous peoples' organisations, and partnerships with other organisations whose activities may impact upon indigenous peoples will be governed by the principles of partnership detailed in the *Indigenous Peoples and Conservation: Saffron Aid Statement of Principles*.

### ***Promoting the Rights of People with HIV/AIDS***

- 3.28. Saffron Aid recognises that, in addition to being a serious public health challenge in many of the countries in which we work, HIV/AIDS is a critical threat to sustainable development.
- 3.29. Saffron Aid also understands that in many of the places in which we work, people living with, or otherwise affected by, HIV/AIDS face discrimination and increased risk of marginalisation.
- 3.30. Accordingly, Saffron Aid will not permit any discrimination against staff, contractors, or volunteers having, perceived as having, living with or otherwise affected by HIV or AIDS.
- 3.31. Saffron Aid will not require staff, their dependents, job applicants or other third parties to disclose their HIV/AIDS status as a condition of employment or receipt of benefits. HIV and AIDS will be treated confidentially, as will all other medical conditions, in accordance with Saffron Aid policies.
- 3.32. Saffron Aid and our partners are committed to providing a work environment that protects staff health and safety and respects the rights of people with HIV and affected communities. This commitment recognises that HIV/AIDS cannot be transmitted through casual contact and that employees who know the facts about HIV and AIDS are less likely to react negatively or inappropriately to a colleague or community member's illness. Therefore, Saffron Aid will ensure that HIV/AIDS information is included in first-aid training and that staff have access to training and awareness on the use of infection control measures at

work.

- 3.33. Saffron Aid and our Partner Organisations will seek to understand how HIV may change the context of our development and conservation work, how this work can reduce or inadvertently increase vulnerability to HIV infection or marginalisation of people affected by HIV/AIDS, and how our work can respond to vulnerability to HIV and its impacts.
- 3.34. Saffron Aid will also endeavour to promote opportunities for people marginalised due to their HIV/AIDS status to participate in decision-making.

#### **4. SOURCES OF AUTHORITY**

##### **4.1. International**

- *Universal Declaration of Human Rights*
- *Transforming Our World: the 2030 Agenda for Sustainable Development*
- *International Covenant on Economic, Social and Cultural Rights*
- *International Covenant on Civil and Political Rights*
- *Convention on the Elimination of all Forms of Discrimination Against Women*
- *Convention on the Rights of the Child (including its Optional Protocols)*
- *Convention on the Rights of Persons with Disabilities (including its Optional Protocol)*
- *United Nations Declaration on the Rights of Indigenous People's*
- *United Nations Declaration on the Right to Development*
- *UN Convention on Biological Diversity*
- *ILO Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries*
- *ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.*

##### **4.2. Australian Federal Legislation**

- *Australian Human Rights Commission Act (1986)*
- *Age Discrimination Act (2004)*
- *Disability Discrimination Act (1992)*
- *Racial Discrimination Act (1975)*
- *Sex Discrimination Act (1984).*

##### **4.3. Department of Foreign Affairs and Trade policy**

- *Australian NGO Accreditation Guidance Manual (October 2016)*

##### **4.4. Australian Council for International Development**

- *ACFID Code of Conduct (June 2017)*

##### **4.5. WWF International**

- *Conservation and Human Rights Framework* (Conservation Initiative on Human Rights)

## 5. SCOPE

5.1. This policy applies to all Saffron Aid board members, staff, volunteers and contractors. 5.2.

This policy applies to all Partner Organisations (including implementing country offices in the WWF global network) and their board members, staff, volunteers and contractors implementing Aid and Development Activities funded by, or through, Saffron Aid

## 6. DEFINITIONS

Aid and Development Activities	Activities explicitly designed to reduce poverty and address issues of global justice through projects, advocacy and other approaches which improve the conditions of communities in sustainable ways.
Child (also, “children” or “boys and girls”)	Recognising that concepts relating to the status, roles, responsibilities and even definitions of children and childhood vary across countries and cultures, Saffron Aid employs the definition employed by the Convention on the Rights of the Child as any person under the age of 18, unless national laws mandate an earlier age of majority.
Dignity	The feeling of having decision-making power, freedom and autonomy over life choices, together with the feeling of self-worth and self-confidence, and feeling that one has the respect of others ( <i>Safety with dignity</i> , ActionAid 2009, based on <i>Protection: an ALNAP Guide for Humanitarian Agencies</i> , Slim and Bonwick 2005).
Disability	People with disabilities include those who have long-term physical, mental, intellectual or sensory impairments, which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others ( <i>United National Convention on the Rights of People with a Disability</i> ).
Free, Prior and Informed Consent (FPIC)	“Free, prior and informed consent’ is a right held by Indigenous Peoples. It means that Indigenous Peoples have the right to give or withhold their consent to projects that affect their land, territories and natural resources. The decision to give or withhold consent must be made free from force, intimidation, manipulation, coercion or pressure. Consent must be asked for prior to Government allocating land for a particular land use and prior to approval of specific projects. The decision to give or withhold consent must be an informed decision based on having information about the project that is understood by (the) community.” Oxfam Australia <i>Free, Prior and Informed Consent Training Cards</i>
Gender	Socially constructed roles and relationships between men, women, boys, girls, transgender people and people who do not necessarily identify as male or female, which affect their abilities and incentives

	to participate in society. Particularly in development, this can lead to different project impacts for people of different genders.
Gender equality	Equal opportunities and access to resources and outcomes. Achieving gender equality requires the removal of structural inequalities that are embedded in every society.
Gender equity	Fairness in access to resources and in the distribution of benefits from development, according to the different needs of people in society.
Gender perspective	Taking into account gender-based differences when looking at any social phenomenon, policy or process. A gender perspective focuses particularly on gender-based differences in status and power, and considers how such discrimination shapes the immediate needs, as well as the long-term interests, of people of different genders.
Human rights	Legal statements by the international community that assert the equality and dignity of all human beings. Includes civil and political rights and economic, social and cultural rights.
Marginalised	A person or group who is isolated, pushed to the edge, treated or considered unimportant, insignificant and powerless. (ACFID Code of Conduct)
Partner Organisations	Organisations implementing Aid and Development Activities funded by, or through, Saffron Aid.

## 7. RESPONSIBILITIES

### 7.1. Executive Management are responsible for:

- Ensuring that all Saffron Aid staff members, volunteers and contractors comply with all Saffron Aid policies
- Ensuring that all Partner Organisations and their board members, staff members, volunteers and contractors implementing Aid and Development activities funded by, or through, Saffron Aid, comply with all relevant legislation and Saffron Aid policies (including this one)
- Ensuring that escalation procedures and complaint records management systems are in place
- Reviewing unresolved and/or escalated complaints as they are presented and implementing an appropriate course of action.

### 7.2. People & Culture are responsible for:

- Ensuring that all staff members, volunteers and contractors comply with Saffron Aid's policies
- Assisting managers and supervisors with the construction of appropriate training and development programs designed to aid compliance with this policy

- Providing staff members, volunteers and contractors with support and assistance during any complaint handling process.

**7.3. Managers and supervisors** are responsible for:

- Ensuring that they and their staff members, volunteers and contractors comply with all Saffron Aid's policies
- Communicating this policy to all Partner Organisations, and ensuring that Partner Organisations communicate this policy to their board members, staff, volunteers and contractors implementing Aid and Development activities funded by, or through, Saffron Aid.
- Approving activities and/or funding only when the requirements of this policy have been met
- Providing the CEO/ People & Culture Director with all information that relates to breaches or potential breaches of this policy
- Ensuring that staff members, volunteers and contractors are trained in providing accurate information and handling/resolving complaints.

**7.4. All employees, volunteers, and contractors** are responsible for:

- Reporting and resolving any complaint and recording the complaint and actions taken in accordance with this policy.
- Complying with this policy, as required by the following procedures.

## **8. PROCEDURES**

- 8.1. This policy will be included in all contracts and memorandums of understanding with Partner Organisations.
- 8.2. No later than November of each financial year, Saffron Aid will organise an induction/workshop – which may be held either face-to-face or by Skype or phone conference – at which this policy, its importance and consequences of non-compliance, will be presented to the Partner Organisation's executive and relevant staff, volunteers and contractors.
- 8.3. All Aid and Development Activities funded by or through Saffron Aid and Partner Organisations and relevant staff, volunteers and contractors will be monitored to ensure they are not in breach of this policy. Monitoring will be proportionate to the amount of funding the risk of breach (as a result of the funded activities, organisation or skills and experience of board and staff) and will be recorded in the program/project file. Monitoring will include at least one country visit annually at which this policy will be made the subject of special presentation.
- 8.4. Applying this policy may be difficult in some situations and sound judgement will be necessary. The policy cannot provide a specific response for every circumstance. SA will apply the spirit and intent of this clause in the conduct of Aid and Development Activities.

8.5. If this policy does not provide a clear answer on how to comply in a particular circumstance, Saffron Aid will document clearly the decisions made and the reasons behind them and make them available to both recipients and donors.

8.6. Feedback is important to SA and our Partner Organisations as it encourages improvement. Therefore, all feedback is welcomed. Feedback will be directed to the relevant Department of Saffron Aid for action. A complainant regarding an alleged breach of ACFID Code of Conduct can be made directly to ACFID (<https://acfid.asn.au/content/complaints>).

## 9. CONFIDENTIALITY AND DOCUMENT CONTROL

9.1. A copy of the policy will be provided to any person or organisation on request.

## 10. APPROVAL

**Name:** Richard McMillan

**Title:** Chairperson

**Date of Issue:** 15/ April / 2019