



WOMEN EDUCATIONAL RESEARCHERS OF KENYA  
*Linking Research to Advocacy and Action*

## SAFEGUARDING POLICY

### 1. INTRODUCTION

Women Educational Researchers of Kenya (WERK) is committed to safeguarding and protecting the rights and welfare of vulnerable populations including women, children and adults-at-risk in all its activities in research, advocacy, and program interventions. In all actions concerning children, the welfare of the child is the paramount consideration with WERK being committed to the principles of the Convention of the Rights of Children 1989, the Declaration of Human Rights 1984, and the African Charter on the Rights and Welfare of the Child, which promote respect for the rights of children.

WERK is committed to promoting a work environment free from intimidation and abuse, and has a zero tolerance for sexual harassment (including unwelcome sexual advances; request for sexual favours or other verbal or physical conduct of a sexual nature which interferes with work, productivity or general sense of well-being of others, or which is made a condition of engagement to be a basis for decisions on the target).

This Safeguarding Policy builds on our Constitution; Code of Conduct and Professional Ethics; Research Ethics Policy; Project Implementation and Child Protection Manual; and Human Resources Policy.

WERK does not tolerate any form of child abuse or exploitation. Children who come into contact with WERK staff, consultants, research assistants, volunteers, suppliers or any other agents contracted by WERK must be protected from deliberate or unintended actions that place them at risk of child abuse and exploitation, sexual exploitation, injury, discrimination, child trafficking and any other form of harm. Issues of safeguarding are rooted in imbalances of power and we endeavour to work collectively, collaboratively and consultatively to challenge the barriers to effective safeguarding.

This policy strives to ensure that, in particular, members and staff of WERK are:

- ✓ Aware of the problem of exploitation and abuse;
- ✓ Understand that WERK takes a zero tolerance approach to exploitation and abuse;
- ✓ That WERK will respond swiftly and appropriately when issues of exploitation and abuse are reported;
- ✓ Encouraged to report all concerns about exploitation and abuse.

### 2. PURPOSE

The purpose of this policy is to protect women, children and adults-at-risk from any harm that may be caused due to their coming into contact with WERK. It is also to inform members, staff, contractors and consultants, and other agents of WERK of their contractual and moral responsibilities to safeguard children, young people, and adults-at-risk in all areas of WERK's work. Children, in particular, who come into contact with WERK staff, consultants, research assistants, volunteers, suppliers or any other agents contracted by WERK must be



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protected from deliberate or unintended actions that place them at risk of child abuse and exploitation, sexual exploitation, injury, discrimination, child trafficking and any other form of harm.

This includes harm arising from:

- i. The conduct of WERK staff and Partners
- ii. The design and implementation of WERK programmes and activities

### **3. SCOPE**

This policy applies to and covers the following:

- ✓ WERK Members
- ✓ WERK Staff
- ✓ WERK Board Members
- ✓ Consultants/Contractors
- ✓ Donors/Visitors
- ✓ Partners
- ✓ Researchers and Research Assistants
- ✓ Data collection clerks
- ✓ Attachés
- ✓ Any other person working for or on behalf of WERK

This Policy should be read along with the following WERK policies:

- ✓ WERK Child Protection Policy
- ✓ Research Ethics Policy
- ✓ Human Resource Policy
- ✓ Code of Conduct and Professional Ethics

### **4. APPLICATION**

WERK recognizes that whilst exploitation and abuse can occur anywhere, research participants/respondents and beneficiaries of development/humanitarian organizations may be particularly vulnerable in this respect.

WERK will meet its commitment to protect vulnerable individuals from abuse through awareness, prevention, reporting and responding.

Breach of this policy will result in disciplinary action being taken in accordance with the WERK policies, and may lead up to and including summary dismissal for gross misconduct.



## 5. SAFEGUARDING RESPONSIBILITIES

WERK as an organization recognises that sexual exploitation and abuse is often grounded in gender and other inequalities, and will ensure that research, advocacy and project implementation activities are conducted in a gender-sensitive manner.

### a. WERK is obligated to:

- ✓ Ensure the active participation of project (implementation and research) beneficiaries in assessing, planning, implementing, monitoring and evaluating programs through the systematic use of participatory methods;
- ✓ Design and undertake all its programs and activities in a way that protects children and adults-at-risk from risk of physical or psychological harm that may arise from their coming into contact with WERK.
- ✓ Seek assurance that Consortiums, Partners, and other bodies working directly with WERK have in place robust safeguarding policies and procedures, and are acting in accordance with those policies.
- ✓ Implement stringent safeguarding procedures when recruiting, managing and deploying WERK staff
- ✓ Comply with Kenya legislation in any activities involving contact with children and vulnerable adults taking place in the Kenya.

### b. WERK Staff and Partners are obligated to:

- ✓ Contribute to creating and maintaining an environment that prevents safeguarding violations and promotes the implementation of the Safeguarding Policy.
- ✓ Report any concerns or suspicions regarding safeguarding violations by an AAK staff member or Partner via established reporting mechanisms

### c. All WERK Members, Staff, Partners, Contractors and other agents must not:

- ⊗ Engage in sexual activity with anyone under the age of 18;
- ⊗ Exchange money, employment, goods, or services for sexual favours as when travelling on behalf of WERK you are an ambassador for WERK. As an organisation we believe that this is an abuse of power contrary to WERK's policies and values;
- ⊗ Sexually abuse or exploit children or adults-at-risk;
- ⊗ Engage in any form of sexual relationship with beneficiaries of assistance, since they are based on inherently unequal power dynamics;
- ⊗ Engage in any commercially exploitative activities with children or adults-at-risk including child labour or trafficking;
- ⊗ Physically assault a child or vulnerable adult;
- ⊗ Emotionally or psychologically abuse a child or vulnerable adult;
- ⊗ Put a child or vulnerable adult at risk as a result of WERK's activities, either through individual action, inaction or programme design and implementation. This includes the way in which we gather and communicate information about individuals in our programmes.

The above actions are not exhaustive and further Reference should be made to the Research Ethics Policy, the Project Implementation and Child Protection Manual, the Human Resources Policy, and the



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Board of Directors Policies and Operations Manual for further standards of expected behaviour at all levels.

**d. Reporting:**

WERK staff members who have a complaint or concern relating to safeguarding must report it immediately to the Human Resources and Administration Officer and a designated Membership Committee for further investigation and necessary action. If the staff member does not feel comfortable reporting to the HR and Admin Officer (for example if that person is implicated in the concern) they may report to any other appropriate WERK Program or Administrative Staff Member, or the Executive Officer.

Staff are also required to raise any issues from their interaction with child sponsors that cause them concern. These concerns should be raised using the procedures outlined above.

If a Partner or external contractor themselves has a safeguarding complaint or concern against WERK, these should be raised through WERK's emails: [info@werk.co.ke](mailto:info@werk.co.ke) or [werk@werk.co.ke](mailto:werk@werk.co.ke)

WERK will also accept complaints from external sources such as members of the public, partners and official bodies. These can be made through WERK's external Complaints email as above.

All complaints received will be investigated by WERK and resolved within the shortest turn-around time possible after reporting (wherever possible). Cases which cannot be resolved internally e.g. criminal cases will be reported to the Police and resolved externally.

It is mandatory for all staff to report any incidents or concerns relating to this policy. WERK will ensure that staff are clear on what steps to take where concerns arise regarding the safety or integrity of Vulnerable individuals.

**e. Accountability:**

Accountability for safeguarding sits with the Board of Directors. Day-to-day oversight is delegated to the Executive Officer. The Human Resources and Administration Officer is the designated Safeguarding Officer for WERK. The Board will appoint one of their membership to act as Board Safeguarding Lead, with responsibility on behalf of the Board for oversight of safeguarding, and can constitute an ad hoc Membership Safeguarding Committee as and when the need arises.

**f. Confidentiality:**

It is essential that confidentiality is maintained at all stages of the process when dealing with safeguarding concerns. Information relating to the concern and subsequent case management should be shared on a need to know basis only, and should be kept secure at all times.

Breaches of confidentiality undermine confidence and trust in WERK's safeguarding and complaints management processes and in the organisation itself. Maintaining confidentiality around people's personal data and information is particularly important when managing issues relating to sexual harassment, exploitation and abuse.

From the point of disclosure to the final outcome of any investigation, every effort will be made to maintain and promote confidentiality in order to protect the safety and privacy of everyone involved.



Information must be shared on a need-to-know basis – that is, only those who need to be informed so they can support an investigation or because they hold overall accountability will be given information, and they will receive only as much information as they need in order to be effective.

If information is shared confidentially which relates to a child or suggests that someone's life is in danger, then confidentiality may need to be breached in order to ensure that everyone is safe. This will be managed on a case by case basis, and the safety and wellbeing of the child or at-risk adult in question is always paramount. As noted above, only those who need to know will be informed so they can take effective action.

## 6. GLOSSARY OF TERMS

**Abuse:** any action that intentionally harms or injures another person. Types/categories of abuse include;

- *Domestic abuse* includes psychological, physical, sexual, financial, emotional, or so-called 'honour' based violence. 'Honour' based violence refers to an honour code set at the discretion of male relatives and the punishing of women for bringing shame on the family when they do not abide by the 'code'. Infringements may include rejecting a forced marriage, pregnancy outside of marriage, seeking divorce, inappropriate dress, and even kissing in a public place. Men can also be victims, sometimes as a consequence of a relationship which is deemed to be inappropriate, if they are gay, have a disability, or if they have assisted a survivor;
- *Financial/material abuse* includes theft, fraud, and coercion in relation to financial affairs such as, property or financial transactions. This is more commonly used in relation to adults rather than children given the need to have acquired money and/or possessions;
- *Neglect* includes ignoring emotional or physical care needs, failure to provide access to appropriate healthcare or educational services, the withholding of life necessities such as food. Children are more susceptible to neglect given their inherent vulnerability and dependence on adults for support;
- *Physical abuse* includes assault, hitting, slapping, pushing, restraint, or inappropriate physical punishments;
- *Psychological abuse* refers to emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation, or unreasonable and unjustified withdrawal of supportive networks;
- *Sexual abuse* is actual or threatened physical intrusion of a sexual nature, whether by force or under unequal conditions e.g. sexual assault, rape. WERK strictly prohibits staff and other representatives from engaging in any kind of sexual activity with children (anyone under the age of 18 years, or older if the local law indicates this). Mistaken belief of age is no defence.

**Child abuse:** all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power. The main categories of abuse are defined by the World Health Organization (WHO) as physical abuse; sexual abuse; psychological abuse; and neglect.

- o *Child physical abuse* can include inappropriate physical punishments towards a child, and/or assaulting, pushing, hitting, and slapping them.



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- *Child sexual abuse* is defined as any sexual activity, or actual or threatened physical intrusion of a sexual nature, with someone under the age of consent or under 18, whichever is greater, is considered sexual abuse.
  - *Child psychological abuse* can include, especially in relation to children, threats of harm or abandonment, deprivation of contact, humiliation, blaming, intimidation, coercion, harassment, verbal abuse, and isolation.
  - *Child neglect* can involve preventing access to education, food or other life necessities, and any emotional or physical care needs. Whatever form it takes, neglect can be just as damaging to a child as physical abuse. Children are more susceptible to neglect given their inherent vulnerability and dependence on adults for support.

An abused child will often experience more than one type of abuse, and it often happens over a period of time rather than being a one-off event.

**Adults-at-risk:** someone over the age of 18 who, for physical, social, economic, environmental or other factors can be more vulnerable to abuse, exploitation or other harms. When physical, social, economic and environmental factors increase the susceptibility of a community or individuals to difficulties and hazards that put them at risk of loss, damage, insecurity, suffering and death, we would describe them as at-risk. The term ‘Vulnerable Adults’ is often used interchangeably with ‘Adults at-risk’. The use of *at-risk* instead of *vulnerable* is based on the fact that the latter can be a disempowering term if it suggests inherent vulnerability rather than reflecting on where this relates to systems of power. WERK projects may work with girls who are older than 17 and would therefore be classed as young women rather than children and not covered by either international or national child rights legislation. However, these young women face many similar challenges to adolescent girls, including being vulnerable to different forms of gender based violence (GBV), including but not limited to sexual abuse, intimate partner violence, transactional sex, forced marriage and others. WERK staff, researchers, data collectors, consultants and suppliers are expected to be aware of risks that these young women may face so that interventions do not put them at undue risk and that identified risks are mitigated to the extent possible.

**Child:** any individual under the age of 18, irrespective of local country definitions of when a child reaches adulthood. This definition is in line with the *UN Convention on the Rights of the Child*. Whilst a person under the age of 18 may have reached the age of majority, age of sexual consent, or voting age, this does not alter their inherent vulnerability as a child.

**Psychological harm:** Emotional or psychological abuse, including (but not limited to) humiliating and degrading treatment such as bad name calling, constant criticism, belittling, persistent shaming, solitary confinement, interrogation, excessive pressure to ‘perform’ or pose for cameras, excessive repeat interviews around emotionally disturbing experiences, and isolation.

**Safeguarding:** the responsibility that organisations have to make sure their staff, operations, and programmes do no harm to anyone they come into contact with, and that they do not expose anyone to the risk of harm and abuse. WERK seeks to address sexual exploitation and abuse, child abuse and abuse of adults at risk, and sexual harassment through its safeguarding work, taking into account the different ways in which anyone can be at risk, and how these harms intersect.



**Sexual abuse:** actual or threatened physical intrusion of a sexual nature, whether by force or under unequal conditions e.g. sexual assault, rape. WERK strictly prohibits staff and other representatives from engaging in any kind of sexual activity with children (anyone under the age of 18 years, or older if the local law indicates this). Mistaken belief of age is no defense.

**Sexual exploitation:** any actual or attempted abuse of power or trust for sexual purposes, including, but not limited to, profiting commercially, monetarily, socially, or politically from the sexual exploitation of another. This can represent a wide spectrum of examples including but not limited to invasion of someone’s sexual privacy, forced prostitution, non-consensual filming of a sexual act or exposure of genitals, online grooming, or knowingly spreading a sexually transmitted disease or infection.

- It is important to understand that sexual exploitation is not limited to sexual intercourse, as detailed in some examples above, and includes acts of intimidation that are intended to cause discomfort and embarrassment.

### ***Other relevant terms***

**Adolescent:** individuals aged between 10-19 years. Adolescence is one of the most rapid phases of human development during which biological maturity precedes psychosocial maturity. Younger adolescents may be particularly vulnerable when their decision-making capacities are still developing, and they are beginning to mix with people outside the confines of their families.

**Child marriage:** A formal marriage or informal union involving someone aged under 18. The practice of marrying off young children is a form of sexual violence since the children, and particularly girls, involved are unable to give or withhold their consent. Even though this occurs in many parts of Kenya where it is also entirely legal, it is something WERK campaigns against.

**Child protection:** activities or processes that focus on “preventing and responding to violence, exploitation and abuse against children – including but not limited to commercial sexual exploitation, trafficking, child labour and harmful traditional practices.” Child protection is part of wider safeguarding activities and refers to activities that are undertaken to protect specific children who are suffering or likely to suffer significant harm. This includes procedures which detail how to respond to concerns about a child.

**Child safeguarding:** the action that is taken to promote the welfare of all children and protect them from harm. In practice it means:

- ⊗ protecting children from abuse and maltreatment
- ⊗ preventing harm to children’s health or development
- ⊗ ensuring children grow up with the provision of safe and effective care
- ⊗ taking action to enable all children and young people to have the best outcomes
- ⊗ ensuring an organisation’s processes or procedures do not deliberately or inadvertently cause harm to children

**Child sexual exploitation:** This can take the form of commercial and/or online sexual exploitation of children:

- ⊗ Commercial sexual exploitation is sexual abuse enabled by a payment in cash or in-kind to the child or another person (or group of people). The commercial sexual exploitation of children is a form of coercion and is a form of modern slavery.



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- ⊗ Online sexual exploitation covers any act of sexual exploitation towards a child that has at any point been carried out online. It includes any use of technology (e.g. phones, computers, cameras, online platforms, social media) that causes a child to be sexually exploited and any material created using this technology to be produced, bought, sold, possessed, distributed or transmitted

**Community member:** a person living in a community within which WERK operates, however, they are not necessarily engaged with any programmes.

**Complainant:** the person making a complaint; it may be the person who experienced what is being reported (the survivor), or it may be another person (a third-party complainant) who becomes aware of an issue and makes the complaint.

**Complaint:** the specific grievance of anyone who has been negatively affected by an individual's action towards them, or who believes that an organisation has failed to meet a stated commitment that is intended to keep them safe from harm. Individuals can make a complaint on behalf of someone else as a third party, even if they were not directly affected by the alleged harm.

**Convention on the Rights of the Child:** a human rights treaty which sets out the civil, political, economic, social, health and cultural rights of children. The Convention defines a child as any human being under the age of eighteen, unless the age of majority is attained earlier under national legislation. WERK works in full recognition of this treaty in line with our organisational values and goals.

**Female genital mutilation (FGM):** comprises all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons.”

- FGM is recognized internationally as a violation of the human rights of girls and women. It reflects deep-rooted inequality between the sexes and constitutes an extreme form of discrimination against women. It is nearly always carried out on minors and is a violation of the rights of children.
- The practice also violates a person's rights to health, security and physical integrity, the right to be free from torture and cruel, inhuman or degrading treatment, and the right to life when the procedure results in death.

**Forced marriage:** marriages in which one and/or both parties, whether adults or children, have not personally expressed their full and free consent to the union. As is the case with child marriage more specifically, this is something WERK campaigns against.

**Gender-based violence (GBV):** an umbrella term for any harmful act that is perpetrated against a person's will, and that is based on socially ascribed (gender) differences between males and females. Acts of gender-based violence include sexual abuse and can affect any stakeholder, whether staff or community members. They are often perpetrated by men against women, and in some cases – women against men – and can result, in part, from power imbalances.

**Grooming:** when an individual deliberately tries to gain a child's trust for the purpose of carrying out sexual abuse or exploitation. An offender may seek to build a sexual relationship with a child having purposefully





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built a trusting relationship with them in advance in order to enable this (e.g. favouring a child, giving them gifts, using sexualised language or physical contact, or exposing the child to sexual concepts and sexualised language). This can happen face to face or online. It is common for children not to understand that they have been groomed or that this is a form of abuse. Offenders may also groom adults in order to enable the abuse of children in their care to take place (for example, persuading those around them that they are safe and responsible individuals so that they allow children in to their care or do not believe children when they raise concerns about this individual).

**Modern slavery:** Slavery is a situation where a person exercises (perceived) power of ownership over another person. Modern slavery covers different types of labour exploitation, ranging from the mistreatment of vulnerable workers to human trafficking to child labour and forced sexual exploitation. Related terms include human trafficking, covering coercion and recruitment under false pretences, and bonded and forced labour, which is labour undertaken as a repayment or under threat of punishment respectively.

**Beneficiary:** someone receiving assistance through WERK's work, a member of the affected population, person we seek to assist, or person affected by crisis. A *beneficiary* is different to a *community member* in that a *community member* may not be engaging in our programmes and WERK must therefore be more aware of the risks that they face.

**Staff/Representatives:** staff, members, volunteers, consultants, interns, visitors, dependents accompanying staff while working for WERK, and other individuals acting as representatives of WERK, such as partners working in communities. When we refer to staff and representatives in the document we are referencing this entire group. This is not an exhaustive list and covers anyone who is a representative of WERK.

**Survivor:** "...a person who has experienced sexual abuse, exploitation, or harassment. The terms 'victim' and 'survivor' can be used interchangeably. 'Victim' is a term often used in the legal and medical sectors. 'Survivor' is the term generally preferred in the psychological and social support sectors because it implies resiliency." WERK uses the term *survivor* as it emphasises the agency and power of the individual, which the term 'victim' can remove. However, it is important that those affected by sexual abuse and exploitation can choose the term they prefer.

**Trafficking:** a process of enslaving people, coercing them into a situation with no way out, and exploiting them. People can be trafficked for many different forms of exploitation such as forced prostitution, forced labour, forced begging, forced criminality, domestic servitude, and forced marriage, and forced organ removal.

**Transactional sex:** the exchange of money, employment, goods, or services for sex, including sexual favours. Transactional sex is strictly prohibited by WERK along with any other forms of humiliating, degrading or exploitative behaviour, including exchange of assistance that is due to beneficiaries. WERK does not make judgement against beneficiaries or others who choose to take part in such transactions but recognises the inherent unequal power dynamic and so prohibits staff from exchanging money or anything else for sex.