



The Agricultural Market Development Trust

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SAFEGUARDING OF VULNERABLE PERSONS AND YOUTH POLICY

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SAFEGUARDING OF VULNERABLE PERSONS AND YOUTH POLICY

1. POLICY STATEMENT

AGMARK is committed to establishing a secure and welcoming environment where individuals of all ages and backgrounds can flourish and feel safe when engaging with AGMARK. AGMARK is committed to the protection and safeguarding of children and vulnerable adults (together referred to as Vulnerable Persons) and the Youth. AGMARK acknowledges that it has a duty to ensure that its programs and operations are conducted in a manner that is safe for Vulnerable Persons and Youth.

AGMARK recognizes that there is potential for Abuse to take place within the context of its programs, which are intended to address the needs of vulnerable communities and groups. This policy sets out AGMARK's commitment to protect the Vulnerable Persons and the Youth we work with, either directly or indirectly, from any form of Abuse. It provides mandatory guidelines on preventing any form of Abuse and Exploitation of Vulnerable Persons and Youth and sets out codes of conduct that are applicable to AGMARK's Staff and Partners in this respect. It also sets out the mechanisms AGMARK will follow if any Abuse is reported.

2. PURPOSE OF THE POLICY

The purpose of this policy is to provide clarity to all of AGMARK's Staff and Partners on:

- (i) How they should engage with Vulnerable Persons and Youth when working for, on behalf of, or in partnership with AGMARK.
- (ii) Their responsibility to report any concerns relating to Abuse.
- (iii) How to report suspected Abuse and concerns.

We recognize that local legislation may vary from country to country. This policy, however, sets out AGMARK's minimum standards and may exceed the requirements of local legislation. In addition, the policy is applicable to all Staff and Partners wherever they live and work.

This policy shall be read and applied in conjunction with other AGMARK policies, including but not limited to the following:

- (i) Ethics Policy
- (ii) Partners Code of Conduct
- (iii) Whistleblowing policy
- (iv) Sexual Harassment policy
- (v) Human Resources Manual, including disciplinary policies & procedures
- (vi) Data Protection policy

3. SCOPE OF THE POLICY

This policy applies to:

- (i) all categories of Staff; and
- (ii) all Partners dealing with AGMARK. All Partners are responsible for providing their employees, representatives, agents, sub-contractors, and officials with a copy of this policy.

4. DEFINITIONS

- (i) **Abuse:** This is a violation of an individual's human and civil rights by any other person or persons. It lowers the dignity of the abused person. It can take the form of physical, psychological, financial, or sexual Abuse, neglect, or negligent treatment, or commercial or other Exploitation, resulting in actual or potential harm to the health, survival, development, or dignity of a child or vulnerable adult. Abuse can be a single act or repeated acts and can be unintentional or deliberate. Abuse often involves criminal acts.
- (ii) **Child:** A child is a person who is under 18 years of age, as recognized in the UN Convention on the Rights of the Child. AGMARK will not consider the age of majority in the country in which the child lives or their home country unless the age of majority provided by local law is above 18 years of age.
- (iii) **Donor(s):** Any party that has made a grant to AGMARK.
- (iv) **Exploitation:** Exploitation refers to situations whereby an abuser makes unfair profit and/or takes advantage of the unequal power and/or economic status of a Vulnerable Person and/or Youth.
- (v) **Grooming:** This is the systemic action when a potential abuser builds a relationship, trust, and emotional connection with a child to manipulate, exploit, and abuse the child.
- (vi) **Sexual Exploitation:** This is any actual or attempted Abuse of a position of vulnerability, differential power or trust for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.
- (vii) **Staff:** Individuals who work for AGMARK either full-time or part-time for wages and salary.
- (viii) **Safeguarding:** Safeguarding means promoting and protecting people's health, well-being, and human rights and enabling them to live free from Exploitation, Abuse and bullying.
- (ix) **Safeguarding Officer(s):** Staff based in AGMARK's countries of operation who oversee and report on the implementation and integration of this policy in AGMARK's programs and operations.
- (x) **Survivor:** The person who has been abused or exploited. The term "survivor" can also be interchanged with the word "victim." It is the individual's choice how they wish to identify themselves.
- (xi) **Partners:** Any parties with a contractual relationship with AGMARK as well as those who are sub-contracted to work in an AGMARK program. Partners include, and are not limited to grantees, collaborators, suppliers, consultants, including their employees, volunteers, sub-contractors, officers, agents and representatives.
- (xii) **Vulnerable adult:** A person, 18 years and above, who by reason of disability, age, gender, social and economic status, or illness, the context they are in, may be unable to take care of or to protect themselves against Abuse, harm or Exploitation.

(xiii) **Vulnerable Person:** This is an umbrella term which covers a Child and Vulnerable adult.

(xiv) **Youth:** A person above the age of 18 years and under the age of 35 years.

5. SAFEGUARDING PRINCIPLES

We believe that encouraging the protection of Vulnerable Persons and Youth from Abuse and Exploitation is an important element of AGMARK's mission. AGMARK is committed to taking proactive measures aimed at preventing harm and minimizing risks.

The following principles underpin AGMARK's safeguarding functions, actions, and decisions. All Staff and Partners are expected to adhere to these principles.

5.1 Prevention

AGMARK will ensure that all reasonable measures are taken to minimize the risk of Abuse to Vulnerable Persons and Youth.

- (i) **Professional Conduct:** AGMARK expects its Staff and Partners to adhere to high standards of ethical behavior and integrity in accordance with AGMARK's Ethics Policy and Partners Code of Conduct.

All Staff and Partners are prohibited from any conduct that constitutes Abuse or directly or indirectly harms Vulnerable Persons and/or Youth. AGMARK will not condone or tolerate any Abuse of Vulnerable Persons and/or Youth by its Staff or its Partners and will take swift and decisive action against any allegations, reports, or suspicions of Abuse.

- (ii) **Recruitment:** AGMARK's recruitment processes will reflect the organization's commitment to preventing Abuse. These processes will include background and criminal checks for Staff who will work directly with Vulnerable Persons and/or Youth in AGMARK's programs. These checks will, where possible, be updated regularly.

In addition, Staff recruited by AGMARK, particularly those who will work with Vulnerable Persons and/or Youth, will be required to sign an acknowledgement form confirming that they will comply with this policy.

- (iii) **Safeguarding Frameworks:** AGMARK may create and adopt specific country Safeguarding framework(s) to ensure that this policy is localized to manage Safeguarding risks for each of AGMARK's countries of operation in accordance with national laws.
- (iv) **Capacity Building and Awareness:** AGMARK will make efforts to ensure that its Staff and grantees working with Vulnerable Persons and/or Youth are trained on this policy and its related documents. AGMARK will develop the capacity of Staff working with Vulnerable Persons and/or Youth to appropriately prevent, detect and respond to Abuse as reflected in this policy.
- (v) **Risk Assessment:** AGMARK will ensure that its programs are designed and delivered to protect and safeguard Vulnerable Persons and Youth, recognizing that women and children

may face different risks related to their safety and protection.

- (vi) **Empowerment:** AGMARK will take reasonable measures to equip Vulnerable Persons and Youth in AGMARK's programs with the necessary information and tools to make informed decisions regarding their participation in AGMARK programs, including their voice recordings, videos, or photographs.

Personal information will only be used by AGMARK after informed consent has been obtained in writing in accordance with AGMARK's Data Protection Policy. In the case of children, AGMARK will ensure that the consent of their parents or legal guardians is obtained.

- (vii) **Cascading Safeguarding:** AGMARK will include in its agreements with Partners a clause that aims to encourage their adherence to this Policy. If a Partner elects to use its own policy, the Partner's policy must be of equal or higher standard.

5.2 Protection

AGMARK has a zero-tolerance policy on any form of Abuse and is committed to providing a safe and secure environment for the Vulnerable Persons and Youth that it works with either directly or through its Partners.

AGMARK will not condone or tolerate any Abuse of Vulnerable Persons and/or Youth by its Staff or its Partners and will take swift and decisive action against any allegations, reports, or suspicions of Abuse.

5.2.1 Categories of Abuse

AGMARK prohibits its Staff and Partners from any conduct that can or could be construed as Abuse, as further explained below.

(i) Physical Abuse

Physical Abuse refers to any action by a person that intentionally causes or could cause physical pain, injury or death to a Vulnerable Person and/or Youth. It includes but is not limited to, hitting, shaking, biting, slapping, throwing, kicking or otherwise causing physical harm, misuse of medication, unlawful or inappropriate restraint and inappropriate physical sanctions.

(ii) Sexual Abuse

For purposes of this Policy, the following acts constitute sexual Abuse:

- (i) Forcing, enticing or coercing a Vulnerable Person and/or Youth to take part in sexual activities, whether or not the Vulnerable Person and/or Youth is aware of what is happening. The activities may involve physical contact, non-contact activities (such as involving a vulnerable person or youth in looking at, or in the production of, sexual images, watching sexual activities).
- (ii) Grooming a child in preparation for Abuse (including via the Internet).
- (iii) Sexual activity with children and/or encouraging children to behave in sexually inappropriate ways, including kissing or coaxing them to kiss Staff or Partners, is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence.

- (iv) Using sexually provocative language, compliments, jokes, signs, or acts towards a Vulnerable Person and/or Youth.
- (v) Viewing or possessing child sexual Abuse images.

To protect Vulnerable Persons and Youth from Sexual Exploitation, Staff and

Partners are specifically prohibited from:

- (i) Buying sex.
- (ii) Having a Vulnerable Person and/or Youth they are working with stay overnight at their home unsupervised or sleeping in the same room or bed with a Vulnerable Person and/or Youth.
- (iii) Do things for a Vulnerable Person and/or Youth of a personal nature that they can do for themselves. This includes, but is not limited to, cleaning, grooming, and/or dressing them.
- (iv) Giving or applying any medication to Vulnerable Persons and/or Youth unless the Staff or Partner in question is doctor, nurse, or other professional medical personnel.

(iii) Psychological/ Emotional Abuse

Emotional Abuse refers to action(s) or omission(s) by a person that causes or could cause emotional trauma, stress or anguish for the Vulnerable Person and/or Youth. Emotional Abuse includes actions or omissions that are humiliating, degrading, rejecting, ignoring, intimidating or terrorizing for the Vulnerable Person and/or Youth.

(iv) Financial and Material Abuse

Financial or material Abuse is any theft or misuse of a Vulnerable Person or Youth's money, property, or resources. Common forms of financial Abuse are misuse by others of a Vulnerable Person's and/or Youth's property to make an unfair profit or other financial benefit, or undue pressure, to change wills (e.g. the elderly). It is also financial Abuse to incite a Vulnerable Person and/or Youth to carry out any of these things on another individual's behalf.

(v) Discrimination

All Vulnerable Persons and/or Youth are entitled to equal treatment and will not be discriminated against (treated less favorably) by Staff and Partners based on their race, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

6. RAISING AND RESPONDING TO CONCERNS

AGMARK will treat any allegations or concerns regarding the Abuse of a Vulnerable Person and Youth seriously.

The reporting procedure set out below will be followed strictly by AGMARK's Staff and Partners.

6.1 Reporting concerns and allegations of Abuse

6.1.1 AGMARK places a mandatory obligation on all Staff and Partners to report concerns, suspicions, allegations and incidents which indicate actual or potential Abuse of Vulnerable

Persons and/or Youth which may constitute a breach of this policy. A report should be made when:

- (i) Abuse is observed or suspected.
- (ii) An allegation of Abuse is made.
- (iii) A Vulnerable Person and/or Youth discloses Abuse or harmful conduct.
- (iv) There is a concern or complaint made about the possible Abuse or Exploitation of a Vulnerable Person and/or Youth by a Staff or Partner.

6.1.2 Concerns and allegations of Abuse should be made within 24 hours of the Staff and/or Partner being made aware of the allegation or concern of Abuse. This requirement, however, does not restrict Staff and Partners from making reports after 24 hours. AGMARK, however, encourages that alleged violations of this policy be made promptly due to the continued harm that may be suffered by the Vulnerable Person and/or Youth due to delayed reporting.

6.1.3 All concerns or allegations of Abuse can be made through any of the following channels:

- (i) Through the several whistleblowing channels set out under AGMARK's Whistleblower Policy
- (ii) Through AGMARK's Safeguarding Officers.
- (iii) Through any AGMARK staff or contact.

6.1.4 AGMARK recognizes that Abuse of Vulnerable Persons and Youth is a sensitive and urgent matter, and disclosures and suspicions will be acted upon swiftly. In the event of an urgent protection situation, the Survivor, Staff, and Partners may take immediate protective action, which may include making a report to the relevant authorities. All measures taken shall respect the rights of the Survivor and consider their best interests.

6.2 Safeguarding Officers

6.2.1 The Safeguarding Officers will be responsible for handling reports or concerns about the protection of Vulnerable Persons and Youth in accordance with the procedures contained in this policy. In the absence of a Safeguarding Officer, the Chief Executive Officer (CEO) will appoint a Safeguarding Officer to carry out the investigations.

6.2.2 Safeguarding Officers will receive and register reports of Abuse of Vulnerable Persons and/or Youth in the countries in which they are based or assigned. The registers will also set out how the complaints were dealt with.

6.2.3 The Safeguarding Officers will, within two days of receiving notice of the allegation or concern of Abuse, make a preliminary assessment (fact-finding) and determine whether it discloses any alleged Abuse and whether it contains sufficient information to commence an investigation. The Safeguarding Officers shall notify the CEO of the preliminary investigations.

6.2.4 The Safeguarding Officer is required to seek immediate expert advice in the event the reports raise concerns relating to a Child. Some of the experts that can be consulted include Child psychologists, doctors, and Child protection officers.

6.2.5 The Safeguarding Officers will submit to the CEO and AGMARK's Board an annual report on:

- (i) The implementation and evaluation of this Policy.
- (ii) Any concerns of Abuse or harm that may have been reported.
- (iii) The outcome of investigations carried out by the Safeguarding Committee.
- (iv) Any action taken by AGMARK on any Safeguarding concerns.
- (v) Identified potential risks of Abuse in AGMARK's programs and countries of operation.

6.3 The Safeguarding Committee

6.3.1 Once the Safeguarding Officer determines that an alleged Abuse needs to be investigated, they will immediately notify the CEO and the Board of the Safeguarding concern.

6.3.2 The CEO will immediately constitute a Safeguarding Committee, which will comprise at least three AGMARK Staff as follows:

- (i) Insofar as possible, the Safeguarding Officer who investigated the case.
- (ii) The Head of Internal Audit or a member of the internal audit unit.
- (iii) The Program Officer/Manager in charge of the program and/or Country in which the Abuse is alleged to have occurred.
- (iv) Director, Youth, Gender and Inclusiveness, who may, in the alternative, be represented by the Lead, Gender Integration or Head, Youth Employment in Agriculture.
- (v) General Counsel and Corporation Secretary (to play an advisory role).

6.4 Investigation Process

6.4.1 Investigations carried out by the Safeguarding Committee into allegations and concerns of Abuse will be carried out within 14 days. If this is not feasible or not achieved, reasons for this must be recorded, including the impact that any delays will have on the Vulnerable Person or Youth at risk or on the outcome/effectiveness of the investigation.

6.4.2 The following principles will underpin all investigations:

- (i) The Safeguarding Committee will ensure that the Victim or Survivor of the Abuse is consulted on the Safeguarding concern under investigation. In case the complaint relates to Child Abuse, the Child's parent, guardian or welfare officer will, as far as possible, be present when the Child is being interviewed.
- (ii) AGMARK will maintain confidentiality and will only disclose personal details of those involved in the investigations, including those who made the report, with their consent. AGMARK, however, reserves its right to disclose personal information in the absence of consent, where disclosure is deemed necessary to ensure that the Vulnerable Person and/or Youth, particularly a Child, is protected (for example, where a child may need specialist services or where a criminal offence may have been committed).
- (iii) The organization and/or individual(s) against whom the concern or allegation of Abuse relates will be informed of the allegations against them.
- (iv) The organization and/or individual under investigation will provide the Safeguarding Committee with all relevant information it seeks.
- (v) The Safeguarding Committee or their representatives will interview as many witnesses as deemed reasonably possible during the investigation period.

- (vi) All responses will be documented and, where possible, signed by the persons providing the information.
- (vii) All participants will be expected to adhere to strict confidentiality, and their cooperation will be required.
- (viii) If the allegation or concern of Abuse has not been reported to the authorities, the Safeguarding Committee will advise AGMARK whether, based on local law, the allegation or concern of Abuse should be referred to the police or other statutory authorities for criminal investigation.
- (ix) No retaliation or intimidation will be entertained. Any individual who makes any report of allegation or concern of Abuse and/or gives any information during the investigative process is entitled to protection from retaliation as set out in AGMARK's whistleblower policy.

6.5 Investigation Outcome

6.5.1 Once the investigation process has been completed, the Safeguarding Committee will evaluate the evidence and prepare a written investigation report. The report will set out:

- (i) The date of the report and the date of the alleged Abuse.
- (ii) The name and address of the Vulnerable Person, in the case of a Child, and the details of their parent(s) or legal guardian(s).
- (iii) How the committee carried out the investigations and the outcome of the same.
- (iv) Whether the alleged Abuse was reported to the local authorities.
- (v) A clear outcome of the investigation (i.e. 'substantiated', not substantiated' or 'inconclusive') with evidenced reasons for this.
- (vi) Recommendation(s) of the actions that AGMARK should take.
- (vii) The preventative efforts, if any, that were taken to ensure that no further Abuse and harm was carried out during the investigations.
- (viii) The treatment, if any, which has been provided to the Survivor and what should be done to support them.

6.5.2 Unless otherwise agreed by the Safeguarding Committee, the safeguarding officer will be responsible for compiling and submitting the investigation report. The report should be prepared within two days of completing the Investigations.

6.5.3 The CEO will submit the report to AGMARK's Management Board, which will determine the course of action to be taken.

7. ACCOUNTABILITY

Any behavior by Staff and Partners towards Vulnerable Persons and Youth, which results in Abuse will trigger action on the part of AGMARK as follows.

7.1 Staff

- (i) Any Staff placed under investigation by AGMARK or by official law enforcement authorities for any area of Abuse or as defined under this policy will be subject to the disciplinary process in AGMARK's Human Resources Policy Manual.

- (ii) If a Staff is dismissed for proven harm, Exploitation or Abuse, AGMARK may inform the relevant authorities, disclose this to prospective future employers and/or refuse to provide a reference, depending on details.

7.2 Partners

- (i) Appropriate action will be taken, including immediate termination of any contracts entered into with AGMARK, including a grant or partnership agreement. Prior to the termination, AGMARK will consider the impact the termination of the contract will have on the partnership's beneficiaries as well as any remedial measures undertaken by the Partner.
- (ii) AGMARK may also notify the relevant authorities and pursue any other legal action deemed appropriate in the circumstances.

7.3 Donors

AGMARK will report violations of this policy to its Donors in accordance with Donor requirements.

ACKNOWLEDGEMENT FORM

I confirm that I have read and understood the requirements and expectations set out under AGMARK’s Safeguarding of Vulnerable Persons and Youth Policy (the “Safeguarding Policy”).

I agree that.....its personnel, agents, officers, representatives, and sub-contractors shall abide by and comply with the provisions of the Safeguarding Policy.

I confirm that I am duly authorized to execute this Acknowledgement Form on behalf of.....

Signature

Name

Capacity

Date