

# Gender Based Violence (GBV)ELRP

**Gender Based Violence (GBV)** is an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (i.e. gender) differences between males and females. It includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty. These acts can occur in public or in private (IASC 2015). GBV results in, or is likely to result in, physical, sexual, or psychological harm or suffering to another individual without his/her consent. GBV can occur anywhere including, within community or at the work place settings.

**Sexual Exploitation** is defined as: "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."<sup>1</sup>

**Sexual Abuse** is further defined as "the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions."

When referencing sexual exploitation and abuse (SEA) in Bank-financed projects, SEA involves incidents perpetrated by any staff or contractors associated with the implementation of a project that the Bank is a lender to, against any project beneficiaries or members of project-affected communities.

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

SH differs from SEA in that it occurs between personnel/staff working on a project, and not between staff and project beneficiaries or communities. The distinction between SEA and SH is important so that agency policies and staff training can include specific instructions on procedures to prevent and respond to each

## EXISTING RISK MANAGEMENT SYSTEMS/GAPS

Based on the experience in implementing bank funded projects in Kenya, ELRP already has developed several measures to ensure the protection of people and communities it works with, including mechanisms to limit, report and respond to potential cases of sexual exploitation and abuse and sexual harassment cases as outlined below:

### a) Corporate Policies on SEA/SH

Policies that provide for protection of workers and the community against SEA/SH. Contractors are required to have in place a social safeguard Policy that protects workers and community members against SEA, sexual harassment, gender, child abuse, recruitment and anti-retaliation. Any act of SEA constitutes serious misconduct and is a ground for disciplinary measures, including summary dismissal and referral to enforcement authorities for criminal prosecution, where appropriate. The policies on SEA cover acts which occur at or away from the workplace, during or outside working hours, including sexual relations with children (under the age of 18), survival sex, sex for employment, goods assistance or services for sex, including prostitution. Implementation of SEA/SH activities on ELRP project will be guided by these policies and the established systems and procedures. Some of the policies include: -

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The Environment and Social Standards (ESS 2) which prohibits all forms of child abuse, child labour, sexual abuse and harassment, and defilement among others as stipulated.

Gender and Equity Policy, which affirms ELRP commitment to elimination of work place harassment, providing a working environment free from sexual abuse, aggression and abuse of authority at the workplace.

It will be a contractual requirement for the contractors to have in place a policy on SEA/SH for regular compliance monitoring. It will also be a responsibility of the GBV consultant and the PIU to ensure that applicable policies on SEA/SH are in place, monitor compliance with the policy provisions and apply penalties as provided for in the contract in case the contractor does not comply.

#### **b) Code of Conduct**

It is mandatory for all contractors to ensure all workers sign a Code of Conduct (CoC) that specifies appropriate behavioral conduct, responsibility and penalties for non-compliance with SEA/SH, among other social misconducts. ELRP will support contractors to develop CoCs with clauses on SEA/SH compliance and ensures that they enforce the codes. The CoC prohibits sexual relations with minors, subordinates, indigenous people, vulnerable groups, and protects them against various forms of sexual harassment in the work place. The CoC is translated into local languages and explained to workers in languages that they understand. Communities will also be made aware of the CoC provisions by the information, education and communication (IEC) during sensitizations. The GBV expert will have the prerequisite qualifications and experience required to engage women and men in a sensitive manner.

#### **c) Referral pathways**

Referral Pathways will be established in collaboration with other agencies and service providers like Police, MoH, and County Local Governments for effective management of SEA/SH and to facilitate access to services. ELRP has adopted the referral pathways which has several entry points and referrals including the county, police, traditional/religious/community leaders, psychosocial service providers (CSOs, CBOs) Legal Aid clinics, Medical/Health facilities and the courts of law, which work to ensure that survivors freely and safely navigate and benefit from well-coordinated services. The pathways will be reviewed by the GBV expert in consultation with other service providers to update and reflect available services in the project areas for adoption by the ELRP Project.

#### **d) Establishment of a reporting mechanism**

ELRP has developed a strong GBV/SEA/SH action plan that provides for timely and safe reporting of SEA/SH incidences. The protocol, guided by a survivor centric approach outlines professional standards and work ethics for the protection of women and children, including confidentiality, consent, safety and also outlines the roles and responsibilities of the key actors i.e. ELRP, GBV supervising consultant, contractor and other government line ministries and NGOs.

A dedicated Grievance Redress Mechanism (GRM), which receives information on alleged incidence of SEA/SH, must report to the ELRP and World Bank within 12 hours of the receipt.

The project GRM will consist of SEA/SH reporting channels/entry points which include:

- Trained GBV actors and Community Focal points whose role is to receive and refer cases appropriately to the ELRP and other GBV service providers;
- At the PIU, ELRP has recruited a Social Specialist (SS) and a specialized in GBV consultant who will be responsible for the management of all social risks on the project, including SEA/SH. This will be the focal point/entry point for SEA/SH reporting. They will be trained to facilitate a survivor centered approach ensuring safe and confidential referrals and case follow up either from the community or from project workers. In addition, ELRP staff involved in SEA/SH compliance supervision and monitoring will be trained. UNRA will work closely and coordinate with service providers (Community/Council, Police, Health,

Psychosocial Service Provider, traditional/religious/community leaders, Magistrate Court) to ensure survivors access timely services including the project GRM for accountability according to the needs and wishes of the survivor.

ELRP will also maintain strong coordination with the stipulated in the Memorandum of Understanding signed between counties defining working relationships, roles and responsibilities. The GBV referral pathway will be updated by the ELRP project to facilitate access to a minimum package of services where available.

The following procedure will be undertaken using an established standardized report form in line with a survivor centered approach according to their wishes and needs:

1. Getting the details of the survivor of GBV/SEA/SH
2. Documenting the details of the case
3. Refer survivors to appropriate service providers for GBV/SEA related services
4. Support Survivor through the Actors to ensure access to services
5. Coordinate with service providers/duty bearers to ensure GBV Cases are appropriately handled and survivors access appropriate services

Besides management of the mandated institutional response mechanism as outlined in the referral pathways, ELRP has a responsibility for reporting to the World Bank as part of the reporting requirements. The expert for GBV/SEA/SH will spearhead the coordinated responses and collection of information for immediate reporting within the mandatory 12 hours reporting timelines from time of known incident.

#### **e) Grievance Redress Mechanism**

GRM that handles complaints and feedback from all stakeholders involved in the project. The GRM not only aims at strengthening accountability to communities but also helps to identify a range of protection, fraud and diversion issues as well as other concerns related to the delivery of the project. Complaints should be received through the Grievance Management Committee (GMC) located at the community, county or national level. The Community focal points and GMCs will be trained on the survivor centered approach and GBV guiding principles, data management and, roles and responsibilities to facilitate safe, ethical and confidential referrals.

The other channels through which GBV/SEA/SH cases can be reported include: telephone calls (either using pay phone or ELRP toll free lines, information will be received by the client care team who refer GBV/SEA cases to the GBV expert, who refers the case to the appropriate project NSP for case management. Suggestion boxes at UNRA stations or the contractor's sites will also be used as channels of communication. Individuals will also be free to walk into UNRA offices (Head Office/Station) or project offices to report cases. All projects have a client care team as a first point of contact for any complains including GBV/SEA. The project will further build the capacity of the GBV actors in the county on GBV/SEA handling.

#### **f) Accountability and Response framework**

According to this protocol, there is the focal point for all GBV/SEA cases, all cases reported/referred to the project gets to the PIU. The PIU is responsible for documentation, provision of GBV case management, referrals and follow up. The PIU informs the world bank of a GBV/SEA incident, the GBV actors verifies the SEA allegations, with recommendations and sends the report to the supervising ELRP GBV consultant.

#### **g) Implementation of the GBV Action Plan 1 and 2**

This Action Plan will be implemented and monitored by PIU, supported by the GBV specialist.

