



# **Sexual Exploitation and Abuse Policy**

**July 2022**

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# Prevention of Sexual Exploitation and Abuse (PSEA) Policy

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## Key Acronyms

**SEA:** Sexual Exploitation and Abuse

**PSEA:** Prevention of Sexual Exploitation and Abuse

## Overview

**Effective Date:** July 1, 2022

**Next Review Date:** After one year, and thereafter every two years.

**Policy Mandate Holder:** COO and Director-Governance (For conservancies)

*This policy is in addition to the Children and Vulnerable Adults Safeguarding, the Sexual Harassment Policies, which cover other prohibited conduct, as well as the Human Rights Policy, NRT Code of Conduct, Whistleblowing Policy, and Human Resources Policy and Procedure manual.*

## Policy Introduction

As a leading organisation in Conservation and pursuant to our mandate, the Northern Rangelands Trust (NRT) has an obligation to respect and protect the rights of all members of the communities we work with – including those who are most vulnerable to exploitation and abuse.

We recognise that sexual exploitation and abuse (SEA) is a global phenomenon and from our own and others' experience, it is clear that working in Conservation, particularly in high-risk areas, can entail dealing with these issues. It is vital that SEA is not perpetrated or compounded by those who NRT and its member conservancies employ or work closely with – or if it is, that it be responded to appropriately. NRT is committed to strengthening protection from SEA and responding promptly and appropriately to any SEA allegations.

This policy is intended to provide guidance to all within its scope. This includes guidance on the definitions of SEA, responsibilities regarding prohibited behaviour, and the steps to take when actual or suspected incidents occur. The Policy sets out NRT's vision for preventing and responding to SEA and sets out concrete strategies and interventions for creating and maintaining a safe and respectful environment for the people NRT serves and for NRT staff and related personnel, including those of member conservancies. We commit to extending the reach of this policy to member conservancies. This includes a commitment to ensuring allegations of SEA are investigated in a fair and timely manner, whether they are made against NRT headquarter staff, or those employed in our member conservancies.

## Accountability Statement

NRT has a zero-tolerance approach for sexual exploitation and abuse. NRT commits to uphold the highest level of personal and professional conduct amongst those working in all conservancy and program contexts, to holding those who commit SEA accountable, and to respecting the rights and dignity of survivors.

1. The Chief Operations Officer (COO), and in the community conservancies, the Council of Elders and the Director Governance, have ultimate responsibility for ensuring that NRT is doing everything in its power to prevent, mitigate the risk of, and address SEA.
  2. This policy applies to the behaviour of NRT employees, directors, trustees, Council of Elders, consultants, suppliers, contractors, volunteers, donors, and all persons that NRT has a direct and close business relationship with within its operations and programming. It applies equally to all personnel, irrespective of their positions. Community Conservancy being separate and distinct entities shall develop similar policies and grievance/complaints mechanisms to support this policy.
  3. This policy is applicable during working and non-working hours.
  4. NRT commits to investigate SEA allegations using the laid-out procedures in a timely and impartial manner, sometimes involving neutral third parties.
  5. All acts of SEA shall be considered serious, and can constitute gross misconduct subject to disciplinary proceedings, leading to summary dismissal for staff or termination of contract for suppliers or consultants. In addition, NRT shall institute the necessary legal action against perpetrators.
- \* All forms of SEA will be considered serious unless exceptional circumstances for not considering them so arise. Examples of such circumstances may include instances where the young age of an employee is taken into account, or cases where there was a pre-existing relationship of a junior staff member, for instance with a 17 year old from their community. In such exceptional circumstances, the investigations will lead to a determination that does not automatically require summary dismissal.

## Approach

This policy details how NRT achieves its obligations on preventing and addressing SEA. NRT's approach includes:

- **A zero-tolerance approach:** NRT shall have zero tolerance on all forms of sexual exploitation and abuse. NRT is committed to protecting and safeguarding the basic human rights of all its officers including the right to be protected against sexual exploitation and abuse. Individuals who believe they have experienced some form of sexual exploitation and abuse should act promptly and seek initial guidance, support, and advice from NRT. NRT shall ensure that mechanisms are put in place to ensure that the rights all its Officers

and those affiliate companies and conservancies are protected particularly those of women and children from indigenous communities. NRT acknowledges that for its success to be meaningful, the complaints must be acted on in a non-discriminatory and accountable manner.

- **A survivor-centered approach:** The mechanisms NRT uses to receive and follow up on reports of SEA have been chosen and designed by community members following consultations with those most vulnerable to SEA: women and girls. NRT has not designed a system and expected community members to adapt to it, but rather, approached community members to determine what is most comfortable and accessible for them. This system is also designed with respect for the dignity of the survivor of SEA at its core. All individuals have a right to be treated with equal regard, dignity, concern, and decency. NRT shall also put in place mechanisms for ensuring anonymous reporting of abuses to protect the identity of the complainant. All reports and investigations shall be treated with utmost confidentiality. NRT will not tolerate any form of victim intimidation or harassment shall be subjected to disciplinary proceedings leading to summary dismissal or termination of contract.
- **Confidentiality:** All reports and investigations into sexual exploitation and abuse shall be treated with utmost confidentiality. The identity of parties shall also remain confidential. NRT shall use its best endeavors to ensure that the investigation process remains confidential.
- **Risk-management:** Risks of SEA will be proactively included and considered in all risk assessment processes, and mitigating measures will be adopted and recorded for all high risk programmes and activities.
- **Responsibility and accountability:** This policy mandates that all those subject to it shall not engage in SEA, and that they will not condone it, or fail to report it. There is an obligation on all those who become aware of SEA to report it through the channels described in this policy.
- **Communication of policy:** The information will be simplified and translated to a language that can be understood by all its staff and indigenous communities

## Policy Implementation

Acknowledging the right of individuals and communities that NRT, its member conservancies and its partners serve, to access the protection and support they need without fear of SEA; and the right of survivors of SEA to access timely and confidential investigation and effective and safe assistance and support, NRT will implement its prevention and response to SEA approach through the following means:

- **Awareness raising:** Awareness shall be created through newsletters and annual trainings and seminars/webinars. NRT shall also work with the relevant partners, communities, and stakeholders to explain the SEA policy in introductory and update meetings and will include SEA clauses in its contracts and agreements.
- **Training:** After this policy is adopted, two training of trainers' sessions will be held with community engagement staff, who will carry out training with communities in all member

conservancies on using this policy. Two days training will be held with staff on the policy, to ensure it is understood. Thereafter the key staff trained can conduct annual training sessions.

- **Human resources actions related to prevention:** NRT will conduct background checks of prospective employees to ensure there are not past allegations of SEA against them, and will not hire them if there are; will include SEA clauses in employment contracts; and will include information about SEA reporting processes and this policy during staff orientation.
- **Reporting Procedures:** NRT will provide a safe and secure environment for reporting, and appropriate channels for reporting that are trusted, and community based, as described in the reporting section below.

## Safe and Trusted Reporting Mechanisms

NRT recognises that reporting procedures in cases of SEA require deliberate effort to create an environment where, individuals, communities, or NRT personnel and partners feel safe to report violations and trust that immediate and decisive action will be taken against perpetrators.

### Internal reporting procedures

It is the obligation of all NRT Staff to raise concerns or suspicions they have whether they be actual or perceived. There are several options open in NRT for facilitating the reporting of a concern, as provided below.

### Making complaints

Complaints may be made anonymously. Those making the complaint should be aware that it is more difficult to investigate anonymous complaints, because most of the evidence is likely to be the witness account of the person making the complaint. Anonymous complaints should therefore be substantiated as much as possible to enable an investigation to take place.

- **Complaint box:** A complaint can be made, anonymously or by a named complainant, by dropping a typed complaint with a description of the incident or incidents of alleged SEA into a complaints box located strategically in the Office premises to ensure maximum confidentiality. The Human Resource Lead will be responsible for collecting the complaints and channeling them to the responsible committee for investigations.
- **Online portal:** An online portal will be set up, where people may submit a complaint, either anonymously or including their name, with a description of the incident or incidents of alleged SEA. The Human Resource Lead will be responsible for managing the portal and channeling complaints received to the complaints and responsible committee for investigations.
- **To the COO, or the Company Secretary, the Human Resource lead, and a junior staff member to be appointed after this policy is adopted. {Conservancy/Community leads to be included after consultations} Each member conservancy will identify three focal points:** It can be made writing to any of these officials. The person complaining ('the complainant') should write a complaint, either anonymously or as a named complainant,

describing the incident or incidents of alleged SEA. Once complaints are received by any of the designated officials, it is channeled to the committee responsible for investigating SEA cases. An email address will be set up as part of operationalizing this policy and will be shared with staff, other stakeholders, and will be displayed publicly at NRT headquarters and in member conservancies.

- **Independent agency:** Complaints can be made through telephone contacts and email addresses of independent agencies.

#### Anonymous complaints

NRT shall observe the principles of natural justice and procedural fairness by ensuring that anyone whose interests may be adversely affected by a complaint is aware of the allegations against them and given the opportunity to respond. This will include informing them of the identity of the person making the allegations, in circumstances where the complainant does not wish to remain anonymous. Where the person does wish to remain anonymous, NRT will investigate as much as it is able to with the information given. Multiple allegations against a single person, from anonymous or named sources, should be taken particularly seriously – and even if all sources are anonymous, proactive investigation should be undertaken to determine whether the allegations can be substantiated. It is recognized that some alleged behavior may constitute serious misconduct and possibly a criminal offence, and that such acts should be referred to appropriate external authorities. In such a case, the complainant should be informed that investigation requires that the complainant/victim is identified, and the matter should only be referred if the complainant/victim consents.

#### Confidentiality

The identity of parties shall remain confidential. NRT shall use its best endeavors to ensure that the investigation process remains confidential. The identity of whistleblowers and witnesses shall not be disclosed without their consent. All documents shall be kept in secure locations. All Officers involved shall sign non-disclosure agreements annually. Breaches of confidentiality by NRT staff will be considered a serious disciplinary issue, that may lead to dismissal.

#### Community Complaints Mechanism

NRT is committed to ensuring the community complaint mechanism is safe, gender-sensitive, and appropriate. **The procedure below has therefore been developed following consultations with communities in the Member Conservancies, particularly those most vulnerable.**

The community complaints mechanism to be established should be described here, only after consultations with the communities about the pathways they feel most comfortable with in reporting.

Some important considerations when designing this mechanism include:

- Asking community members about the way they already make complaints when they think they have been violated. Who do they feel comfortable speaking to this about? How can NRT tap into those organic complaints-receiving mechanisms, to ensure complaints and allegations reach NRT staff?

- Thinking through how confidentiality interests of those reporting and of survivors will be ensured. How will you ensure communication channels are secure?
- How will under-reporting be addressed by NRT – in the event this is identified as an issue?

### Receiving and investigating complaints

Complaints can either be submitted to the complaints boxes in the NRT offices, through the designed email address, through the online portal or to any of the four officers listed below at NRT headquarters: {Under development}

- the Chief Operations Officer;
- the Company Secretary;
- the Human Resource Lead;
- Agender lead-A female junior staff member to be designated when operationalizing the policy.

The Conservancies will dedicate three focal points for receiving complaints based on their assessment on access and comfort of their members in reaching out to the individuals and channels of communication identified.

In the event a complainant channels a complaint to an officer of NRT or the Conservancy who is not designated to receive complaints, then they are obligated to transmit the complaint to one of the three designated officers named above, or through the other channels for making complaints listed under the section “making complaints,” above.

### Investigations

Within a day of receipt, complaints will be channeled to the Standing Committee established to investigate SEA complaints, described below.

A response will be provided to the complainant upon receipt of the complaint within 24 hours.

This response;

- 1) details the process to be followed in the event of a complaint of sexual exploitation and abuse; and
- 2) requests, where appropriate, to provide further information or clarification of the complaint.

Complaints will be dealt with promptly, and ideally should be finalised within one month of receiving them. The outcome of the investigations will be documented in a report, and will include information on the action/sanctions taken. This information on the outcome of the investigation process will be shared with the parties.

All complaints shall be substantiated during the investigation process. Cases that are found to be ‘serious’ cases of sexual exploitation and abuse, they shall be considered to be gross misconduct to be subjected to disciplinary proceedings leading to summary dismissal or termination of contract. In addition, NRT shall institute the necessary legal action against perpetrators. Should any person make a complaint that is found to be false or vexatious,



sanctions may be applied through procedures set out in the disciplinary policy part of the human resource policy and procedure manual. Failure to prove a claim of exploitation is not equivalent to a false allegation.

#### Standing Committee for investigating SEA complaints

The Standing Committee for investigating SEA complaints will be appointed within one month of the adoption of this policy, and will have terms of 2 years. Applications to be on the Standing Committee should be made open to all NRT staff. Staff members will vote for the five committee members during a staff meeting. The final five committee members must comprise a mix of senior and junior staff, from different departments. The final five will be chosen by agreement by the Chief Operations Officer, the Company Secretary and the Human Resource Lead, and the female junior officer designated to receive complaints. Gender balance will also be observed when establishing the committee.

The committee members will receive training on investigating SEA cases. Trainings will be comprehensive and carried out by SEA investigation experts. No person who has not been trained on investigating SEA may carry out an investigation; if SEA complaints are received before the Committee has been trained, the investigation role but be carried out by a third party.

Members of the committee will also be tasked from time to time to training and raising awareness within the organisation and with member conservancies on SEA.

#### Rights of respondents

The parties involved with or affected by complaints dealt with under these procedures are entitled to a fair hearing and are kept fully informed of their rights and next steps throughout the process.

#### Protection against retaliation

NRT will not tolerate any form of intimidation or harassment, directed towards, victims, complainants, witnesses or whistleblowers, perpetrators shall be subjected to disciplinary proceedings which may lead to summary dismissal or termination of contract. Consultants, contractors or partners who engage in retaliatory acts will have their contracts or relationship with NRT terminated.

### Survivor Assistance

NRT is committed to ensuring survivors of SEA have access to quality, survivor-centered assistance and support appropriate to their needs. Notwithstanding, the outcome of the investigations, a survivor who needs assistance, will be assisted to receive the necessary support. Comprehensive support and assistance offered will be survivor-centered and may include:

1. Ethical advice and guidance to understand the reporting, investigation, assistance and decision making and implementation processes for SEA cases, so that survivors can make informed decisions on actions to take;
2. Medical services;
3. Psychosocial support and counselling;
4. Access to legal assistance.

NRT undertakes to enter into relationships with organisations able to gender-based violence service providers and other organisations who provide these services. NRT will refer those who have made complaints of SEA to these organisations. NRT commits to having a formal referral relationship set up with one of these organisations within six months of the adoption of this policy. If complaints of SEA are received before such a relationship is established, NRT will refer those who have submitted complaints to service providing organisations with which it does not have a formal relationship, if necessary at its own cost.

The confidentiality process enumerated above will be observed, and survivors will be protected from retaliation.

## Policy Implementation, Monitoring, Reporting, and Review

The COO is responsible for the independent oversight of the Policy on Prevention of Sexual Exploitation and Abuse and is in charge of its implementation within the organization. The COO will report to the Board/Council of Elders on progress made in implementing the policy on a quarterly basis. The COO will also initiate the reviews of this policy; first after one year, and thereafter every two years.

Once the Policy is adopted, the COO, the COE, Director Governance (at the Conservancy) and the Human Resource Lead, as appropriate, shall be responsible for creating and maintaining an environment that prevents sexual exploitation and abuse, and shall take appropriate measures for this purpose. In particular, they will ensure specific guidelines are developed to inform staff and personnel of member conservancies, of the standards of conduct expected by NRT (including the provisions set out above) and ascertain that each member of staff takes the mandatory training for preventing and addressing sexual exploitation and abuse. The Guidelines developed will also provide direction on how controls and procedures that will make this Policy effective, will be mainstreamed into the organisation's operations and programs.

The Human Resource Lead will be responsible for keeping a register of all SEA complaints, including information on how they are resolved.

## Definitions

### What is Sexual Exploitation and Abuse (SEA)?

Sexual Exploitation and Abuse refers to all forms of inappropriate conduct of a sexual nature. This includes, but is not limited to:

- Exchanging money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading, or exploitative behaviour;
- Profiting from sexual exploitation, in the form of monetary, social or political gain;
- Sexual activity with commercial sex workers; and
- Use of a child or adult to procure sex for others.

Sexual activity with any NRT beneficiary is prohibited due to the inherent unequal power imbalances.

<b>Sexual Abuse</b>	Sexual abuse means the actual or threatened physical intrusion of a sexual or sexualised nature, whether by force or under unequal or coercive conditions sexual assault and rape. It may also include threatened or actual nonphysical intrusion (unwanted and/or uninvited exposure to pornography, texts, images, and so on, the sharing of images, texts and so on, demands for sexualised photographs etc.). The use of the term “Sexual exploitation and abuse” throughout this policy refers to children as well as vulnerable adults. <sup>1</sup>
<b>Sexual Exploitation</b>	Sexual exploitation means any actual or attempted abuse of a position of vulnerability, differential power, trust, or dependency, for sexual or sexualised purposes, including, but not limited to, the offer or promise of monetary, social, political benefits as an incentive or form of coercion.
<b>Sexual Favours</b>	Any sexual or sexualised acts, in exchange for something such as money, goods, services, opportunities and so on. Also includes demands for inappropriate photographs, filming, and exposure to pornography and so on.
<b>Child Marriage</b>	The custom of marrying children, is a form of sexual violence as children are unable to give or withdraw consent.
<b>Child Sexual Abuse</b>	Child sexual abuse is the involvement of a child in sexual activity that the child does not fully comprehend, give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society. It is evidenced by an activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person. It may include, but is not limited to, the inducement or coercion of a child to engage in any unlawful

<sup>1</sup> These definitions of “sexual exploitation” and “sexual abuse” are drawn from the United Nations Secretary General’s Bulletin: Special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13).

	<p>sexual activity, the exploitative use of a child in prostitution or other unlawful sexual practices or the exploitative use of pornographic performances and materials.</p> <p>“Child under this policy is a person under the age of 18 years as set out in Kenya’s Constitution and related laws.</p>
<b>Grooming</b>	The cultivation of emotional relationships with those in positions of vulnerability or inequitable power, with the intention of manipulating these relationships into sexualised dynamics in the future. It entails behaviour that makes it easier for an offender to procure a child for sexual activity and often involves the act of building the trust of children and/or their carer’s to gain access to children in order to sexually abuse them.
<b>Coercion</b>	Covers a whole spectrum of degrees of force. Apart from physical force, it may include psychological intimidation, blackmail or other threats. For instance, threats of being dismissed from a job or for not obtaining a job or benefits sought for. It may also occur when a person is unable to give consent. For example, whole drunk, drugged, asleep or mentally incapable of understanding the situation.
<b>Vulnerable adults</b>	Are persons that are over 18 years and who are regarded as unable to take care of or protect themselves from harm or exploitation or; who, due to their gender, mental, physical health, disability, ethnicity, religious or marginalization and economic or social status are deemed to be at risk.
<b>NRT Beneficiary</b>	Is anyone who receives services or support from NRT or its Member Conservancies.
<b>Communities</b>	Refer to Indigenous people within NRT Member conservancies
<b>NRT Staff, Consultants and Board</b>	<p>Includes Board of Directors and the Council of Elders, which is composed of the chairperson’s of every Member Conservancy.</p> <p>Staff refers to any person employed by NRT. The interns and volunteers of NRT are considered to fall within this category, for the purposes of this policy.</p> <p>A Consultant is a third party, individual or group, with or without legal personality, who directly or indirectly provides any type of consulting services to NRT or the Member Conservancies, whether for a fee or not.</p>
<b>NRT Member Conservancy staff</b>	Conservancy staff refers to any person employed by NRT Member Conservancy, which are local institutions run for and by indigenous people, striving to transform lives, build peace and conserve natural resources.
<b>NRT Managers</b>	NRT managers are all employees under Level 4 and Level 5.
<b>NRT Partners</b>	A partner refers to individuals or organisations that collaborate with NRT in implementation of its programs/projects.