

Policy on Counter-Terrorism Measures

SEPTEMBER 2018, VERSION 3

1. Introduction

The purpose of the Counter-Terrorism Policy is to promote awareness and prevention of the support of terrorism. Specifically, the policy seeks to prevent, detect and deter the deliberate or unknowing facilitation or support of terrorist groups and organisations, or individuals associated with terrorism and/or organised crime.

Union Aid Abroad - APHEDA complies with the provisions of the *Anti Terrorism Act 1995* (Cth) and the *Criminal Code Act 1995* and the Criminal Code Amendments (Terrorism) Act 2003 & 2004 to uphold its integrity as a humanitarian organisation.

Along with the international trade union movement and our international partners, Union Aid Abroad – APHEDA condemns “brutal acts of terror directed against civilians and aimed at maximum loss of lives, (which) cannot be excused, rationalized, justified or defended under any circumstances”¹.

Union Aid Abroad – APHEDA endorses the Australian Council of Trade Unions (ACTU) policy on terrorism adopted at its 2003 Congress, which sees the following as “fundamental pillars of peace”:

- “acceptance of the authority of the UN and the provision of additional resources to UN agencies”
- “the promotion of freedom, democracy, justice, peace education, and of basic human and trade union rights”
- “development assistance and socio-economic programs that attack the root causes of war, conflict, and terrorism by addressing the conditions that deprive communities of justice and an equitable share of resources”

Union Aid Abroad – APHEDA also endorses the 2010 resolution of the International Trade Union Confederation (ITUC) which “condemns terrorism in all its forms and under whatever pretext” and which recognises that “efforts to defeat terrorism must address effectively those factors, notably poverty, injustice, ethnic and religious discrimination, and unemployment which enable terrorist organisations to build support and to recruit and must not, themselves, violate human rights, including trade union rights”.²

Furthermore, the trade union movement sees terrorism as mainly impacting tragically on working people and that terrorist groups seek to circumvent or preclude mass popular action for social justice and peace.

- Union Aid Abroad – APHEDA will inform our understanding of counter-terrorism measures with recognition: of its intersection and interaction with the related challenges of transnational crime;
- of the legitimate rights of peoples, recognised in international law, to resist tyranny and to exercise self-determination;
- of our obligation as a humanitarian organisation to assist those in need;
- of our ethical obligations to support those in need regardless of their political, religious, or trade union affiliation, and obligations to respect the rights of privacy of project participants in regard to their political and religious beliefs.

¹ ACTU Congress 2003, International Policy, paragraph 15

² Resolution on Democracy, Peace, Security and the role of the United Nations, 2nd World Congress, ITUC, 2010.

2. Definition

Terrorism is understood as the threat or use of violence or force against property, individuals or groups in the civilian population, sometimes randomly effected, to create fear and disruption in order to achieve political, religious or social ends, to intimidate opponents, to exact punishment or revenge, or to publicize grievances, usually by individuals or non-state groups.

3. Purpose of the policy

Union Aid Abroad - APHEDA recognises its obligations under Australian and international laws, and resolves to put in place policy and procedures to:

- Prevent any of our assets, tangible and intangible, from being utilised by entities recognised as terrorist;
- Ensure our partnerships explicitly represent our mutual condemnation of terrorism.

4. Scope

This policy applies to all Committee of Management members, employees, interns, volunteers, consultants, contractors and partners of Union Aid Abroad – APHEDA.

5. Principles

1. Union Aid Abroad - APHEDA has a zero-tolerance policy towards any association with terrorism and organised crime. To that end, Union Aid Abroad – APHEDA will ensure:
 - a) Funds are not provided directly or indirectly to individuals or organisations associated with terrorism and/or organised crime.
 - b) All individuals or organisations involved in implementing/facilitating projects on behalf of Union Aid Abroad - APHEDA are in no way associated directly or indirectly with organisations or individuals associated with terrorism and/or organised crime.
 - c) All activities, individuals/organisations involved, and the general practice and functionality of Union Aid Abroad - APHEDA adhere and comply with the relevant laws, regulations and policies of Australia and the countries in which Union Aid Abroad - APHEDA operates; and
 - d) Any Australian Government donor is immediately informed of any breach of this policy and, if appropriate or required, the national security hotline and the Australian Federal Police are also informed.
2. Union Aid Abroad - APHEDA requires all project partner organisations to work with Union Aid Abroad- APHEDA to comply with Australia's counter-terrorism laws and policies.

6. Guidelines

6.1 Organisation-wide risk management and periodic assessments

Union Aid Abroad – APHEDA has an organisation-wide risk framework. Counter-terrorism risk assessment considerations are included in this framework and regularly monitored. Risks are reported to each Committee of Management meeting.

6.2 Country Offices risk management

Union Aid Abroad – APHEDA Country Offices will follow the same policy and procedures as the Australian Office and report through monitoring procedures conducted by employees in the Australia international program.

6.3 Human resources directly engaged by Union Aid Abroad – Apheda

6.3.1 Recruitment

Union Aid Abroad – APHEDA will be vigilant in the recruitment and selection of all personnel (employees, interns, volunteers, contractors and consultants) to ensure due diligence in line with this policy. Personnel will be subject to a screening process including Australian federal police checks and, for employees other than Australian citizens, DFAT's Consolidated List prior to being employed. Detailed recruitment guidelines are outlined in the organisation's Governance and HR Procedure Manual.

6.3.2 Induction and Training

All employees and international volunteers will undertake counter-terrorism induction training at the commencement of their employment or engagement and will be made aware of Union Aid Abroad – APHEDA's Counter-terrorism Policy and procedures, including reporting procedures. The process for induction is detailed in the Governance and HR Procedures Manual.

Refresher training will be organised every two years or more regularly if requirements change or if the policy is revised.

6.4 Verification of due diligence and risk management on the part of delivery partners

Prior to working with a partner, Union Aid Abroad – APHEDA conducts a Partner Capacity Assessment which includes counter-terrorism considerations. All partners' board members, key employees and employees who will be working on a project will be checked against the DFAT Consolidated List. On the basis of this assessment and the checks conducted, Union Aid Abroad – APHEDA will decide whether or not to work with the relevant partner. Once accepted as a partner, checks of these key personnel against the DFAT Consolidated List are conducted every six months. The process for the partner's capacity assessment and selection of partners, as well as the process for ongoing partner checks, are outlined in the organisation's International Program Manual under 'Partner Selection and Project Appraisal'.

Partners will also be informed of Union Aid Abroad – APHEDA’s requirements regarding counter-terrorism, including that they must advise Union Aid Abroad – APHEDA if any new employees working on the project, new senior employees in the organisation or new Board members have been recruited so that they can be checked against the DFAT Consolidated List. Partner organisations will also be required by Union Aid Abroad – APHEDA to check third-party organisations that they will be working with on an APHEDA-funded project, including contractors and consultants. They are required to formally acknowledge and accept this requirement and obligation in the Letter of Agreement which is the contractual arrangement between Union Aid Abroad – APHEDA for a project.

From the information gathered in the Partner Capacity Assessment and the project appraisal more broadly, Union Aid Abroad – APHEDA will assess the risk related to potential terrorist activities and specific risk mitigation measures will be included in the overall project risk matrix, which may include more regular checks beyond the six monthly intervals. The process for completing and reviewing the overall risk matrix is outlined in the International Program Manual.

Once the Partner Capacity Assessment has been done and the risks registered in Union Aid Abroad – APHEDA Overall Risk Matrix, this will be recorded in the International Program Management Matrix. The procedures for completing this table is outlined in the International Program Manual.

6.5 Partner capacity building for counter-terrorism

Informed by the Partner Capacity Assessment and Risk Matrix, Union Aid Abroad – APHEDA will, when relevant and in liaison with the partner, agree on specific areas for partner capacity building to strengthen counter-terrorism measures. These will be included in the standard Partner Capacity Building Plans which are reviewed jointly on a yearly basis, when monitoring visits are taking place or at other times as agreed.

Procedures for review of the Partner Capacity Building Plans are detailed in the International Program Manual.

6.6 Project-level counter-terrorism risk management

Counter-terrorism risk management measures are included at all levels of project cycle management including project design, appraisal, monitoring, evaluation, and reporting and related procedures are included in the International Program Manual.

6.7 Visits to international programs

Union Aid Abroad – APHEDA will occasionally organise visits to its international program for Committee of Management members, Members of Parliament, Union Officials or Union Aid Abroad – APHEDA members. These visitors will be asked to supply a current Federal police check for Australian visitors, a legal equivalent for citizens of other countries or, when not available, a statutory declaration declaring that they are not or have not been a member of a group or organisation involved in criminal activities of conduct.

6.8 Communications and data risk management

Union Aid Abroad - APHEDA will have an internet safety system to ensure that all project, financial and management information and data are secured to protect from cyber attacks.

Union Aid Abroad – APHEDA’s communication, both internally and externally, will not contravene APHEDA’s policies on counter-terrorism.

6.9 Australian education and fundraising activities risk management

Union Aid Abroad - APHEDA requires volunteers in Australia to supply an Australian federal police check.

6.10 Suppliers of goods and services

Union Aid Abroad – APHEDA will ensure that suppliers of goods and services are checked against the DFAT Consolidated List. Contractors and consultants are also requested to supply an Australian federal police check or equivalent.

6.11 Reporting obligations regarding any suspected breach of this Policy

Union Aid Abroad - APHEDA personnel must immediately report:

- any suspected terrorist threat or activity by:
 - Union Aid Abroad – APHEDA personnel, including employees, volunteers, consultants, contractors, donors or members of the Committee of Management; and
 - personnel of an Union Aid Abroad – APHEDA partner organisation.
- any report made by anyone relating to suspected terrorist threat or activity or policy non-compliance by Union Aid Abroad – APHEDA personnel or personnel of an Union Aid Abroad – APHEDA partner organisation.

The process for reporting a breach is included in the Governance and HR Procedure Manual. The process also outlines what will be involved in the assessment that will be followed after the receipt of a report and the steps that may be taken.

For projects benefitting from DFAT funding, Union Aid Abroad – APHEDA will immediately report a suspected threat or activity to DFAT and, if appropriate, the national security hotline and the Australian Federal Police.

6.12 Roles and Responsibilities

6.12.1 Committee of Management and Executive Officer

It is the responsibility of the Committee of Management and Executive Officer to ensure that Union Aid Abroad – APHEDA takes every precaution to mitigate the risk of terrorism financing in its areas of operations.

Any suspected terrorist threat or activity must be reported to the Executive Officer or to the Union Aid Abroad – APHEDA Chair if the issue concerns the Executive Officer. Information on how, to whom and what to report is included in the Governance and HR Procedures Manual.

6.12.2 Senior managers (including Country Managers)

Senior managers (International Program Manager, Program & Quality Manager, Regional and Country Managers) act as the first point of contact to receive information of a suspected terrorist threat or activity, and they will immediately report to the Executive Officer. They are also responsible for ensuring that the counter-terrorism policy and procedures are followed and implemented by the staff and volunteers they supervise.

6.12.3 Employees

All International Program Employees in Australia and overseas are responsible for ensuring that partners are compliant with Union Aid Abroad – APHEDA's risk-based approach to prevent terrorism, including checking project partners and ensuring partners in turn check third-party organisations they work with.

All other Union Aid Abroad – APHEDA employees are responsible for ensuring that programs and activities are compliant with Union Aid Abroad – APHEDA's risk-based approach to counter-terrorism.

6.12.4 Counter-terrorism Resource Officer

In Union Aid Abroad – APHEDA, the International Program Manager (IPM) has overall responsibility for overseeing compliance with the Counter-Terrorism Policy. The IPM will act as a resource person on counter-terrorism to assist senior management. He/she will also be responsible for ensuring Union Aid Abroad – APHEDA is aware of and adopts any new counter-terrorism measures and related implementation requirements.

7. External: legislative and regulatory framework

- DFAT Terrorism-Financing Risk Management Statement
- DFAT Consolidated List of proscribed entities and individuals
- Attorney General's List of proscribed entities and individuals
- Part 5.3 of the Criminal Code Act 1995 and Criminal Code Amendment (Terrorism) Act 2003 & 2004
- Part 4 of the Charter of the United Nations Act 1945 (2002 regulations)