



**SAHARA  
AND SAHEL  
OBSERVATORY**

# **POLICY ON SAFEGUARDING FROM SEXUAL EXPLOITATION, ABUSE AND HARASSMENT (SSEAH)**

May 2023

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## ACRONYMS

<b>AFD</b>	Administrative and Financial Department
<b>ESC</b>	Environmental and Social Committee
<b>GCGHU</b>	Governance Compliance and Grievance Handling Unit
<b>HRU</b>	Human Resources Unit
<b>OSS</b>	Sahara and Sahel Observatory
<b>SEA</b>	Sexual Exploitation and Abuse
<b>SEAH</b>	Sexual Exploitation, Abuse and Harassment
<b>SSEAH</b>	Safeguarding from Sexual Exploitation, Abuse and Harassment

## DEFINITIONS<sup>1,2,3</sup>

**Consent:** To allow for something to happen or to agree to do something while fully understanding the facts, and without coercion. In case of sexual activity, consent cannot be presumed but must be explicitly given, verbally or nonverbally. Consent cannot be deemed to have been given, if it happens under pressure or in situations where someone is unable to give it. Consent can be cancelled at any time.

**Environmental and Social Committee (ESC):** A committee responsible for ensuring compliance with the programs and projects implemented or carried out by the OSS, while also ensuring compliance with the Observatory's environmental, social and gender policies. This oversight is provided through the evaluation of project proposals, monitoring of project implementation, and annual, mid-term, and final evaluations. It also works with the Investigative Team (IT) of the Governance Compliance and Grievance Handling Unit (GCGHU) in the follow-up and handling of Claims received that fall under its jurisdiction.

**Governance Compliance and Grievance Handling Unit (GCGHU):** Independent body within the OSS that reports directly to the Executive Secretary. It is responsible for ensuring adherence to governance principles and regulations. It oversees the implementation of OSS' policies and procedures, and addresses grievances or complaints raised by stakeholders, partners or any individual or entity working or involved in OSS' activities. This unit plays a crucial role in promoting transparency, accountability, and ethical conduct, while effectively managing and resolving any grievances or disputes that may arise within the organization.

**Human Resources Unit (HRU):** A unit part of the OSS Administrative and Financial Department (AFD). Its duties include recruitment, staff management and benefits, among others. It also deals with misconduct and unethical behavior that fall under its jurisdiction.

**OSS Staff:** Any OSS Staff and any other individual contracted and/or hired by the OSS to perform official functions for the OSS.

**Sexual Abuse:** Sexual infringe upon someone, whether actually or in the form of intimidation, either done forcibly or under coercive, unfair or unequal circumstances.

**Sexual Exploitation:** Any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, financial, social or political profit from the sexual exploitation of a another.

**Sexual Harassment Versus Sexual Exploitation and Abuse (SEA):** We talk can about SEA when it comes to a beneficiary or another intervention community member. Sexual harassment rather concerns the OSS staff or a third party who contributes to or takes part in the OSS, or in activities other than those of which, one of them is the beneficiary.

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<sup>1</sup> <https://www.iucn.org/sites/default/files/2022-05/iucn-policy-on-the-protection-from-sexual-exploitation-sexual-abuse-and-sexual-harassment-seah.pdf>

<sup>2</sup> <https://eeb.org/wp-content/uploads/2023/03/EEB-SEAH-Policy-Board-21-March-2023.pdf>

<sup>3</sup> <https://www.greenclimate.fund/sites/default/files/document/seah-policy.pdf>

Sexual exploitation, abuse or harassment can involve one or more incidents, actions or behavior that are physical, verbal or non-verbal conduct, including but are not limited to:

- Staring, leering, or unwelcome physical touching;
- Sexual or suggestive comments, jokes or taunts;
- Making or displaying sexually demeaning gestures, offensive pictures, or other materials in the workplace;
- Making remarks with sexual connotations;
- Unwanted invitations to go out on dates;
- Unsolicited requests for sexual favors;
- Intrusive questions about a person's private life or body;
- Unnecessary familiarity such as deliberately brushing up against a person;
- Unsolicited acts of physical intimacy;
- Sexually explicit physical contact;
- Sexually explicit letters, emails, SMS text messages or social media expressions;
- Repeatedly asking a person to socialize during off-duty hours, in spite of disinterest;
- Offering unwanted sexually explicit gifts, or any object.
- Off-duty unwelcome sexual conduct affecting the working environment;
- Some forms of sexual exploitation, abuse and harassment, such as physical/sexual assault, rape, indecent exposure and stalking are also criminal offences, and shall be reported to the police.

**Sexual Harassment:** Any unwelcome sexual advance, request for sexual favor, verbal or physical conduct or gesture of a sexual nature, or any other behavior of a sexual nature that might reasonably be expected or perceived to cause offence or humiliation to a person, when such conduct interferes with work, is made a condition of employment, or creates an intimidating, hostile or offensive work environment.

**Victim:** Person who is, or has been, sexually exploited, abused, or harassed.

**Zero tolerance:** An approach consisting in severely punish any person under contract with the OSS, who violates the sexual integrity of the staff, beneficiaries, or intervention communities' members, within the OSS activities or in private, given the unacceptable nature of such an act.

## I- INTRODUCTION

The Sahara and Sahel Observatory (OSS) (hereinafter also referred to as “Observatory”) is an international, intergovernmental, and multicultural organization operating in the Sahara-Sahel region of Africa. The OSS initiates and facilitates partnerships on common challenges related to the management of shared water resources, and the implementation of international agreements on desertification, biodiversity and climate change in Africa. The OSS works with its member countries and organizations, on the subsidiarity and complementarity basis.

In this context, the need for the OSS to politically assert itself in favor of Safeguarding from Sexual Exploitation, Abuse and Harassment (SSEAH), moral harassment and abuse of power, is a priority for the Observatory, to ensure a healthy and safe-working environment for all. SSEAH violates human dignity and universally recognized international legal norms and standards. It creates hostile working conditions, hinders affected persons’ ability to thrive, and also the OSS in the accomplishment of its mission.

## II- RATIONALE

Sexual exploitation, abuse, and harassment can cause significant physical and emotional harm, and undermine a person’s rights and dignity. Therefore, and in order to protect individuals and offer a safe and respectful environment, the OSS has developed this Policy which provides clear guidelines on what is considered acceptable behavior, the measures to take in the event of its guidelines violation, and it outlines reporting and investigation procedures.

The Policy on Safeguarding from Sexual Exploitation, Abuse, and Harassment (SSEAH) (hereinafter also referred to as “Policy”) helps preventing incidents from occurring in the first place, and ensuring that any concerns are effectively and sensitively dealt with.

The SSEAH Policy also demonstrates OSS’ commitment to provide a safe and respectful environment for all individuals, mainly for vulnerable populations such as children or those in marginalized communities.

## III- OBJECTIVES

The main purpose of this Policy is to protect all the Executive Secretariat staff’, all OSS partners and beneficiaries involved in its activities implementation, from all forms of Sexual Exploitation, Abuse, and Harassment (SEAH).

It outlines all the Executive Secretariat staff and OSS’ partners’ expectations, and their obligations to prevent, manage, and respond to sexual exploitation, abuse and harassment risks and incidents of this nature, should they arise when carrying out OSS’ activities. All the Observatory’s staff and partners should actively contribute to reporting and addressing such acts and incidents when they occur.

The OSS shall put the Policy into practice through agreements, and the required reporting and regular communications.

## IV- SCOPE

The Policy established the OSS Zero Tolerance of SEAH. It applies to all OSS full-time and part-time employees, interns, voluntary workers, trainees, Executive or Supervisory Board members, contractors, suppliers, consultants, and any members of the public, in the premises of OSS. This Policy also applies to all third parties dealing with the Observatory, including partner organizations and their employees, suppliers, service providers, clients, or any other business associates. All those in contractual agreement or partnership with the OSS are liable to provide their representatives, staff, agents and/or officials, with the Policy relevant information.

Sexual exploitation, abuse or harassment is considered to occur in the workplace, when it happens:

- At work and between people sharing the same workplace;
- At work-related events or where people are carrying out work-related functions; and
- Between colleagues and the partner organizations staff, outside the work environment (e.g., at conferences, meetings, training etc.)

## V- POLICY GUIDING PRINCIPLES

The OSS shall not tolerate any form of Sexual Exploitation, Sexual Abuse, or Sexual Harassment (SEAH). The Observatory's staff, partners, consultants, and associates, shall not engage in SEAH, or with Counterparties that condone, encourage, participate in, or commit to SEAH.

The OSS commits to:

- Take all available measures to prevent, mitigate, investigate and remedy SEAH, in OSS-related activities. The Observatory shall actively promote equality, and strive to establish a peer learning, lawful and harmonious working and learning environment;
- Take steps to encourage its Partners involved in OSS-related activities, abide by this Policy, or adopt policies and procedures that are Policy-consistent, so as to safeguard against SEAH in the implementation of activities.
- Take all available measures to protect actual or suspected Victims from retaliation or any direct or indirect detrimental act, whether recommended, threatened, or taken against them, due to actual or suspected SEAH reporting.
- Apply sanctions, disciplinary or other remedial measures, should this Policy be violated.

## VI- ACCOUNTABILITIES

The OSS should uphold the SSEAH guiding principles Policy, and contribute to creating and maintaining SEAH-prevented environment.

The OSS staff should not condone, encourage, participate, or engage in SEAH, in its activities. They should not mainly:

- Use their position to sexually abuse, exploit, or harass any person implementing, engaged in, or benefiting from OSS-related activities; or
- Engage in a sexual relationship with a child<sup>4</sup> (under the age of 18). Mistaken belief regarding the age of a child cannot be used as a defense. Any such activity shall be deemed to constitute Sexual Exploitation and/or Sexual Abuse.

The OSS staff should not engage with any third party that condones, encourages, participates, or engages in SEAH.

OSS' partners should not directly or indirectly condone, encourage or tolerate participation to or engagement in SEAH, or any conduct substantially equivalent to SEAH.

All OSS staff is strictly prohibited to exchange anything for sex/sexual favors.

Sexual relationship between the OSS personnel and beneficiaries, are strongly discouraged.

Subject to available protections against retaliation, the OSS Staff have the duty to quickly report to the Governance Compliance and Grievance Handling Unit (GCGHU) any suspected SEAH after becoming aware of it in OSS-related activities, and to cooperate with it and with the Human Resources Unit (HRU) during the course of an investigation, proactive integrity review, or any other inquiry.

Subject to available protections against retaliation, any supervisor, manager, or another such person of the OSS who receives a good faith-made report of suspected SEAH, must transmit such report to the GCGHU without delay.

OSS staff, especially managers, have the duty to create and maintain a SEAH-preventing environment.

## VII- PREVENTION AND DUE DILIGENCE

As soon as practicable following this Policy adoption, the OSS shall ensure that its recruitment, procurement, employment, or any other on-boarding processes, include SEAH Checks.

Those already employed or contracted by the OSS as officials, external members, or OSS staff at the time this Policy is adopted, shall be required to submit a SEAH Declaration without delay.

Failure to disclose, and/or inaccurate, or incomplete disclosed information in connection with any SEAH action, in the SEAH Declaration, shall be treated as misconduct (in the case of staff), or breach of contract (in the case of consultants), as appropriate. The OSS reserves the right to withdraw any offer of appointment, employment, or contract, or to terminate any contractual engagement, if it turns out that the applicant has provided false information about any of his/her past criminal or disciplinary history related to SEAH.

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<sup>4</sup><https://www.unicef.org/child-rights-convention/convention-text#>



## VIII- AWARENESS RAISING, COMMUNICATION AND TRAINING

The GCGHU shall prepare as soon as practicable Policy implementation guidelines and an action plan, to support the dissemination and implementation of this Policy, and to raise awareness across the OSS on the SEAH issue and its potential ramification. The Plan projects to:

- i. Disseminate this Policy on the OSS website;
- ii. Develop and make training, guidance, and communication materials available for all OSS staff and implementing partners through advisory processes with stakeholders, to their raise awareness and support the implementation of this Policy;
- iii. Support managers in their awareness raising tasks and training activities, and/or in collaboration with persons covered under this Policy, partners, and relevant stakeholders in OSS-related activities;
- iv. Conduct to the extent possible, awareness raising and training activities and/or in collaboration with the OSS staff, and stakeholders in the OSS-related activities;
- v. Develop guidance, training, and procedures for the OSS staff in charge of assessing SEAH risks; and
- vi. Ensure that all covered individuals undertake mandatory training, to ensure compliance with this Policy and relevant operating procedures.

The OSS shall ensure that the Policy is widely disseminated to all relevant persons. It shall be included in the staff induction packages and partner contracts. All new employees shall be trained on the content of this Policy as part of their induction, and as part of the mandatory resilience training for all OSS employees. Whenever necessary, the Observatory shall require all employees to attend a content-refresher training course on of this Policy. It is each coordinator's responsibility to ensure that all of their employees are aware of this Policy.

## IX- REPORTING AND INVESTIGATIONS

Any person or entity should report to the Governance Compliance and Grievance Handling Unit (GCGHU) any actual or suspected Sexual Exploitation, Abuse and Harassment (SEAH) as defined under this Policy. The GCGHU will rule on the validity of the case, before running an investigation in collaboration with the Human Resources Unit (HRU), in case of SEAH taking place on the institutional level, or with the Environmental and Social Committee (ESC) in case of SEAH happening in the project level. Persons with information about suspected SEAH, mainly when implicating OSS personnel in OSS-related activities are strongly encouraged to also report such information to the GCGHU.

The OSS implemented a Whistleblowing Procedure<sup>5</sup> as part of its Whistleblowing Policy<sup>6</sup> to report allegations of corruption and other wrongdoing, including SEAH cases. This procedure is regularly updated to reflect the international community best practices. Reports of actual

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<sup>5</sup>[http://www.oss-online.org/sites/default/files/2022-06/Whistleblowing\\_procedure\\_OSS-EN.pdf](http://www.oss-online.org/sites/default/files/2022-06/Whistleblowing_procedure_OSS-EN.pdf)

<sup>6</sup>[http://www.oss-online.org/sites/default/files/Whistleblowing\\_policy-EN.pdf](http://www.oss-online.org/sites/default/files/Whistleblowing_policy-EN.pdf)

or suspected SEAH should be made, as set out in the OSS Whistleblowing Abuse Procedure and Policy, and shall be dealt with under the provisions of the SSEAH Policy.

Reports of actual or suspected SEAH from or against a member of the OSS staff shall be sent to the GCGHU, through one of the following contacts, provided that any changes to contact details are notified and disseminated as appropriate:

Email:	<a href="mailto:gcghu@oss.org.tn">gcghu@oss.org.tn</a>
Hotline:	+216 71 206 633/634
Mailing Address:	Governance Compliance and Grievance Handling Unit Observatoire du Sahara et du Sahel BP 31. Boulevard du Leader Yasser Arafat. Tunis 1080 Tunisia

Individuals or entities reporting actual or suspected SEAH should do so in good faith and provide where possible any information or evidence in their possession, that would rightly support the belief that SEAH may have occurred. Prior to reporting, such individuals or entities are not required to evaluate or determine whether the report they intend to make, meets the rigor or seriousness thresholds. Reporting individuals or entities are not required to prove the suspected SEAH, or to meet any evidentiary requirements.

Reports of actual or suspected SEAH against the OSS staff by an implementing partner, or by Executive or Supervisory Board members should be investigated by the HRU, given the responsibility for the duty of care that the OSS has to its staff, and the relevant OSS policies and standards. HRU must seriously treat these reports and investigate suspected SEAH reports thoroughly, independently and objectively, and conduct the investigations without the control or influence of anyone, while scrupulously adhering to the principles of fairness.

Following any HRU investigation, the OSS Executive Secretariat shall take measures to monitor all the Victims and alleged SEAH perpetrators situation, to ensure their protection against retaliation as a consequence of the investigation, its findings or its outcome, and to ensure that any administrative or disciplinary measures resulting from the investigation have been properly implemented.

## X- PROTECTION AND REMEDIES

Any Victim who reports or attempts to report is believed to be about to report, or is believed to have reported suspected or actual SEAH (including concerns of suspected SEAH) in OSS-related activities, is entitled to all the protection (which includes anonymity and confidentiality, and protection from retaliation), and remedies, afforded to whistle-blowers as set out in the OSS Whistleblowing Policy and Procedures.

Any other person who reports, attempts to report, is believed to be about to report, or is believed to have reported actual or suspected SEAH, or cooperates, attempts to cooperate, is believed to be about to cooperate, or is believed to have cooperated, with an OSS investigation related to a report on suspected SEAH, shall be considered as a whistle-blower, or as a witness, as appropriate, and shall be entitled to all the related protection (including anonymity and confidentiality, and retaliation protection), and remedies, as set out in the OSS Whistleblowing Policy and Procedures.

Any OSS Individual who's a Victim of a SEAH perpetrated by a member of OSS Staff, any Staff member who is a Victim of a SEAH perpetrated by any OSS Individual (i.e., another Staff member, Commission member), or by a Partner during OSS-related activities, who has been SEAH reported by the Reporting and Investigation section under this Policy, may request the OSS following guidance and support:

- a) In an emergency, any OSS employee who is a victim of Sexual Exploitation or Sexual Abuse (SEAH) perpetrated by another OSS Individual or Partner during OSS-related activities, may request temporary medical assistance, or supportive services necessary to remedy immediate harm;
- b) Any person who is a Victim of SEAH perpetrated by an OSS Individual on the OSS premises, or during OSS-hosted or facilitated activity or event, about whom a SEAH reporting has been made by the Reporting and Investigation Section of this Policy, may request that the OSS provide the protections provided for in paragraphs 0 to 0.

SEAH actions or retaliation against an actual or suspected SEAH victim, committed by an OSS employee, shall amount to misconduct or breach of contract, and shall be subject to disciplinary or other remedial measures as appropriate, in accordance with the relevant OSS policies, rules and procedures.

Any person or entity that makes a SEAH False or Malicious Report may be subject to sanctions or disciplinary measures as per the relevant OSS policies and guidelines, and the provisions of any contractual agreements existing between the OSS and the person or entity.

Where a SEAH action or retaliation against an actual or suspected Victim has been found in an OSS-related activity, the Observatory will endeavor to apply its good offices with the competent authorities, to secure the necessary protection and to use other reasonable measures to the Victim.

Where a SEAH action or retaliation against an actual or suspected Victim is perpetrated by a Covered Individual or a Counterparty during an OSS-related activity has been proven through an OSS-conducted investigation, and where corrective or disciplinary measures have been taken against a Covered Individual, or sanctions have been imposed on the Partner, the HRU may then, in consultation with the GCGHU, recommend that the OSS or the Partner take appropriate action for the benefit of the Victim.

For acts of SEAH committed by the OSS Staff against a Partner, the OSS must ensure that such remedies are implemented by the Secretariat without undue delay. However, if the Secretariat is unable to implement the recommended remedies, the HRU shall promptly seek guidance from the GCGHU to help determine the appropriate course of action.

## **XI- EFFECTIVENESS AND REVISION**

This Policy will come into effect upon its adoption by the OSS Board. It will apply to all OSS activities to the extent reasonably possible, and to those that will be approved after the effective date of this Policy.

This Policy will remain in effect until amended or superseded. It will be reviewed and updated as necessary.