

ADVISORY NOTE ON

Preventing, mitigating, and responding to sexual exploitation, abuse and harassment (SEAH) within AfDB operations





About the IRM Advisory Function

The Independent Recourse Mechanism (IRM) advisory function provides technical advice on any operation and policies of the African Development Bank Group (AfDB), and supports staff and Management to strengthen the positive social and environmental impact of operations financed by the Bank Group.

To this end, IRM brings about systemic improvements in environmental and social policies, procedures, strategies and /or guidelines by addressing deficiencies; advises Management on emerging, strategic or systemic issues or processes based on lessons learned and trends; helps the Bank understand how environmental and social obligations may be more effectively implemented by Borrowers and Clients; and provides information and recommendations on emerging trends arising from the experience of IRM and other Independent Accountability Mechanisms (IAMs).

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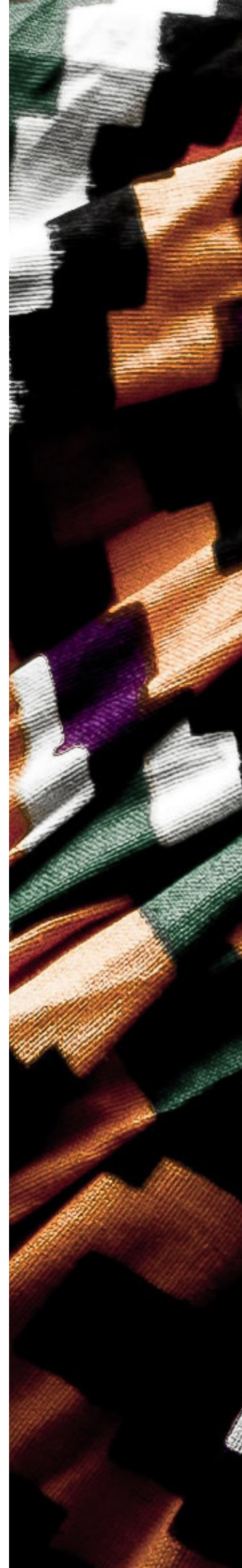
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Acronyms and Abbreviations

- AfDB** – African Development Bank Group
- CSO** – Civil society organization
- ESMP** – Environmental and Social Management Plan
- GBV** – Gender-based violence
- GRM** – Grievance redress mechanism
- IAMs** – Independent Accountability Mechanisms
- IDEV** – Independent Development Evaluation
- IFI** – International financial institution
- IRM** – Independent Recourse Mechanism
- ISS** – Integrated Safeguards System
- MDB** – Multilateral development bank
- NGO** – Non-governmental organization
- PIAC** – Office of Integrity and Anti-Corruption
- PIU** – Project Implementation Unit
- SEAH** – Sexual exploitation, abuse, and harassment
- SNSC** – Environmental and Social Safeguards and Compliance Department



Introduction

Development projects, while vitally important for increasing the wealth and opportunities that communities have access to, often produce an increased risk of sexual exploitation, abuse and harassment (SEAH). Projects take place in areas affected by poverty, and those involved in implementing the project – including Management staff, laborers and manual workers – often work in close proximity to women, boys and girls, and other at-risk populations.

Where multilateral development banks (MDBs) finance projects, they have an obligation to undertake due diligence – with a view to preventing SEAH from occurring, mitigating the risk of it doing so, and responding to it when it does occur. Responses may involve ensuring investigations are appropriate, and survivors have access to services to recover from the abuse they have been subjected to. Many MDBs provide guidance, support and resources (where appropriate), for multiple types of Borrowers in addressing SEAH.

This Advisory Note is designed to increase understanding of the ways in which AfDB may conduct due diligence with a view to addressing, mitigating and preventing SEAH in the projects it finances. For that purpose, it summarizes the AfDB's own policies; notes where these policies have gaps; and provides examples of best practice from other contexts – to aid the AfDB in developing approaches to addressing SEAH within its operations.

The Advisory Note contains recommendations for the Bank to improve its current practices relating to preventing and addressing SEAH within AfDB-funded projects. It recognizes the Bank's ongoing work on SEAH which has created a promising policy structure. In particular, the recommendations included in this note focus on the need to translate existing commitments and policy statements into practical tools and standards the Bank can use to conduct its own due diligence and to support and monitor Borrowers and Contractors during project implementation.

The recommendations made within this Advisory Note are made to the AfDB Group through its Board of Executive Directors for its consideration and further action – if considered appropriate. More specifically, the recommendations contained in this note relate to the Bank's role in ensuring that projects: conduct proper SEAH risk assessments during the projects' design phase to aid in the risk categorization of projects; develop appropriate mitigation measures; involve gender-based violence (GBV) and SEAH specialists in project design; consult communities and expert civil society groups when designing SEAH prevention and mitigation measures; provide grievance redress mechanisms (GRMs) that are appropriate for receiving complaints about SEAH; increase the accessibility of additional reporting mechanisms and procedures; and that the Bank improves responses to SEAH complaints through enhanced case handling and referral procedures.

This Advisory Note was initiated by the IRM which worked together with specialists from Social Development Direct.¹ The AfDB has previously embarked on a comprehensive campaign of raising awareness about and working towards addressing sexual harassment among Bank staff, but this campaign did not necessarily focus on addressing SEAH occurring within the projects it finances. This was recognized as a risk, and as a result the IRM spearheaded the process of developing an Advisory Note on preventing, mitigating, and responding to SEAH within AfDB operations in the autumn of 2021.

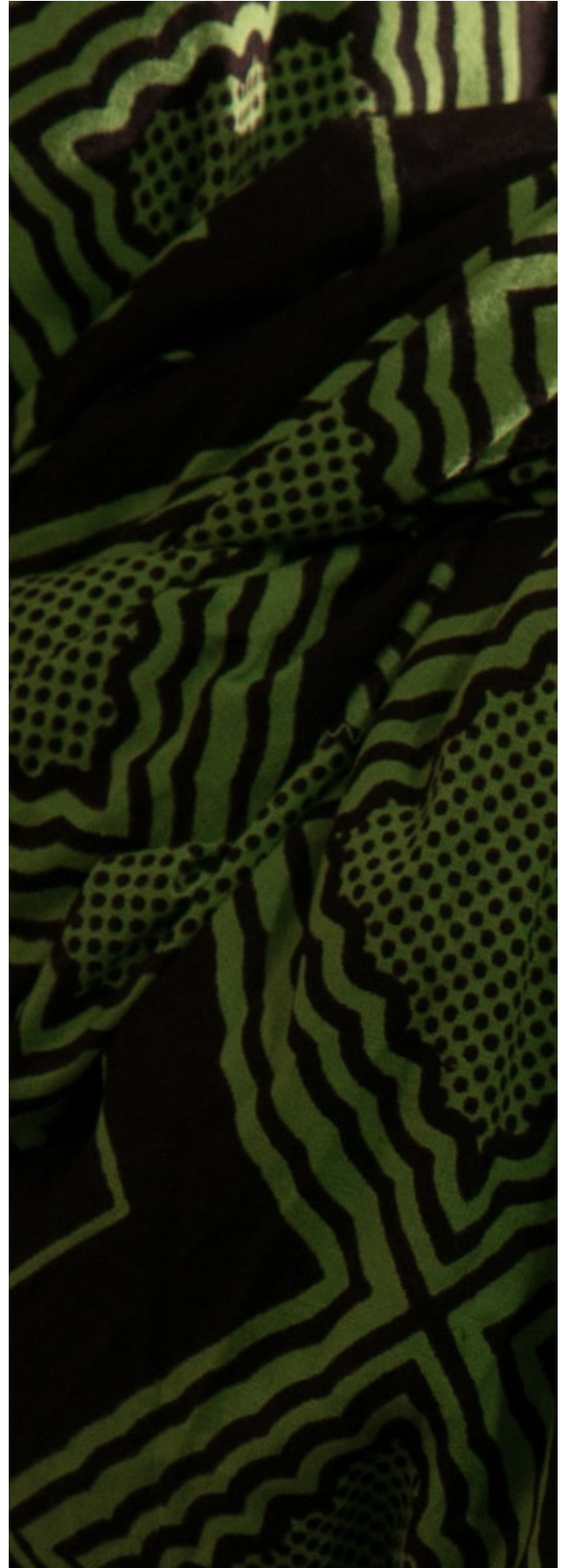
¹ Website available at: <https://www.sddirect.org.uk>.

The process to develop this Advisory Note consisted of:

- ① conducting key informant interviews, focus groups and a document review to explore AfDB's current policies and practices relating to SEAH within its resource streams;
- ② using this information to complete a scoring exercise based on a set of standard industry best practice indicators;
- ③ developing a paper of recommendations.

These activities were designed to act as stepping stones in the development of an overall Advisory Note, and the results of these activities are referenced throughout this document. Each activity was guided by a Steering Committee comprised of IRM representatives, as well as Bank employees from the Procurement, Safeguards, Gender and Civil Society engagement teams. A list of Steering Committee participants can be found in Annex 2. The Steering Committee provided insight into the inner workings of the Bank, direction for the research and supported in the verification of the scoring exercise.

The findings of the research into AfDB's existing policies, the feedback and suggestions received by AfDB staff during interviews and focus group discussions, the scoring exercise, the feedback of the Steering Committee and stakeholders, the collaborative work with IRM team members, and research into interventions in other contexts inform the conclusions and recommendations in this Advisory Note.



Understanding SEAH

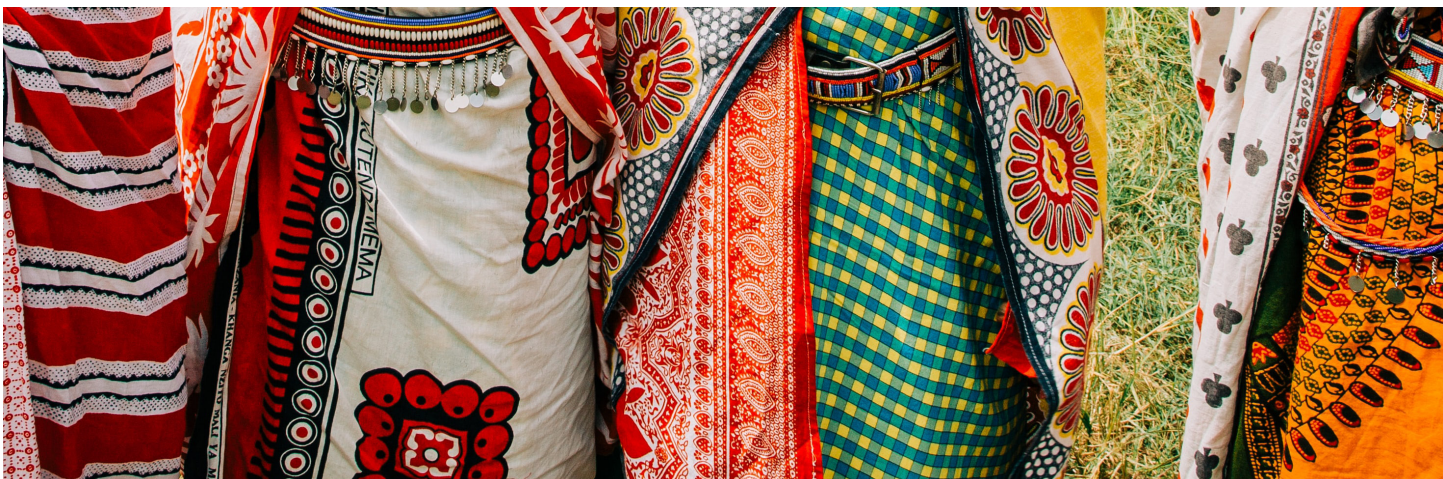
What is SEAH?

Sexual exploitation, abuse, and harassment (SEAH) is a term used to refer to abuses of a sexual nature, perpetrated by those employed or funded through development assistance resource flows (grants, loans and equity). It is a violation of human rights and therefore of AfDB's values. When perpetrated within AfDB's resource flows, it undermines the very values the Bank supports – acting contrary to development goals and principles.

SEAH is rooted in systemic and structural inequalities present across societies where Bank projects might be implemented. While these may vary from context to context, inequalities and discrimination are often based on gender, nationality, citizenship status, ethnic or religious belonging, sexual orientation, gender identity, age, profession, education, or marriage status. SEAH can happen because of one or more of these forms of inequality at once, but it is always enabled by power differentials sanctioned by the community and/or wider society. While individual perpetrators of SEAH must be held accountable for their actions, it is essential to frame SEAH as a structural issue which is supported by interpersonal, community and society-level systems which attribute more power to certain groups and individuals and condone their abuses of power.

SEAH always occurs in a work or work-related environment – where it may occur between employees, or between an employee and an external actor with whom they have come into contact. In humanitarian and development project settings, SEAH occurs both within organizations – by one staff member against another – and when staff members or workers on a project perpetrate SEAH against members of the project-affected community. SEAH is disproportionately committed against women and girls due to structural and systemic gender inequality and discrimination.

SEAH can be perpetrated based on issues of inequality other than gender inequality as well. For example, where a woman who is an international member of staff sexually harasses a junior, national member of staff. Within this example, the harassment is not rooted in gender inequality and gender discrimination but may be the result of deep rooted harmful cultural norms related to nationality and race. Another example may be that sexual violence perpetrated against a man with a disability, may be based on that individual's disability rather than on gender inequality. In addition, children may be targeted for SEAH due to age inequalities, gender inequalities and issues relating to pedophilia/hebephilia. SEAH is always based on abuse of power – where the perpetrator has more power than the survivor.²



² This note uses the term "survivor" throughout. Survivor is preferred, as a term, to "victim", because it connotes the person's strength in getting through the crime committed against them, and in recovering, and to avoid any disempowerment that comes from the use of the word victim.

For the exact definitions of SEAH used in this Advisory Note, see Table 1. For related definitions see Annex 1.

TABLE 1:

SEAH definitions

Sexual exploitation, abuse and harassment (SEAH)

SEAH is the term used to refer to sexual exploitation, abuse and harassment. Although sexual exploitation, abuse and harassment can happen anywhere in society when used as an umbrella term, within the official development assistance (ODA) sector the term refers to acts of SEAH perpetrated by those working in, with or through, ODA actors and their projects.

SEAH may occur anywhere in society, however when the term is used within the ODA sector is to refer to SEAH which occurs in a work environment specifically. This includes within a program setting or as a part of work travel, or online interactions. Service users, members of the community and staff working in the ODA sector are vulnerable to being targeted for SEAH.

Sexual exploitation

Means 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.

Sexual abuse

Means the actual or threatened physical, verbal or non-verbal intrusion of a sexual nature, whether by force or under unequal or coercive conditions and against the voluntary will of the other party.

Sexual harassment

Means any objectionable verbal, non-verbal or written comment and physical conduct of a sexual nature, which is made a condition of employment or other employment-related decisions (including assignment, contract renewal, performance evaluation or promotion), or which otherwise detrimentally affects the work environment by causing offence, humiliation, or intimidation. Such conduct may involve interactions between individuals of the same sex as well as individuals of the opposite sex and may consist of a single incident or a series of incidents.

SEAH versus gender-based violence³

GBV is an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (for example, gender) differences between men and women. It includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion and other deprivations of liberty. The term is most commonly used to underscore how systemic inequality between men and women, which exists in every society in the world, acts as a unifying and foundational characteristic of most forms of violence perpetrated against women and girls.

As SEAH is most often perpetrated against women and girls, it is most often a form of GBV. However, it may not always be a form of GBV. Sexual violence can be perpetrated based on other issues of inequality.

This document focuses exclusively on SEAH, rather than on GBV. GBV can occur anywhere and be perpetrated by anyone. Whereas SEAH (as understood within the context of the development and humanitarian assistance sector) focuses on acts of SEAH which are perpetrated by individuals contracted⁴ to work on projects supported by resourcing flows.

Why is addressing SEAH at the project-level important to AfDB?

Addressing SEAH in Bank-financed projects is important for several reasons. First and foremost, SEAH is a human rights violation against the person it is committed against. It has the potential to destroy lives: it can result in serious health problems; lead to anxiety, trauma and depression; result in further violations of rights to security, mobility and livelihoods for those targeted; break down community trust; and prevent populations from achieving gender equality.

Second, SEAH is a well-recognized impediment to economic development. Survivors become less productive, earn less income, and pay higher costs

for health services. The global cost of violence against women was estimated by the UN to be USD 1.5 trillion, equivalent to approximately 2 percent of the global gross domestic product, or roughly the size of the entire Canadian economy in 2016⁵. In sub-Saharan Africa, the International Monetary Fund found that a 1 percent increase in violence against women and girls reduced economic activities by up to 8 percent.⁶

Third, addressing SEAH in Bank-financed projects is important because failure to do so may affect the success of these projects, as well as the reputation of the AfDB. When those charged with progressing development work are subjecting a portion of the population to violence and cultivating a culture of fear, true development cannot be achieved.

Lastly, AfDB projects, while vitally important to increasing the wealth and opportunities that communities have access to, may increase the risk of SEAH. Projects take place in areas affected by poverty, and those involved in implementing the project – including Management staff, laborers and manual workers – often work in close proximity to women, boys, girls, and other at-risk populations. Projects funded by the AfDB therefore have a causality associated with their implementation.

Where MDBs finance projects, they are obliged to undertake due diligence – with a view to preventing SEAH from occurring, mitigating the risk of it occurring, and when it does occur, ensuring investigations are appropriate, and survivors have access to services to recover from the abuse they have been subjected to. MDBs (such as the World Bank) have put in place contracting which requests that measures are put in place to prevent, mitigate and respond to SEAH within the projects it funds, including those where the Borrower is a sovereign operation working with large-scale infrastructure projects, and disqualify Contractors who do not meet SEAH-related safeguarding requirements. Many MDBs provide guidance, support, and where appropriate, resources, for multiple types of Borrowers/Clients in addressing SEAH.

³ This replaces the previous Compliance Review and Mediation Unit (CRMU) and the Independent Review Mechanism (IRM).

⁴ Can include volunteers.

⁵ UN Women, The economic costs of violence against women. Source: <https://www.unwomen.org/en/news/stories/2016/9/speech-by-lakshmi-puri-on-economic-costs-of-violence-against-women>.

⁶ R. Ouedraogo and D. Stenzel, 2021. IMF Working Paper: 'The Heavy Economic Toll of Gender-based Violence: Evidence from Sub-Saharan Africa', (Washington, DC: IMF International Monetary Fund, 2021).

Examples of SEAH in key sectors and countries of investment

- 7.2% of women worldwide have been targeted for non-partner sexual violence. In sub-Saharan Africa, central that figure is 21% and sub-Saharan Africa, southern 17.4%.
- The cut flower industry in East Africa has a high incidence of sexual exploitation, abuse and harassment. One study found that in Ethiopia out of 160 women workers in this sector, 137 had experienced some form of SEAH in work. In Tanzania 89% of women workers, across 20 farms had personally witnessed one or more incidents, mainly perpetrated by managers. 40% of those interviewed in Kenya had experienced offensive jokes and comments, 24% were targeted for unwanted sexual touching and 18% had experienced threats of reprisal for not responding to sexual advances. Another 2% reported sexual assault.
- Studies in Benin found that 75% of adolescent girls report some form of SEAH from teachers and that 80% of girls knew of students approaches by teachers for sex. In Burkina Faso, a study of pregnant schoolgirls found that 10% had been impregnated as a result of SEAH perpetrated by their teachers.
- A study of women garment workers' rights in Lesotho in 2019, found that nearly two-thirds of the women they spoke to reported having been targeted for sexual harassment or abuse or having knowledge of harassment or abuse suffered by co-workers. Overwhelmingly, and without prompting from interviewers, women workers from all three factories identified SEAH as a central concern for themselves and other female employees.

The case studies below provide a snapshot of the harm that can be caused by SEAH and other human rights violations when committed in development projects or humanitarian contexts.

The SEAH scandal that changed the landscape around addressing SEAH in development and humanitarian work

The uncovering of allegations in 2018 of serious SEAH committed by Oxfam staff in Haiti was a seminal moment for the humanitarian and development sectors. It highlighted not only the pervasiveness of SEAH within humanitarian missions, but also the senior levels of the staff committing it, the efforts to divert attention from the phenomenon, and the culture of silence and fear preventing survivors from reporting. The allegations were made public in a 2018 news story claiming that Oxfam staff had been involved in hiring sex workers, including underage girls, for sex parties in the Oxfam offices and residences in Haiti. Oxfam had been made aware of these allegations years earlier and had conducted an internal investigation into them in 2011. It did not report the abuses to the authorities.

Instead, it quietly dismissed four staff, and allowed three others - including the Haitian Country Director - to resign. The Country Director was given a positive reference and subsequently hired by another charity. Following the release of this story, Oxfam lost £16 million in funding; the Chief Executive and Deputy Chief Executive resigned; it was suspended for two years from operating in Haiti by the Haitian government; and 7000 individual donors ended their funding - while 35% said they were less likely to donate to a humanitarian cause again. Following this initial scandal, there continues to be a steady flow of other reports of abuse within the sector – reported through the press and having a potential to erode public support for development and humanitarian agencies.

Growing criticism of donors and investors

In recent years, increased focus has been placed on the role of donors and financiers in conducting SEAH due diligence on the projects they fund or lend to. Some donor agencies have been the subject of legal action due to their failures to conduct such due diligence. In 2013, a legal case was taken by an Ethiopian man, “Mr. O”, who alleged that British contributions to a \$4.9 billion World Bank project in his home state were being used to fund a villagization program that had been characterized by human rights violations, including forced evictions and rape. The case was given widespread coverage in the

British media. Mr. O said he would withdraw the case only when the UK government withdraw funding from the project, which they did in 2015. In 2018, news sources indicated that another Ethiopian, this time a 17-year-old boy, was preparing to sue the UK Department for International Development in British courts for its role in funding Libyan detention centers, in which he had alleged serious human rights violations, including rape, are perpetrated against children.

World Bank cases in Uganda and the DRC

In 2016 and 2018, the World Bank grappled with allegations of pervasive SEAH in Bank-financed projects in Uganda and the DRC. Both complaints were submitted by members of communities living in areas in which transport development programs, supported by the World Bank, were being carried out.

In Uganda, the communities who submitted the complaint alleged the workers on the project had been engaged in sexual abuse and exploitation of children, as well as sexual harassment of female community members and project employees. The community, unsure how to make a complaint to the Bank, were eventually able to bring these violations to management’s attention through a local NGO and then through the World Bank’s Independent Accountability Mechanism - the Inspection Panel. Management’s response was initially slow and inadequate but in engaging with the Inspection Panel, eventually, the cases were able to be given the attention they deserved. When the complaints became public, the World Bank’s failures to adequately address, mitigate and prevent SEAH in the project it had funded, and to adequately respond to complaints when it did occur, attracted international media coverage and widespread condemnation. The World Bank’s Board publicly condemned the actions of the Bank.

Three months after the complaint was received, the Bank cancelled the \$265 million project. The Bank’s experience in the Uganda case prompted it to implement a raft of revisions to its policies, new guidance documents, and improved requirements for project-specific complaints mechanisms.

The DRC complaint alleged that communities exposed to workers on the Bank-funded development project experienced SEAH, including rape, by the project’s male workers, and that female workers were exposed to SEAH and threatened with withholding of salaries and dismissals if they refused. The complaint prompted the Bank to suspend all disbursements for civil works components of the work while they investigated the allegations and decided how to respond. The Bank’s response to the complaints in the DRC evidenced improvements in its capacity to respond to SEAH made since the 2016 Uganda incident. However, the lack of due diligence conducted in the design phase of the project, and continued gaps and inadequacies in the way the Bank responded to the allegations, prompted it to adopt additional guidance documents and processes, and to publish a special report on lessons learned from the two incidents in 2020.

The Bank’s response to both of these complaints is described in more detail later in this report.

Lessons learned from other Independent Accountability Mechanisms (IAMs)

In understanding the role that the AfDB can play in responding to risks and cases of SEAH in Bank-funded projects, it is useful to consider what lessons may be learned from the experiences of other IFIs and MDBs. To date, only a handful of complaints against development banks through their IAMs have been recorded and publicised – the highest profile of which being complaints made against the World Bank in Uganda and the DRC, described below. The Independent Consultation and Investigation Mechanism (MICI) of Inter-American Development Bank (IADB), has also

received at least three registered complaints with allegations of SEAH.⁷ However, given the sheer volume of evidence, this Advisory Note states that there are large numbers of unreported incidents across all resource streams, across all IFIs and MDBs. This underreporting of incidents can be assumed to be due to a lack of trusted, accessible, safe and promoted reporting mechanisms within Contractors' and Project Implementation Unit (PIU)s' workplaces and within project-affected communities, as well as a lack of effective due diligence on these issues from IFIs and MDBs themselves.

Understanding barriers to reporting

When designing new mechanisms or updating existing mechanisms, Contractors will need to identify the barriers people may face to reporting SEAH and develop mechanisms that help to overcome these barriers. Common barriers include:

- Feeling shame and embarrassment at having to describe what has happened and that others will know about it.
- Feeling distress and trauma and not wanting to re-live what they have experienced.
- Lacking trust that the process will be handled fairly and in confidence and/or lacking confidence they will be believed.
- Worrying about being blamed and stigmatized for causing trouble and/or provoking the behavior they have experienced. This fear is magnified for individuals and groups who are already marginalized or stigmatized in their communities, such as sex workers, widows, people with diverse sexual orientations, gender identities and expressions, sexual characteristics (SOGIESC)
- For workers, having concerns about being tarred as “difficult”, with a detrimental effect on their current work and potential promotions. This may even include fear they might lose their job.
- Knowing perpetrators will be able to count on the support of others.
- Fearing further violence or harassment, both in terms of retaliation by perpetrators and those who support them, and by family members who may blame them for what has happened.
- Not knowing about the parameters on project workers behavior.
- Not understanding where to report.
- Access to reporting mechanism is not universal and therefore does not cater to people experiencing specific forms of marginalization (and who are particularly at-risk of SEAH).

⁷ Two compliance reports are available via Inter-American Development Bank's website: <https://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=EZSHARE-1567711961-1773>; <https://idbdocs.i.org/wsdocs/getdocument.aspx?docnum=EZSHARE-1800453186-3869>. The third case does not yet have a compliance report in place.

Below, the Advisory Note refers to the two complaints that were featured within the 2020 World Bank Inspection Panel report, and reviews how they were responded to and the lessons that were learned. It should be noted that some of the same issues raised through the World Bank examples, were also seen in the IADB complaints.



It is useful to understand the ways in which other IFIs and MDBs took heed of the lessons learned by the World Bank and applied them to their own operations. This characteristic also features below.

World Bank cases in Uganda and the DRC

The World Bank Inspection Panel made several similar observations in the Uganda and DRC cases about failures of the Bank to properly assess the risk and respond to allegations of SEAH. These failures, and the lessons learned from them, are summarized in Table 2 below.

TABLE 2:

Issues and lessons learned identified through World Bank Inspection Panel Report

ISSUE IDENTIFIED 	LESSON LEARNED 
<p>Failure to conduct gendered risk assessment during project design: In both cases, the Bank failed to undertake gendered risk assessments at the design phase. Both contexts would have easily been identified by experts as being high risk for SEAH. Neither considered the labor influx risk, or the heightened risk posed by the general environment of inadequate legal frameworks and widespread impunity. In the context of DRC, insufficient consideration was also given to the effect of the conflict and the use of security forces to secure the project area.</p>	<p>Risk assessments should be conducted at the design stage of the project, as well as ahead of new developments as the project is being implemented and should include specific consideration of gendered risks – including SEAH. GBV experts should be brought onboard for this purpose.</p>
<p>Failure to require contextually appropriate mitigation measures as part of project design: Related to the failure to conduct risk assessments, in both Uganda and the DRC, the Bank failed to require PIUs to put in place strategic, robust, and context-specific mitigation measures to reduce the risk of SEAH materializing. In the Uganda project, it is unclear whether any mitigation measures were put in place; in the DRC project, the Panel found that while the Bank “envisioned some mitigation measures, these were insufficiently robust considering the well-known vulnerability of females due to local violence.”</p>	<p>Following the risk assessment, mitigation measures should be designed to respond to each of the identified risk, with the assistance of both GBV experts and experts on the local context. These must be strategic, robust and context specific.</p>

ISSUE IDENTIFIED



Grievance Redress Mechanisms (GRM) inappropriate for complaints of SEAH:

Neither project had established a project specific GRM that would enable community members to safely and securely report incidents of SEAH. Uganda had no functioning GRM. The DRC set up roadside complaints committees, which people would access out in the open – committees which did not include GBV specialists and could not ensure the confidentiality of complainants.

Insufficient engagement with local expert NGOs:

Both projects had minimal engagement with local expert NGOs in project design and implementation. In both Uganda and DRC, local women's groups and GBV-focused groups were engaged **after** the allegations of SEAH had been made, but not before.

Absence of red lines or accountability for Contractors involved in SEAH:

It appears that another failure common to both the Uganda and DRC projects was the absence of any SEAH-specific “red lines”, which would, if crossed, constitute grounds for disqualifying or terminating the relationship with Contractors.

LESSON LEARNED



GRMs must be capable of receiving and responding to complaints of SEAH. In projects that are high risk of SEAH, this will usually involve establishing a specific SEAH GRM. In projects that are lower risk, the general GRM may be adapted to ensure it can also receive SEAH complaints. Entry points to accessing the GRM should be community based – this may include community-based organizations, women's groups, or community leaders, who are able to collect complaints and refer them to the GRM. Those receiving the complaints should be trained in GBV, and specialist expertise should be available to them. The mechanism should be safe and secure to access, and capable of protecting the confidentiality of those who use it.

NGOs who understand the local culture and GBV context, and who have experience in responding to SEAH cases, must be engaged by project designers during the consultation phase and throughout project implementation. They can support by providing cultural and historical context, undertaking outreach with communities, coordinating community complaints mechanisms, conducting investigations when SEAH occurs, and providing support and services to survivors.

Standard clauses describing obligations relating to SEAH should be included in contract templates for Contractors in Bank-financed projects, and failure to meet those obligations should be grounds for disqualifying Contractors. Further, within contracts there should be clear parameters and obligations to report cases to the Bank. In 2020, the World Bank became the first multilateral development bank to adopt this approach. Contractors who fail to meet the SEAH-related obligations, mandatorily included in their contracts, are unable to receive Bank-financed contracts anywhere in the world for two years.

The World Bank made numerous changes to its approach at the operational level in both the Uganda and DRC cases. In Uganda, it suspended the project, reviewed the social safeguards in place for the rest of its Uganda portfolio, and supported the creation of programs to provide survivors of SEAH connected to its operations with tailored multi-sectoral services – including medical and psychosocial care, stipends and pregnancy and childcare support.⁸ In the DRC, the Bank suspended disbursements against all civil works components under the project, enlisted GBV experts, updated project documents including safeguarding policies and Codes of Conduct, and arranged for local NGOs to receive GBV complaints and provide multi-sectoral services. In that case, the response implemented by the Bank was considered so comprehensive that full funding for the project was reinstated, two years and three months after the complaint was initially made.

The World Bank also made wider, institutional changes following the two cases. First, following the Uganda complaint, the Bank established a Global Gender-Based Violence Task Force to steer future efforts by the Bank to address GBV. It released general guidance on SEAH in bank-financed projects, including a Good Practice Note on Addressing Sexual Exploitation and Abuse and Sexual Harassment in Investment Project Financing involving Major Civil Works, and internal and external lessons learned documents. It also amended its Code of Conduct; embedded GBV-related requirements into its procurement process; incorporated rules around disqualifying Contractors for non-compliance with SEAH requirements into contracts; and adopted requirements that GRMs set up for specific projects be appropriate for receiving cases of SEAH.⁹ Lastly, it issued guidance documents or tools on the following subjects:

SEAH RISK SCREENING:

The Bank designed a tool to screen major civil works projects during the design phase of the project.

MANAGING THE RISKS OF PROJECT-INDUCED LABOR INFLUX:

After the Uganda complaint, the Bank disseminated guidance on labor influx challenges.

ADDRESSING RISKS AND IMPACT ON VULNERABLE AND DISADVANTAGED GROUPS:

After the DRC case, the Bank adopted a directive on Addressing Risks and Impact on Vulnerable and Disadvantaged Groups – which, while not mentioning SEAH specifically, aligns with the SEAH recommendations in the Good Practice Note.

ASSESSING AND MANAGING THE RISKS AND IMPACTS OF USING SECURITY PERSONNEL:

A Good Practice Note was released to guide Bank staff in assessing the risks and impacts of using security personnel to secure project areas. The use of security personnel increases the risk of SEAH within projects.¹⁰

The lessons learned in the World Bank cases, and the way these have been addressed by other IFIs and development banks,¹¹ provides the context in which the IRM now considers AfDB policies and procedures, and any gaps that may exist. Learnings around the need for a specific focus on SEAH in processes, SEAH-specific risk assessments, SEAH expertise, SEAH-appropriate grievance mechanisms, SEAH-specific obligations and red lines for Contractors, and the need to provide guidance and support to SEAH for PIUs, are all relevant to the discussion on gaps and recommendations provided below.

⁸ World Bank, “Insights of the World Bank Inspection Panel: Responding to Project Gender-Based Violence Complaints Through an Independent Accountability Mechanism,” Emerging Lessons Series (Washington, DC: International Bank for Reconstruction and Development/The World Bank, 2020).

⁹ Ibid.

¹⁰ Ibid.

¹¹ After publication of the details of the Uganda cases and lessons learned by the World Bank, other financial institutions began to publicly take heed of the lessons, acknowledging where their own policies and procedures fell short and taking steps to address the gaps. One of the most comprehensive undertakings in this respect was the commitments made by the Green Climate Fund’s Independent Redress Mechanism in its report Prevention of Sexual Exploitation, Abuse and Harassment in GCF Projects or Programmes: Learning from the World Bank’s Inspection Panel (source: <https://www.greenclimate.fund/document/gcf-b26-inf02>). One of the main conclusions made in this report is that environmental and social safeguarding processes that assume, but do not explicitly mandate, that SEAH risks be considered and responded to – as is the case with the AfDB’s Integrated Safeguards System – are insufficient to ensure SEAH is adequately addressed.

Gap analysis and recommendations

Process and methodology

The content and recommendations suggested in this Advisory Note emerge from a collaborative process of data collection, analysis and validation led by the IRM with the support of Social Development Direct. Social Development Direct (SDDirect) was selected as the consultancy partner given their extensive experience advising international and multilateral institutions,

including MDBs and government donors, in the area of SEAH prevention, mitigation and response.

The different stages of data collection and analysis outlined in Table 3 below greatly benefitted from the engagement of a Steering Committee convened for the purposes of this exercise.

TABLE 3:

Methodology and stages for the development of the IRM Advisory Note

STAGE	ACTIVITY	NOTES
Stage 1	AfDB documents review	Documents relative to SEAH prevention, mitigation and response within AfDB operations were provided by IRM and Steering Committee members, as well as interview participants. Furthermore, the consultancy team accessed documents publicly available via the AfDB and IRM websites. A full list of AfDB documents reviewed is available in Annex 3.
Stage 2	Focus group discussions with Civil Society, Procurement, Corporate Procurement, Gender and Safeguarding Teams (7 FGDs in total).	Participants for FGDs and Key Informant Interviews were suggested by the Steering Committee.
Stage 3	Key Informant Interviews with members of IRM, Environmental and Social Safeguards and Compliance, Ethics and Procurement team (4 KII in total).	Participants for FGDs and Key Informant Interviews were suggested by the Steering Committee.

Stage 4	Scoring activity.	<p>Based on the findings of Stages 1-3, AfDB policy and practices related to SEAH in its operations were scored across 33 sector standards (see Annex 4), grouped under four policy and practice areas:</p> <ol style="list-style-type: none"> 1. Policies and Concepts; 2. Project Design and Due Diligence; 3. Response, Monitoring Contracts and Implementation; and 4. Internal Attention and Leadership. <p>AfDB was given a score between 0 and 3 for each criterion and an average score was then calculated for each policy and practice area. These average scores were then classified according to the following scheme:</p> <p>Score 0 - 0.9 = Severe Risk Score 1 - 1.5 = Substantial Risk Score 1.6 - 2.1 = Major Risk Score 2.2 - 2.6 = Moderate Risk Score 2.7 - 3 = Low Risk</p>
Stage 5	Scoring validation exercise with the Steering Committee.	The Steering Committee were provided with drafted analysis and given time before, during and after the validation session to share feedback.
Stage 6	Development of recommendations for AfDB.	The recommendations were developed and prioritized collaboratively by the IRM and Social Development Direct based on the outcome of Stages 1-5. The detailed recommendations are presented below in Section 5.
Stage 7	Drafting of Advisory Note.	Every stage of data collection helped to build a comprehensive picture of how AfDB currently addresses SEAH in the operations and projects it funds. Importantly, focus group discussions (FGDs) and key informant interviews (KIIs) were allowed to move beyond what is contained in written policies to understand how Bank staff comprehend and fulfil the Bank's role in terms of SEAH prevention, risk mitigation and response. Interactions with staff, including during Steering Committee meetings, were crucial in assessing the level of familiarity and use of existing policies and tools within AfDB. They also provided staff members with an opportunity to put forward their recommendations to strengthen, harmonize and /or consolidate how the Bank currently handles SEAH in its operations, which formed the basis of the set of recommendations presented in this Advisory Note.

Scoring, analysis and purpose

This section provides an overview of the policies already in place for addressing SEAH at AfDB and an analysis of the gaps that remain to ensure SEAH is effectively prevented, mitigated and responded to when it happens within AfDB operations. Based on this analysis, this section also puts forward a set of recommendations that would enable AfDB to transform policy commitments into concrete actions during project design, implementation and monitoring, to enact international standards and best practice in this area and to support Borrowers and Contractors in delivering against these standards.

The section is organized around four policy and practice areas, all equally critical in providing an institutional response to SEAH:

- ① **POLICIES & DEFINITIONS;**
- ② **PROJECT DESIGN & DUE DILIGENCE;**
- ③ **RESPONSE, MONITORING CONTRACTS & IMPLEMENTATION; AND**
- ④ **INTERNAL ATTENTION & LEADERSHIP.**

These four areas also reflect the indicators used during the scoring exercise. AfDB's policies, practices and procedures were reviewed against 37 indicators (see Annex 4 for a full list) grouped around the same four policy and practice areas. These indicators were adapted from widely accepted sector standards,¹² as well as best practices among MDBs.

Recommendations are listed in a table for each area, with color-coding indicating their suggested prioritization to address the most urgent gaps identified during the scoring process and gap analysis. Urgent recommendations appear in **RED**, while **AMBER** indicates recommendations that should be prioritized in the medium term, often because they require more time and/or resources to be implemented, and **YELLOW** recommendations which will need to be addressed in the long term, often because they depend on other recommendations being implemented first. **Despite this prioritization exercise, all recommendations contained in this Advisory Note should be considered critical and necessary if AfDB is to effectively address SEAH in its operations.**

Before engaging in the gap analysis and recommendations, however, this section details the process and methodology used to develop them. At the beginning of each area, the score and correlated risk is provided (see Table 3, stage 4 for further details).

The recommendations below are not meant to be prescriptive. The details regarding the way in which the recommendations might be implemented have purposefully not been included. The details of any potential implementation of any actions would be best considered by AfDB Management. Each recommendation requires a high degree of detail, which would need to be nuanced to the AfDB context, in order to be implemented.

AREA 1: POLICIES & DEFINITIONS

AFDB SCORE: MAJOR RISK

A) Sector indicators/what AfDB should have in place

- A clear code of conduct setting out behavior, including prohibitions on SEAH (for Bank and PIUs/Contractors).
- Policies on SEAH which clearly link to safeguarding policies.
- A clear definition of SEAH and common understanding of it within the Bank.

B) What AfDB has in place

- Within AfDB, SEAH is defined in Presidential Directive 02/2021 (Establishing rules and procedures for dealing with harassment in the Bank), which applies to the conduct of Bank staff and applies to Bank stakeholders, defined as including Project Implementation Units (PIUs) and Contractors. However, the focus groups and interviews revealed a lack of clarity regarding the scope of the Presidential Directive in relation to PIUs and Contractors and how it should be operationalized.
- SEAH is further defined by the Corporate Procurement Department's Code of Conduct for suppliers, which guides procurement for the Bank's internal operations; and the Standard Bidding Document for Works and Design, Supply, and Install projects, which guides procurement in the Bank's external operations.

¹² See, for example, Keeping Children Safe standards (source: <https://www.keepingchildrensafe.global/>), the Girls' Education Challenge standards (source: <https://www.gov.uk/guidance/girls-education-challenge>) and the UK Foreign, Commonwealth and Development Office's standards (source: <https://www.gov.uk/government/publications/dfid-enhanced-due-diligence-safeguarding-for-external-partners/child-safeguarding-due-diligence-for-external-partners>).

- The Bank has a zero-tolerance approach to SEAH within the documents where SEAH is integrated.
- The Standard Bidding Documents include a Code of Conduct (CoCs) for bidding Contractors in Bank-financed projects. The Code of Conduct – or a similar Code, which does not substantially deviate from the one provided – must be adopted by the Bidder to be successful.

C) Main gaps

- The requirement for bidders to adopt the Code of Conduct (for the Bank, Service Providers, Suppliers and Contractors) is currently only a requirement for Works and Design, Supply, and Install projects. The current Code of Conduct (within the Standard Bidding Document) requires the Bidder to pledge that their staff will not be involved in SEAH – as well as other commitments such as treating everyone without discrimination. It does not provide examples of prohibited conduct (including examples of what constitutes SEAH, as considered best practice in the sector), other than that of engaging in sexual conduct with someone under the age of 18. It also does not specify that the Code always applies, on and off-duty. However, the individually signed Code of Conduct for Contractor’s Personnel (ES) Form does contain many of the areas identified as missing from the above Code of Conduct.
- Although the Presidential Directive formally applies to PIUs and Contractors, AfDB personnel’s understanding of the Presidential Directive’s scope and how it can (and should) be applied to Bank-financed projects appears uneven.
- Interviews and focus groups revealed that most policy provisions related to SEAH are not accompanied by evidence-based, user-friendly guidance and tools, or by the necessary financial and/or human resources to support their implementation by Bank personnel, Borrowers and Contractors. Policy requirements can only be effectively implemented if all relevant actors are equipped to understand the implications of each requirement and to carry them out in a way that is safe, appropriate and timely. Creating a policy requirement without corresponding guidance risks

turning important SEAH prevention, mitigation and response strategies into box-ticking exercises without real impact.

- There is a lack of clarity within the Bank as to what the responsibilities are of AfDB in relation to SEAH prevention and response in the context of Bank operations and who specifically within the Bank is tasked with key actions to ensure SEAH is prioritized across operations.
- The provisions on SEAH in the Code of Conduct are limited to commitments that the personnel of Borrowers or Contractors will not engage in SEAH, without setting out any other expectations of how Contractors should respond to it.

Recommendations

- 1 Harmonize and strengthen the standard Code of Conduct to be applied to all forms of Bank-financed projects and activities and all personnel involved in Bank-financed operations. The Code of Conduct should specify that it applies to behaviors within and outside of workplace and working hours (on and off duty) and provide examples of prohibited behaviors.
- 2 Harmonize the definition of SEAH in all AfDB policies in a way that is consistent with the definition in the Standard Bidding Document for Large Works and is applicable to all types of projects. Provide definitional clarity between SEAH and Gender-based Violence (GBV), to ensure Bank staff understand where these two umbrella terms differ and where they overlap.
- 3 Ensure the standardized definition of SEAH for AfDB includes concrete examples of prohibited behaviors (as it is currently the case in the Code of Conduct annexed to the Standard Bidding Document).
- 4 Ensure that key policy provisions related to SEAH are accompanied by the requirement for the Bank and/or the Borrower to provide guidance, tools, financial and/or human resources to implement said policy requirement. Policy requirements should clearly link to existing tools or guidance to enable Borrowers and contractors to follow best practice.

- 5 Disseminate new policy provisions and tools regarding SEAH in Bank-financed activities across AfDB using a three-pronged strategy to ensure that:
- All AfDB personnel is aware, at a minimum, of: how SEAH is defined within Bank operations and how it relates to GBV; what duties AfDB has in preventing, mitigating and responding to SEAH; and what the reporting, whistleblowing and accountability mechanisms are;
 - Specific personnel involved in operations and SEAH assessment, risk mitigation, complaint and investigation in addition, receive targeted training to become aware of policy, guidance and tools available;
 - Communication amongst AfDB personnel involved in addressing SEAH is strengthened to ensure different components of SEAH prevention, response and mitigation in operations are coordinated and build on each other.

AREA 2: PROJECT DESIGN AND DUE DILIGENCE

AFDB SCORE: **SEVERE RISK**

A) Sector indicators/what AFDB should have in place

- Clear guidelines and tools to support PIUs and Borrowers to assess SEAH risks as part of Gender, Environment and Social Safeguards assessments, including risk overviews for key sectors.
- Minimum standards for PIUs when responding to the risk of SEAH including tools and guidance on conducting due diligence and tools to conduct service mappings to support survivors.
- Guidance on how to conduct safe stakeholder engagement activities during assessments including multiple groups at risk of SEAH.
- Assessments/self-assessments of PIUs and Borrowers against their capacity to deliver due diligence of Contractors against minimum standards, and expectations to fill gaps in standards if they are not met.

- Clear language around the discontinuation of contracts and conditions for disqualification of PIUs/Contractors where they are unable or unwilling to deliver due diligence to minimum standards.

B) What AFDB has in place

- **Social and environmental assessments** are undertaken for all projects financed by the Bank according to Integrated Safeguards System (ISS) stipulations. Additionally, Standard Bidding Documents for Large Works projects require Contractors to undertake social assessments, and specifies that this includes, as an “example”, assessments of SEAH risks. Gender Specialists at the Bank report that they work closely with Environmental and Social Safeguards Specialists in integrating measures to identify, mitigate and respond to SEAH in projects.
- **Engagement with the community and civil society:** The ISS mandates PIUs to engage with stakeholders, including communities, vulnerable groups, or individuals affected by proposed projects, throughout the lifespan of the project, and to report back to the Bank on these activities. The updated ISS¹³ (Policy statements and Operational Standards) has some bulleted notes on ways to engage the community to mitigate against potential gendered impact of projects.
- The AfDB – Safeguard Against Sexual Exploitation Abuse and Harassment document identifies sectors in which SEAH risk will be considered high – including major civil works with very large numbers of migrant workers, post-conflict countries/regions, places with a high prevalence of GBV, and countries lacking specific legislation addressing GBV.
- The Code of Conduct annexed to the Standard Bidding Document sets out the standards applicable to Contractors bidding for Bank-financed contracts. This provides a minimum standard on which the Borrower may perform due diligence. Bidders will not be awarded the contract if they have not committed to the Code of Conduct.
- The Standard Bidding Document requires bidders to agree to put mitigating measures in place if their projects are assessed to be at high or substantial risk of SEAH. There are some ad hoc guidelines in

¹³ The AfDB is currently in the process of reviewing the ISS. In producing this advisory note the consultants reviewed the draft that was available in Q4 2021.

place for bidders to ensure proportionate levels of due diligence according to risk levels (for example, the requirement for an SEAH expert to be hired for substantial to high-risk projects). These Standard Bidding Documents represent the most advanced attempts to address SEAH within operations of all AfDB policy documents.

- Guidance and training materials provided by the Bank mention the need to assess available services, and Bank training materials suggest modalities for providing support to GBV service providers. However, the Update on The Bank Group's Initiatives to Safeguard Against Sexual Exploitation, Abuse and Harassment (SEAH) presented to the AfDB Board of Directors in May 2021 notes the lack of services as a challenge to adequately respond to SEAH.

C) Main gaps

- Social and environmental assessments are generally not sufficient to ensure that specific SEAH risks are being adequately addressed. There is a lack of tools or risk rating processes available to assist Bank staff, PIUs or Contractors in assessing and mitigating against risks. There is inadequate clarity on what an SEAH assessment should entail and how appropriate mitigation measures should be identified and prioritized within the Environmental and Social Management Plan (ESMP). Assessments of SEAH risks included in publicly available Environmental and Social Impact Assessment (ESIA) for Bank-financed projects showed a very wide range in terms of depth and quality, reflecting the lack of available guidance and/or minimum standards of what such an assessment should include and how it should be conducted under the imperative of doing no harm.
- While there is some guidance on which kinds of projects might be considered at high risk of SEAH before assessment, no guidance or tool is available to determine the level of SEAH risk in an individual project based on the assessment findings. Having a categorization system or tool is important to not only identify the most appropriate mitigation measures, but also to determine the level of oversight and monitoring required by Borrowers and AfDB.
- Specific risk overviews by the project sector (for example, Agriculture, Infrastructure, and so on) do not exist. Peer institutions have or are developing

different policies or Advisory Notes setting out the risks of SEAH in different sectors, which is useful in detecting risk and in tailoring mitigation measures.

- While guidance and training materials on prevention of SEAH by the AfDB Gender Division and Safeguards department mention the importance of assessing availability of services to support survivors of SEAH, this is not mandated in policy, and no tools are provided to conduct such an exercise. Furthermore, no mention is made of the need to not only assess availability, but also quality and accessibility of services, especially for specific at-risk groups which might face additional barriers and/or stigma. Policies also do not include an explicit requirement for the Bank and/or the Borrower to take action to address gaps in service provision which are identified through the mapping. This is something that is currently being piloted by one MDB and the World Bank includes recommendations on this point within their Good Practice Note relating to Major Civil Works.
- AfDB's Gender Marker tool and any assessments associated with it are currently not used in a systematic and accountable manner, to partially provide an understanding of risk. Similar entities within the sector ensure that SEAH risk assessments and categorizations are informed by gender assessments, markers, and so on. However, it should be noted that although gender work and SEAH prevention, response and mitigation are linked– they are also distinct areas of specialism.
- The draft ISS requires the Bank, Borrowers and Contractors to conduct consultations with communities in order to assess possible project risks, as well as at various stages throughout the project. However, it does not provide guidance as to how to determine which groups or populations are “at risk” in any given context, or how to engage them safely and with dignity. It also does not specify whether and how SEAH should be a topic of these consultations and how to discuss the topic safely without causing further harm or stigmatization. Best practice from similar institutions is that, in addition to being included in training materials – as it is at AfDB – guidance on which at-risk groups to target, how, and how to discuss SEAH should be set down in policy. These policy documents should stipulate that SEAH should only be discussed directly during assessment by SEAH specialists (exactly who constitutes a specialist should also be defined) to avoid causing harm.

- Once SEAH risks are assessed and identified, the draft ISS mandates that appropriate mitigation measures are included in the project ESMP and regularly monitored. However, sample ESMPs analyzed showed a limited understanding of the appropriate measures and indicators of SEAH risk mitigation, with potentially counter-productive results, such as efforts to drive down reporting rates by making reporting mechanisms inaccessible. No support appears available for Borrowers and Contractors to understand the appropriate mitigation strategies for SEAH depending on the level of SEAH risk of the project and other contextual factors, and to select appropriate, measurable indicators and targets for the ESMP.
- No tools appear to be available to assist the Borrower and/or the Bank in overseeing or conducting due diligence on all SEAH assessment, risk mitigation and response measures.

Recommendations

- 1 Introduce a compulsory SEAH risk rating for all Bank-financed operations to support a proportionate approach to risk mitigation, due diligence and monitoring of projects.
- 2 Amend the draft Updated Integrated Safeguard System (ISS) to explicitly include the assessment of SEAH risks as a requirement in the Environmental and Social Impact Assessment (ESIA) and appropriate mitigation measures as a requirement in the Environmental and Social Management Plan (ESMP).
- 3 Develop (or adapt) and disseminate SEAH assessment tools, differentiated by level of risks and type of IS Assessment, and providing criteria to categorize the level of risk of SEAH in each project (low, moderate, substantial, high). Ensure guidance and/or technical assistance on how to use the tool, (including on when to engage an SEAH specialist and criteria for their identification), is available to all Borrowers.

4 Develop (or adapt) and disseminate minimum standards for Contractors to address SEAH within their projects, accompanied by guidance on meeting those standards, and consider breaches of these standards contained within contracts to be grounds for disqualification from AfDB-funded projects for a certain period.

5 Develop (or adapt) and disseminate a SEAH service mapping and quality assessment tool to be used across Bank-financed activities that present substantial or high risk of SEAH. Ensure guidance on how to source appropriate specialized knowledge and expertise (required at this level) to conduct the assessment (as per the ESP) is available to all Borrowers.

Where services do not exist or are inadequate and the project is higher risk, mandate that the Borrower put those services in place or strengthen existing services, with support from AfDB as needed.

6 Develop (or adapt) and disseminate guidance on how to engage specific at-risk groups safely and meaningfully during Integrated Safeguard Assessments, including on the topic of SEAH, while prioritizing a do no harm approach. Define what is meant by at-risk groups and what is meant by meaningful engagement/consultation. Specify that SEAH should only be directly discussed with these groups by SEAH experts. Ensure guidance and /or technical assistance on how to use the tool is available to all Borrowers.

7 Develop (or adapt) and disseminate guidance and/or capacity building initiatives on how to select, design and implement appropriate mitigation measures for SEAH risks depending on the SEAH risk level, as well as appropriate indicators and targets to be included in ESMP. It is recommended to include this guidance both in the Updated ISS and in the Standard Bidding Document. Both SEAH experts and context experts – such as women’s civil society groups from the community – should be included in the process of developing mitigating measures.

AREA 3: RESPONSE, MONITORING, CONTRACTS & IMPLEMENTATION

Sub-area 1: monitoring, engagement with at-risk groups, project cycle management, agreement templates, contract standard clauses, risk register.

AFDB SCORE: SEVERE RISK

A) Sector standards/what AFDB should have in place

- Monitoring guidelines for PIUs to monitor Contractors.
- Monitoring guidelines for Bank to supervise PIUs and Contractors.
- Case reports which are followed up and thresholds in place for increased oversight/engagement from the Borrower towards the Contractor.
- Clear instruction for Bank staff regarding the integration of SEAH within all stages of the project cycle.
- Clauses on safeguarding against SEAH within contracts.
- Including expectations of the partner and reporting arrangements between partner and Borrower/Client within contracts.

B) What AFDB has in place

- The necessity to streamline SEAH prevention into the project cycle is included in training materials, which refer to policy and guidance documents that are relevant to each stage of the project cycle process. The Department of Gender, Women and Civil Society has developed a guide on addressing SEAH through gender mainstreaming of the project cycle, which, although not yet a policy, provides a basis from which to build.
- Guidance on the monitoring of PIUs is included in the ISS, which specifies that the Bank's Environmental & Social Safeguards and Compliance Department should monitor the environmental and social performance of Bank's projects in consultation with PIUs. This guidance is general; it mandates monitoring and reporting on the complaints received by the GRM, as well as reporting on the issues raised in the initial social and environmental due diligence conducted by the Bank.

C) Main gaps

- The guidance on monitoring in the ISS does not explicitly require monitoring of the mitigation or prevention measures put in place during the risk assessment process, nor does it provide guidance on monitoring any SEAH-related outputs. These requirements should be set out somewhere – they do not necessarily need to be part of the ISS but may be included in additional policies and guidelines for PIUs and Contractors. This will require specific expertise.
- The draft upgraded ISS stipulates that the Bank monitors implementation, among other things, through periodic implementation reports prepared by the Borrower, and “annual environmental and social audits prepared by an independent consultant of the borrower”. It does not, however, specify that SEAH and relative mitigation measures should be included in these exercises, nor does it specify the type of expertise the independent consultants nor the Borrower's staff involved in the monitoring should hold. Carrying out SEAH assessments or monitoring without relevant expertise carries significant risk of causing further harm.
- The draft upgraded ISS does not explicitly require the monitoring of SEAH mitigation and prevention measures included in the ESMP, which might result in less frequent monitoring of these specific components of the ESMP by the Bank. Furthermore, no AfDB document nor policy states the need to engage someone with specific expertise on SEAH to assess projects' effectiveness in minimizing the risks of SEAH within the project. A monitoring team without specific expertise in SEAH might inadvertently cause harm doing the monitoring process (for example, by asking community members directly about incidents of SEAH) or promote inappropriate indicators and targets – as seen in some of the ESMPs reviewed for this project.

Recommendations

- 1 Mandate regular monitoring of SEAH mitigation measures in the ESMP by AfDB staff or consultants with specific SEAH expertise or training. Frequency and level of expertise required are to be determined by project-specific SEAH risk level.
- 2 Develop a standard operating procedure, including tools and resources, which describes the way in which SEAH can be formally addressed at each stage of the project cycle
- 3 Mandate and provide resources so that the periodic implementation reports and the environmental and social annual audit carried out by the Borrower for projects with substantial and high SEAH risk assessments includes specific considerations for SEAH mitigation measures, to be monitored by a specialized SEAH consultant (this should be clarified in the Upgraded ISS).
- 4 Develop (or adapt) SEAH monitoring guidance for PIUs, including guidance for working with at-risk groups on an ongoing basis to assess the effectiveness of the reporting mechanism and impact of the project.
- 5 Include a key performance indicator (KPI) within the Bank's internal monitoring framework to monitor the Bank's own performance on the extent to which it prevented, mitigated and responded to SEAH occurring on Bank-financed projects.

Sub-area 2: case handling, survivor support, reporting mechanisms and additional reporting mechanisms

A) Sector indicators/what AfDB should have in place

- Clear guidelines regarding ways to establish and /or adapt existing GRMs to be appropriate for SEAH response.
- Separate reporting mechanisms made available for community-based reporting and workplace reporting.
- Reporting mechanisms which allow for anonymous complaints through multiple sources, and mandate follow up with complainants in a way which is survivor-centered and risk informed.
- Requirements for the PIUs, Borrowers and Contractors to promote reporting mechanisms (how to access, what case handling looks like, timeline) to multiple stakeholders (staff, beneficiaries, at-risk groups, other community members/indirect beneficiaries) throughout the lifecycle of the project.
- Clear guidance to ensure that appropriately trained staff/other personnel handle cases.
- Obligations for PIUs to engage with and support SEAH /GBV specialists to support case handling where they are not able to do so.
- Clear guidelines for PIUs with regards to their expectations of Contractors and survivor-centered case handling.
- Clear guidelines for PIUs/Contractors on investigation standards, including the standard of information (which should be civil, rather than criminal standard and based on the balance of probability); rules mandating respect for confidentiality; the case information that can be considered (including statements from the survivor); and specifications that timelines for each stage of the investigation cycle must be set and be reasonable.
- Clear guidelines for PIUs/Contractors with regards to who should conduct investigations: whether in-house investigators specifically trained in SEAH; or provisions in place for appointing external investigators. Clear guidance regarding the expected training the investigators should have, and requirements that investigation teams are gender balanced and aware of the geographic and cultural context where the investigation is taking place.
- Clear guidelines in place to support PIUs/Contractors in the set-up of complaints mechanisms and the handling of such cases. The guidelines must protect complainants and their agents from reprisals; contain clear processes for dealing with concerns raised and by whom, and the timelines involved; have measures in place to support internal and external reporting and confidentiality; and require their dissemination with partners and beneficiaries.

Understanding survivor-centered approaches

- **The survivor’s wishes are central to any actions taken**, and that the survivor is treated with dignity and respect, demonstrating belief and trust. Actions are carried out in ways that are free of bias and do not reinforce prejudice. This means taking all survivors accounts seriously and a timely response at each stage of the GRM response procedure.
- Survivor consent is ‘informed consent’ - this means that the survivor must be aware of and understand what all available options entail. The information provided should be comprehensive detailed and communicated in a way which is easy to understand. Where the survivor is an adult, they should make the decision as to whether they will seek referral to response services, and whether police are to be notified.
- **No limitations on who reports or when they report.** An individual can report a concern or incident at any time after it happens. Everyone is able and encouraged to report and third-party complaints are accepted.
- Survivors are kept **regularly informed** as to the progress and developments related to their report.
- **Survivor support** is planned and thought through in advance with local mapping and vetting of services, referral processes in place and adequate resources included in Contractors’ GRM budgets. Support is provided promptly after a report is made.

B) What AfDB has in place

- The Bank has some indication of general aspects of how to handle complaints. The Presidential Directive 02/2021 outlines systems and measures for recourse regarding SEAH within the Bank, and includes an expectation that all stakeholders (this includes Borrowers, Clients and Contractors) are to: “uphold the highest standards of conduct in dealing with harassment including SEAH through appropriate preventative measures, investigation and corrective action”.
- The draft upgraded ISS requires the Borrower to establish a “grievance mechanism, process, or procedure” at the project level. It also provides summary guidance on what a grievance mechanism may include – this can be found in OS10 – Annex I.
- The Standard Bidding Documents require bidders to appoint a person with expertise to handle SEAH cases if contracts are expected to be at substantial or high risk of SEAH, either from within their staff or hired externally.
- The IRM is able to receive complaints from those who believe they have been adversely affected by Bank-financed projects and is currently addressing gaps in its capacity through a capacity-strengthening initiative.

C) Main gaps

- Despite general guidance available to Bank staff on how to handle complaints, implementation details are yet to be developed on how to handle cases of SEAH for its PIUs and Contractors. Thus, while the Presidential Directive 02/2021 includes an expectation that all stakeholders (this includes Borrowers, Clients and Contractors) are to “uphold the highest standards of conduct in dealing with harassment including SEAH through appropriate preventative measures, investigation and corrective action”, there is currently a lack of elaboration on this expectation and what constitutes high standards in this regard.

- The Presidential Directive 02/2021 references the submission of complaints to PIAC, SNSC and IRM for complaints generated within the Bank. However there does not appear to be clear guidance on what the processes are for each of these units and there appear to be no clear operational guidelines or policies regarding the handling of SEAH cases occurring within the Bank's operations.
- Access to the Bank's complaint mechanism is primarily via email and a web-based system called SPOT which is monitored by the Ethics Office, but which would not be easily accessible or known to those most at risk of SEAH within the PIUs, Contractor and project-affected communities.
- Both the document review and the focus groups and interviews revealed a lack of clear understanding of the way in which PIAC, SNSC and/or IRM would handle cases of SEAH reported, or of their capacity to respond appropriately.
- A survivor-centered approach appears to be missing in several elements of the complaint-handling mechanisms, with several clauses explicitly deviating from this approach. For instance, the directive to instantly refer or report harassment of a sexual nature by a Bank stakeholder in the context of a Bank-financed operation to the local law enforcement agency is not in line with good practice standards in relation to survivor-centeredness and may cause the survivor harm ¹⁴ (see box 6 for further information). Furthermore, it fails to recognize that not all issues of SEAH are illegal. Requirements such as the timely submission of complaints, that survivors are encouraged to keep written evidence, and that the survivors/complainants should be prepared to be identified, are all counter to a survivor-centered approach and may be off-putting to survivors and complainants. This may further increase barriers to reporting.
- It does not appear that there are specific expectations in relation to PIU/Contractors understanding the legal framework of the context of operation related to SEAH.
- Support to the survivor beyond informing the police is not prioritized in Bank's policies or other documents. Healthcare and psychosocial support should always be prioritized when a complaint of SEAH is received, if the survivor wishes to access these services.
- Guidance regarding the role of the PIU and/or Contractor or the way in which they should or should not be engaged in responding to incidents is not available.
- While there are clear requirements for GRMs to be established at the project level, there are no recommendations or requirements aimed at ensuring that grievance mechanisms are safe and appropriate to receive and handle SEAH complaints. Managing SEAH allegations requires a different approach than that for other types of concerns raised through project-level GRMs due to its sensitive nature and the high risks of retaliation, stigmatization, and further harm it poses.
- Within some focus groups conducted in the context of developing this Advisory Note, there was a reflection across several discussions that the lack of reporting of SEAH from Bank-financed operations was indicative of a lack of occurrence of SEAH. A lack of reporting, however, does not indicate a lack of incidents, but rather indicates the ineffectiveness of existing reporting mechanisms.
- While the requirement in the Standard Bidding Documents that bidders appoint a person with expertise to handle SEAH cases if contracts are expected to be at substantial or high risk of SEAH, is an example of good practice, there is insufficient guidance with regards to what SEAH expertise means, what that individual's role should be, or guidance on the expectations of case handling. Similarly, there is no guidance on whether the Bank or PIU should receive information on cases, what information should be shared, and when. An example of how reporting between the Contractor, PIU and Bank could flow is available in Annex 5.

¹⁴ For example, in instances where accessing the police may be dangerous to survivors of sexual violence.

- The draft upgraded ISS requires the Borrower to establish a GRM at the project level, but does not require any additional reporting mechanism to be established either at the Borrower level, where appropriate, for instance to cover multiple projects, or within the AfDB. The project-level reporting mechanism, in most cases, should be the primary means of reporting for staff and community members affected by project-related SEAH. In addition to this means of reporting, however, affected workers or affected community members should have an option to use other reporting mechanisms¹⁵ as an alternative where they feel that a case has not, or will not be handled effectively, or where they feel that reporting via these mechanisms is in the public interest (for example, where large numbers of SEAH incidents are occurring within a project with no or ineffective action).
- The upgraded ISS mentions the Bank's IRM as the only other element of the Bank's grievance provisions, but it is not clearly presented as a potential complaint mechanism where project-level GRMs are inaccessible or compromised.



¹⁵ Currently, the SPOT function and AfDB email reporting outlined in Presidential Directive 02/2021 are the only means of reporting available for project-affected communities, Contractors' workers and other Bank stakeholders. The SPOT function and reporting to PIAC could feasibly become an additional method of reporting SEAH perpetrated by Bank stakeholders, if detailed case handling protocols were to be put in place for cases reported to them where other mechanisms are unsuitable, untrusted, or have failed.

The role of IRM as an additional reporting mechanism for SEAH cases

The IRM is the independent complaints mechanism for the AfDB Group. This means that it is independent from Bank's management and reports directly to the Board. It addresses complaints from individuals, workers and communities who have been or believe they will be adversely affected by the actions and effects of a Bank-financed project. This may include the handling of an operations related SEAH complaint.

When a complaint is received the IRM can investigate whether harm has occurred and whether this harm is related to the Bank's non-compliance with its own policies and procedures such as ensuring that the Bank carried out sufficient mitigation measures to prevent such harms from arising.

Through its investigation processes, the IRM may determine if SEAH-related complaints made against PIUs or Contractors have been adequately responded to. It may find that the Bank did not ensure the requisite due diligence to prevent such acts from occurring; or alternatively, it may increase the stringency of what it requires from PIUs and Contractors in the future.

The IRM has a number of features that may be useful for SEAH survivors who wish to bring forward their concerns in connection with a Bank-financed project.

These include:

- the ability to provide confidentiality to SEAH survivor in its complaint-handling process;
- the ability to waive its requirement for SEAH complainants make good faith efforts to resolve issues at the project or Bank level first before bringing it to the IRM;
- the possibility to launch an investigation based on anonymous complaints;
- the ability to work closely with CSOs on the ground to formulate the complaint with the survivor;

- not requiring survivors to directly or indirectly confront perpetrators;
- that the mechanism can conclude on project-related harm without attributing personal blame;
- that findings can be based on credible evidence corroborated by other survivors, witnesses, or events and engage the expertise of gender and SEAH/GBV specialists;
- the possibility to recommend remedy for SEAH survivors and through its recommendations the Bank may also attempt to use its leverage to influence its Borrowers and Clients to also deliver relief when appropriate.

Areas where the IRM may adapt its existing processes and procedures to respond better to SEAH complaints specifically include:

- enhancing the training of IRM staff to be able to sensitively manage the SEAH investigations using a survivor-centered approach;
- raising awareness among stakeholders of its ability to receive SEAH complaints;
- adapting its procedures so that the IRM can respond more quickly to the needs of SEAH survivors which may need to be addressed before a more fulsome investigation can be carried out;
- ensuring that it has access to requisite SEAH expertise for its complaint intake and handling processes, including investigations;
- being prepared to refer SEAH survivors to appropriate health and counselling services when required.

By responding to SEAH complaints in such a way, the IRM not only fulfils its role with AfDB, but also may provide some form of access to justice, or measure of accountability, in SEAH cases that are likely never to go to court. Humanitarian and development contexts

often involve numerous barriers to accessing justice for survivors, including gender discrimination, weak legal infrastructure, pervasive impunity, and potential retaliation for those who report. In such circumstances, survivors often do not consider formally reporting such crimes to be an option. In such circumstances, the IRM may offer an independent accountability space and may hold significant potential in ensuring these survivors and complainants feel heard and are able to access some form of accountability.

It is important to note however that the IRM should not serve as a substitute for effective due diligence and supervision on the part of Bank management to prevent SEAH. It should not be relied upon as a safety shield for management. The Bank has an obligation to ensure that its projects do not contribute to SEAH occurring either by the design of the project, or through the employees or associated personnel working on that project. When SEAH issues do arise however, the IRM can play an important role in seeking to address SEAH related issues in projects and may offer a safe space for survivors of project related SEAH to report (make complaints) where they feel uncomfortable or are unable to do so using the Contractor or PIUs mechanisms.

It should be further noted that the IRM is restricted to only assess the Bank's compliance with its own policies and does not conclude on the compliance of other parties such as PIUs, Contractors or other parties that may be involved in a Bank-financed project. Even though these entities may have an important role in addressing any harms. As such IAMs like the IRM have a limited mandate and cannot provide the same type of recourse that is available through judicial proceedings. This means the IRM would be constrained in its ability to act as an alternative reporting mechanism and limited in its ability to provide recourse and support to survivors. It may be most effective where the Bank itself has mishandled oversight of cases.

- It is unclear (both within policies and among staff consulted) which unit within the Bank is responsible for receiving and handling complaints related to SEAH within Bank-financed operations.¹⁶ Interviews with Bank personnel indicated IRM, PIAC, Safeguards Department (SNSC) and Human Resources as units that might handle SEAH complaints in Bank operations. There is an urgent need to provide clarity and specify which unit or units within AfDB are responsible for receiving and handling SEAH complaints from Bank-financed operations, in which circumstances and through which mechanisms.
- There are no policy provisions within AfDB regarding the availability of accessible and quality GBV (SEAH) services in the areas of project implementation. AfDB has produced guidance and training materials that mention the need to assess available GBV (SEAH) services and suggest modalities for providing support to GBV service providers, but there is no requirement to ensure these services are made available, ideally before project implementation starts. The Update on the Bank Group's Initiatives to Safeguard Against Sexual Exploitation, Abuse and Harassment (SEAH), submitted to the Board on May 5, 2021, furthermore notes the lack of services as a challenge to adequately respond to SEAH in AfDB operations.
- At present, the Standard Bidding Document requires that the Borrower reports regularly on SEAH grievances raised and how these were handled, but it does not require that the Bank is notified of complaints as soon as they are made. Certain financial institutions and ODA actors have opted for a mandatory notification and escalation system for certain SEAH allegations, depending on the nature and severity of the complaint. Establishing a similar system for AfDB operations would require the Contractor and/or Borrower to notify AfDB within a certain timeline of SEAH complaints that meet the agreed criteria and/or threshold. This mechanism would provide a higher level of oversight to the Bank, acting as an early warning system for projects with high levels of SEAH and enabling careful monitoring of SEAH trends and how SEAH cases are handled.

¹⁶ Where the reporter is unable to report via Contractor or Borrower systems due to conflict of interest, lack of trust in the mechanism or where they believe reports are being ignored/mishandled and it is in the public interest to report.

Recommendations

- 1 Develop (or adapt) a clear set of guidelines and expectations in regard to PIUs and Contractors' handling and reporting of SEAH cases. Guidelines should include (but not be limited to):
 - expected timeframes;
 - expected actions and process;
 - necessary expertise and training;
 - key resources to refer to;
 - example Terms of Reference;
 - safe referrals;
 - ways of working in a survivor-centered way.
- 2 Provide clarity across policies, project documents and internal AfDB communications as to which unit or units within AfDB (e.g. SNSC, PIAC, IRM) are responsible for receiving and handling whistleblowing complaints related to SEAH within Bank-financed operations. Provide training to PIAC and/or SNSC in order to handle cases reported to them in their potential function as an additional reporting mechanism.
- 3 Establish provisions for reporting cases of SEAH from the project level GRM upwards to the AfDB. AfDB should have trained personnel attached to each project who receives cases and follows up with PIUs. They should receive cases and ensure the PIU is providing adequate oversight. Although AfDB does not have a responsibility to respond or investigate, it can provide support and oversight to ensure that SEAH cases are handled safely and appropriately. These provisions may include:
 - a reporting template;
 - clear guidelines on what cases should be reported upwards;
 - guidelines on what information is to be shared;
 - roles and responsibilities of PIAC, SNSC and when a case of SEAH is reported upwards for oversight purposes.

See Annex 5 for an example flow of reporting, and Annex 6 for an example reporting form.

- 4 Set out minimum requirements for service availability, accessibility and quality to support access to services for SEAH survivors in line with international standards – with a minimum basic package of services including psychosocial, health, legal, shelter, police and security support services linked by a functioning referral pathway – proportionate to level of SEAH risk assessed. When gaps are identified, mandate the inclusion of relevant costs in the Borrower's bidding documents.
- 5 Clearly disseminate requirements and expectations for grievance reporting systems in Bank-financed activities across all AfDB teams, PIUs and Contractors, including provisions for ensuring GRMs are adapted to receive complaints of SEAH safely. This guidance should clearly outline the steps required and specialist skills needed in order to setup and operate both community and workplace reporting mechanisms. These should include, at minimum:
 - that complaints can be made anonymously;
 - that for non-anonymous complaints, the confidentiality of the complainant will be respected, and only a limited number of people will be aware of their identity;
 - that there are multiple entry points through which to make a complaint, including for people who are illiterate;
 - that those accessing the GRM will be referred to multisectoral services;
 - and that all complaints will be followed up on, and progress and timelines will be communicated to the complainant.

See Annex 7 for high-level guidance regarding GRMs

- 6 Develop (or adapt) guidance about when and how to establish a separate GRM and/or whistleblowing mechanisms for SEAH cases or adapt an existing GRM to be able to be appropriate for SEAH reporting. In addition to the features above, specific SEAH GRMs should be designed in consultation with community members and at-risk groups to ensure accessibility, safety, and dignity.

FIGURE 1:

Summary suggested responsibilities across SEAH case handling and due diligence



AREA 4: INTERNAL ATTENTION & LEADERSHIP

AFDB SCORE: **SEVERE RISK**

A) Sector indicators/what AfDB should have in place

- Detailed register of safeguarding against SEAH issues raised and dealt with in Bank-financed operations, including numbers, SEAH categories, trends, and patterns identified (but no identifying information).
- A standing agenda item within AfDB Board meetings on SEAH in operations.
- Dedicated staff members working to address SEAH within operations at the Bank.
- Clear roles and responsibilities and percentage time of role allocated to support the integration of SEAH prevention, risk mitigation and response to Bank-financed operations.
- Method of capturing, tracking and sharing risks, trends and lessons learned.

B) What AfDB has in place

- Various types and levels of expertise on related issues, such as gender, appear to be spread throughout different teams and offices throughout AfDB. Some expertise seems to exist, for example, within the Safeguarding, Procurement, and Gender teams, the Office of Integrity and Anti-Corruption, the Ethics Office, the Human Resources Department and the IRM.
- As noted above, the Department of Gender, Women and Civil Society works in close collaboration with the environmental and social assessors, to assist in assessing SEAH risk – as well as with the HR Department in efforts to combat SEAH internally.

C) Most urgent gaps

- Responsibility for overseeing SEAH prevention, response and mitigation within AfDB operations is currently shared among a variety of actors in different units and is not coordinated.
- It is unclear how specific the aforementioned expertise is to SEAH, where this expertise lies within the Bank and when and how this can be harnessed by various Bank units, Borrowers and Contractors at different stages of the project cycle.

- Increased attention and clarity within AfDB regarding SEAH in its operations will likely lead to an increased need for SEAH expertise among AfDB regional teams, Borrowers and Contractors. At the same time, SEAH expertise within the Bank is limited and scattered across different units with limited capacity to provide support to project implementation.
- There appear to be no clear requirements for issues of SEAH within AfDB operations to be reported to the AfDB Boards for the purposes of trend monitoring, oversight and accountability.

Recommendations

- 1 Establish a permanent SEAH focal point within AfDB tasked with supporting the integration of SEAH prevention and response considerations at all stages of the project cycle specifically in Bank-financed activities. The focal point should have specific SEAH expertise and act as a coordinator amongst different units and individuals within the Bank with responsibilities linked to SEAH prevention and response in AfDB operations. Depending on needs, the focal point might over time need to be supported by a dedicated team. Initially, they may be supported by a high-level task force made up of AfDB staff with relevant expertise in bank procedures, law, risk and safeguards.
- 2 Establish a roster of regional and country based SEAH experts who AfDB, Borrowers and contractors can draw upon at all stages of the project cycle. This roster could be used by AfDB and Borrowers and contractors to identify additional expertise whenever required during the project cycle, such as during SEAH assessments, monitoring of SEAH mitigation measures within the ESMP, capacity building activities for contractors and sub-contractors and so on.
- 3 Institute the requirement of a regular report on the prevention and response to SEAH in Bank-financed activities to the Board.



Conclusion

Addressing and responding to the risk of SEAH at the project level is part of the Bank's mandate and should be considered an important focus of the Bank's operations. While the primary responsibility for preventing and responding to SEAH lies with the project implementers, the Bank plays an important role in conducting due diligence, addressing risk, and responding to complaints. This role includes putting measures in place to detect risks of SEAH, requiring that mitigation measures be built into projects, ensuring people can escalate complaints if they are not followed up on, and providing guidance to Contractors and PIUs if they are failing to meet their obligations to prevent, mitigate and address SEAH. While the Bank's current policies and procedures go some of the way in ensuring it is fulfilling this role effectively, the recommendations of this Advisory Note provide a preliminary list of areas in which these efforts could be scaled up and improved. In particular, it stresses the importance of equipping AfDB teams, Borrowers and Contractors with a set of standards and tools they can leverage to comply with SEAH policy requirements and put in place safe and effective systems to prevent, mitigate the risk of, and respond to any reports of SEAH.

Given the considerable attention and effort already visible with AfDB, by implementing the full recommendations of the Advisory Note,¹⁷ the AfDB could become a leader in the field of addressing SEAH in Bank-financed operations and play its part in working towards the prevention of SEAH in development initiatives around the world. Most importantly, delivering on its commitments to address SEAH in its operations would strengthen the Bank's relationship with the communities it serves. It would also strengthen the outcomes of its projects, addressing forms of power abuse and violence which fundamentally undermine the aims, objectives and very principles the Bank strives towards.

¹⁷ A more detailed Recommendation Paper is also available to supplement the information within this Advisory Note.





Annex 1:

Key definitions

At-risk populations:

In the context of this Advisory Note, an at-risk population is a group of individuals who are at increased risk of being targeted for SEAH. This is most often due to structural power imbalances (for example, gender, age, race, disability status). Structural power can impact on other forms of power differential such as hierarchical (line management and so on), and situational (where a project increases the power of an individual by placing them in a position of power over a project-affected community – for example through the distribution of agricultural tools).

Adult at risk:

Any person who is aged 18 years or over and who is at risk of abuse or neglect because of their needs for care and support. This can include mental health issues, a learning or physical disability, sensory impairment, age or illness and an adult who is or may be unable to take care of themselves or is unable to protect themselves against significant harm or exploitation.

Child:

A person under the age of 18 unless under the law applicable to the child, majority is attained earlier.¹⁸

Child sexual abuse:

When a child is forced or persuaded to take part in sexual activities. This may involve physical contact or non-contact activities.¹⁹

Child sexual exploitation:

This is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity: (a) in exchange for something the survivor needs or wants; and/or (b) for the financial advantage or increased status of the perpetrator or person who persuades/facilitates the exploitation. The survivor of child sexual exploitation is to be considered a survivor even if the sexual activity appears consensual (as sexual contact with a child is never consensual). Child sexual exploitation does not always involve physical contact; it can also occur with the use of technology.²⁰

Complainants:

The person/s who files a complaint regarding wrongdoing. This can be the alleged survivor, may be a witness or another person who becomes aware of the wrongdoing.

Disclosure:

The process of revealing information. Disclosure about abuse can be directly or indirectly communicated. The term disclosure is preferred over identification as it indicates that the individual sharing details of an incident or concern has decided to discuss the incident with the organization. An individual who discloses may become a complainant.

Gender:

The socially constructed roles, attributes, opportunities, and relationships that a given society considers appropriate for men and women. These expectations differ from society to society and change over time. In many societies, it has been recognized that there are more than two genders. However, “men/boys” and “women/girls” are the most recognized genders and are, therefore, used throughout this guidance.²¹

¹⁸ Convention on the Rights of the Child, 1989, source: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

¹⁹ UNICEF, “What works to prevent online and offline child sexual exploitation and abuse? Review of national educational strategies in East Asia and the Pacific,” (Bangkok: UNICEF East Asia and the Pacific Regional Office, 2020), source: <https://www.unicef.org/eap/media/4706/file>

²⁰ Ibid.

²¹ S. Neville, T.Salam, V. Naidu and E. Fraser, Addressing Gender Based Violence and Harassment: Emerging Good Practice for the Private Sector, EBRD, CDC Group and IFC (2020).



Gender-Based Violence:

GBV is an umbrella term used to capture any type of harmful acts that are perpetrated against a person's will and which are based on socially ascribed gender norms and role expectations between men and women. Targets of GBV include women and girls and people who do not conform to gender binaries. GBV 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.²²

Informed Consent:

Consent is when a person makes an informed choice to agree freely and voluntarily to do something. There is no consent when agreement is obtained through: The use of threats, force or other forms of coercion, abduction, fraud, manipulation, deception, or misrepresentation; The use of a threat to withhold a benefit to which the person is already entitled; or A promise is made to the person to provide a benefit.²³

Subject of Concern:

The individual or group of individuals who have been accused of wrongdoing and breaches code of conduct – but there is not yet evidence that this claim is true. When the claim has been proven, this Advisory Note use the word “perpetrator” or “perpetrators”.

Survivor:

This Advisory Notes uses the term survivor to describe the person who has experienced SEAH. While it may be used interchangeably with the word “victim” the use of the word “survivor” is seen to be empowering and implies resiliency.

Survivor-centered Approach:

A survivor-centered approach is based on a set of principles: (1) privacy; (2) confidentiality; (3) agency; (4) dignity; (5) respect; (6) non-discrimination. A survivor-centered approach guides professionals – regardless of their role – in their engagement with survivors who have experienced sexual or other forms of violence. The survivor-centered approach aims to create a supportive environment in which the survivor's interests are respected and prioritized, and in which the survivor is treated with dignity and respect. The approach helps to promote the survivor's recovery and ability to identify and express their needs and wishes, as well as to reinforce the survivor's capacity to make decisions about possible interventions.²⁴

Violence Against Women:

Violence against women is any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether it occurs in public or private life.²⁵

²² Resource and Support Hub, UK Aid, “Understanding SEAH and GBV”; United Nations High Commissioner for Refugees (UNHCR), “Gender-based violence” definitions, available at <https://www.unhcr.org/en-us/gender-based-violence.html>; NYC Mayor's Office to End Domestic and Gender-Based Violence, “Introduction to Domestic Violence and Gender-Based Violence,” available at: <https://www1.nyc.gov/site/ocdv/services/introduction-to-domestic-violence-and-gender-based-violence.page>

²³ OCHA, UNHCR, IRC, The GBV IMS, GBV Classification Tool

²⁴ World Bank, “Good Practice Note: Addressing Gender-Based Violence in Investment Project Financing involving Major Civil Works,” (Washington, DC: World Bank, 2018).

²⁵ United Nations General Assembly, Declaration on the Elimination of Violence against Women, General Assembly resolution 48/104, 1993.

Annex 2:

AfDB Steering Committee participant list

1. Akua A. Arthur-Kissi, Independent Development Evaluation (IDEV)
2. Amel Hamza, Division Manager, Gender, Women and Civil Societ
3. Ashraf Hussein Ayad, Lead Procurement Policy Officer, Fiduciary and Financial Management and Procurement Policy Department (SNFI)
4. David Simpson, Director, IRM
5. Dilys Asuagbor, Officer in Charge, PETH
6. Faith Wanjiku Kamau, Regional Principal Counsel, (RDGE4)
7. Issa Maman-Sani, Director, Environmental & Social Safeguards and Compliance Department (SNSC)
8. Maria Aranzazu Villanueva Hermida, Chief Advisory and Compliance Officer, IRM
9. Maria Mulindi, Special Projects Director, Engagement with Civil Society and Community Based Organizations (Southern and Eastern Africa)
10. Nathalie Gisabo Gahunga, Chief Gender Officer
11. Paula Santos da Costa, Acting Director, PIAC
12. Victoria Chisala, Acting Director, Strategy and Operational Policies Department (SNSP)
13. Yves Onana, Chief Investigator, PIAC

Annex 3:

List of AfDB documents reviewed

POLICY DOCUMENTS

1. Presidential Directive Number 02/2021 Establishing Rules and Procedures for Dealing with Harassment in the Bank (Including Sexual Exploitation, Abuse and Harassment (SEAH)), 6 May 2021.
2. Draft of the Updated Integrated Safeguards System, October 2021.
3. Draft of the Updated Integrated Safeguards System, public consultation version
4. Update on the Bank Group's Initiatives to Safeguard Against Sexual Exploitation, Abuse and Harassment (SEAH). Prepared by: SNSC/PIAC/PETH/Ombudsman's Office (SNOM)/Office of the General Counsel and Legal Services (PGCL) for the Board of Director's Technical Session, 5 May 2021.
5. Code of Conduct for the Bank, Service Providers, Suppliers and Contractors, Corporate Procurement Division, November 2018.
6. Code of Ethics, September 2018.
7. Whistleblowing and Complaints Handling Policy, January 2007.



TRAINING AND AWARENESS MATERIALS

8. Addressing Sexual Exploitation, Abuse and Harassment (SEAH) through Gender Mainstreaming of Operations, Gender division [presentation].
9. Addressing SEAH in AfDB financed-operations, Gisele Belem and Edith Kahubire, Environmental & Social Safeguards and Compliance Department (SNSC), 17 April 2021 [presentation].
10. Addressing SEAH in AfDB financed-operations, Gisele Belem and Edith Kahubire, SNSC, 13 July 2021 [presentation].
11. SEAH in Operations in a nutshell, SNSC [presentation].
12. The Role of The Ombudsperson in Dealing with Allegations of Harassment, Sonji Diouf (SNOM) [presentation].
13. Addressing SEAH in Operations in a nutshell, SNSC, [poster].
14. Addressing Sexual Exploitation, Abuse and Harassment (SEAH) through Gender Mainstreaming of the Project Cycle [author unknown].

OPERATIONAL GUIDANCE

15. Operations Procurement Manual Part A, Volume 1: General Considerations, November 2018.
16. Standard Bidding Document: Works (After Prequalification), August 2021.
17. Environmental and Social Assessment Procedures (ESAP), Safeguards and Sustainability Series: Volume 1 - Issue 4, Quality Assurance and Results Department, Compliance and Safeguards Division, November 2015
18. Integrated Safeguards System Guidance Materials: Volume 2: Guidance on Safeguard Issues: Safeguards and Sustainability Series, Volume 2, Issue 1, Quality Assurance and Results Department, Compliance and Safeguards Division, December 2015

REPORTS AND EVALUATIONS

19. Evaluation Synthesis of Gender Mainstreaming at the AfDB: Summary Report, IDEV, January 2020.
20. PIAC 2020 Annual Report, Office of Integrity and Anti-Corruption.
21. Ethics Office 2020 Annual Report, Ethics Office.
22. Independent Review Mechanism 2020 Annual Report, The Compliance Review and Mediation Unit.

SAMPLE PROJECT DOCUMENTS

23. Ministry of Works and Transport, Tanzania National Roads Agency, Request for Expressions of Interest. Msalato International Airport Construction Project in Dodoma, Consultancy Services for Sensitization of HIV/AIDS and TB Mitigation and Gender Mainstreaming for Construction of Msalato International Airport in Dodoma City, Tender no. AE/001/2020 - 21/HQ/C/60.
24. Rede Nacional de Transporte de Electricidade (Angola), Request for Expressions of Interest (Consulting Services), Recruitment of Social and Gender Risk Management Specialist, Angola. Energy Sector Efficiency and Expansion Programme (ESEEP) Phase I.
25. Uganda National Roads Authority, Department of Environmental and Social Safeguards (DESS), Directorate of Network Planning and Engineering, Environmental and Social Impact Statement for Proposed Construction of Laropi-Umi Bridge Across River Nile, Connecting Adjumani and Moyo Districts, June 2021.
26. State Department for Crop Development and Agricultural Research, Government of Kenya, Drought Resilience and Sustainable Livelihoods Programme (DRSLP), Environmental and Social Impacts Assessment (ESIA) Report for the Proposed Irrigation Project at Konoo Village in Kalemunyang Sub-Location, Lorugum Location of Loima Sub-County, July 2021.

Annex 4:

List of criteria used for scoring exercise

AREA	DESCRIPTION
Policies and Concepts	
Safeguarding against SEAH Policy & Procedures	Has a clear code of conduct setting out behavior, including prohibitions on SEAH (for Bank and PIUs/Contractors).
	Policies on SEAH clearly link to safeguards policies.
Defining SEAH	SEAH is clearly defined and understood within the bank.
Project Design and Due Diligence	
SEAH Risk Assessment	Clear guidelines and tools are in place to support PIUs to deliver their own SEAH assessments.
	Clear guidelines and tools are in place to assess SEAH risks covering geographic/context, exposure to at-risk populations, project risks and compliance/capacity risks of borrower.
	Minimum standards in place for PIUs when responding to the risk of SEAH including tools and guidance on conducting due diligence.
	Stakeholder engagement in assessment includes multiple at-risk groups.
	Gender, Environment and Social Safeguards assessments consider SEAH risk and clear guidelines are available for Bank staff and the borrower/client.
Minimum standards on addressing SEAH in projects	Bank clearly articulates minimum standards on SEAH and communicates these standards with PIUs/Contractors.
	PIUs/Contractors are assessed/self-assess against their capacity to deliver due diligence of Contractors against minimum standards and expected to fill gaps in standards if they are not met.
	Where PIUs/Contractors are unable or unwilling to deliver due diligence to minimum standards, there is clear language around the discontinuation of contracts.
Service mapping	Service mapping guidelines are provided to PIUs.
Sector specific	Risk overviews for key sectors exist.

Response, Monitoring, Contracts and Implementation

Case Handling, survivor support, reporting mechanisms and additional reporting mechanisms

Clear guidelines are provided regarding ways to adapt existing GRMs to be able to be appropriate for SEAH response (or to set up SEAH specific reporting mechanisms).

Separate reporting mechanisms are made available for community-based reporting and workplace reporting.

Reporting mechanisms allow for anonymous complaints through multiple sources and mandate follow up with complainants in a way which is survivor-centered, and risk informed .

Borrower/Contractor are required to promote reporting/whistleblowing mechanisms to multiple stakeholders throughout the life cycle of the project. Contractors are required to promote their reporting (how to access, what case handling looks like, timeline) to different groups (staff, beneficiaries, at-risk groups, other community members/indirect beneficiaries) throughout the life cycle of the project?

Clear guidance is provided to ensure that appropriately trained staff/other personnel handle cases.

Contractors are obliged to engage with and support SEAH/GBV specialists to support case handling where they are not able to do so.

Clear guidelines are provided to PIUs with regards to their expectations of Contractors and survivor-centered case handling.

There are clear whistleblowing guidelines in place to support PIUs/Contractors in the set-up of whistleblowing mechanisms and the handling of such cases. Protects whistleblowers from reprisals, clear processes for dealing with concerns raised and by whom and the timelines involved; measures in place to support internal and external reporting and confidentiality, dissemination with partners and beneficiaries.

There are clear whistleblowing mechanisms in place for reporting to Bank and clear handling guidance is available for handling of these types of cases. Protects whistleblowers from reprisals, clear processes for dealing with concerns raised and by whom and the timelines involved; measures in place to support internal and external reporting and confidentiality, dissemination with partners and beneficiaries.

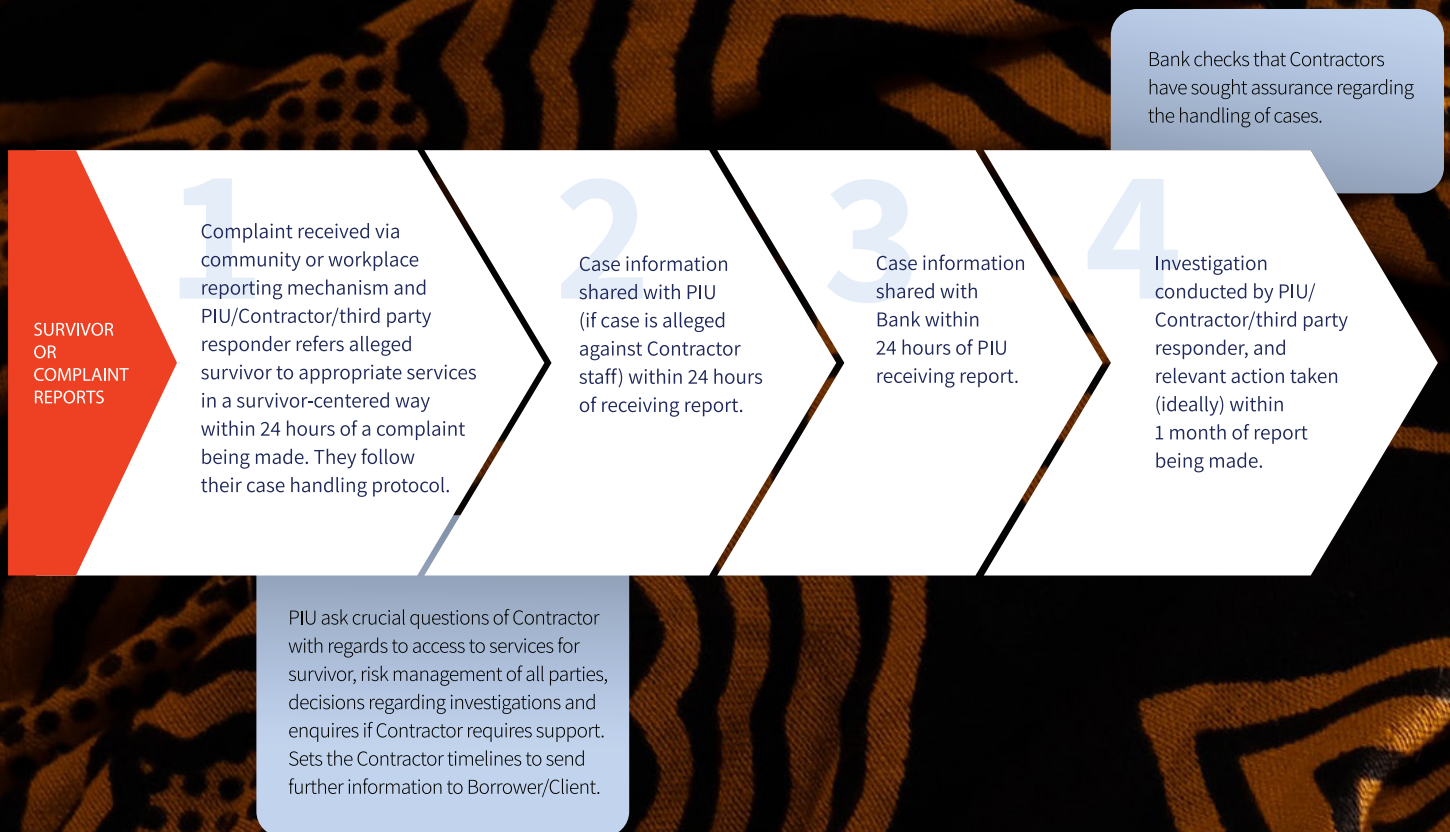
Clear guidelines are provided to PIUs/Contractors on investigation standards, including the standard of information (which should be civil, rather than criminal standard and based on the balance of probability), rules mandating respect for confidentiality, the case information that can be taken into account (including statement from the survivor) and that timelines for each stage the investigation cycle must be set and be reasonable.

Clear guidelines are provided to PIUs/Contractors with regards to who should conduct investigations: whether in-house investigators specifically trained in SEAH; or that there are in place provisions for appointing external investigators. Clear guidance exists regarding the expected training the investigators should have and that investigation teams are gender balanced and aware of the geographic and cultural context where the investigation is to take place.

Monitoring	Monitoring guidelines are in place for PIUs to monitor Contractors.
	Monitoring guidelines are in place for bank to monitor PIUs and Contractors.
	Case reports are followed up and there is a threshold in place for increase oversight/engagement from the Borrower towards the contractor.
Engagement with at-risk groups	At-risk groups are engaged with on an ongoing basis by the Borrower/Contractor to ensure risks are identified and mitigation plans put in place. Bank has clear guidelines on this and expressly stipulates that SEAH should not be discussed directly by non-specialists.
Project cycle management	Clear instruction is available for Bank staff regarding the integration of SEAH within all stages of the project cycle.
Agreement templates	Include clauses on safeguarding against SEAH.
Contract standard clauses	Include expectations on the partner and reporting arrangements between partner and borrower/client.
Risk register	Risks include priority risks related to safeguarding, risk owners identified, risk mitigation actions clear and appropriate.
Internal Attention and Leadership	
Safeguarding against SEAH standing agenda item with AfDB	Detailed register of safeguarding against SEAH issues raised and dealt with, numbers, SEAH categories, trends, and patterns identified (in operations).
Minutes of Senior Management Team meetings	Safeguarding against SEAH in operations is a standing agenda item with AfDB.
Dedicated staff	There are dedicated staff members working to address SEAH within operations at the Bank.
TOR/JD of safeguarding against SEAH leads/focal points	Roles and responsibilities clear and % time of role allocated to support SEAH integration into loans.
Management reports	Capturing and tracking risks, trends and lessons learnt.

Annex 5:

Example of an upwards reporting flow between agencies



Annex 6:

Example reporting form²⁶

Part 1 to be completed and returned to the PIU within 24 hours of receipt of case:

NUMBER	QUESTION	GUIDANCE
1	Organisation(s) involved.	Please note the lead recipient and any downstream partner organisations that this incident/issue or concern relates to.
2	No. of survivors of the incident/issue.	Please indicate the no. of survivors involved in the incident/issue.
3	Age of Survivor(s) (approximate age is acceptable).	Please provide the ages of any child survivor(s) involved. If adults, please state adults. (Approximate ages are acceptable).
4	Is the survivor(s) a person with a disability?	Please indicate if the survivor(s) have a disability where known.
5	Do the survivor(s) identify as LGBT+?	Please include if the survivor(s) identifies as LGBT+ where known. This should only be in cases where the survivor(s) self-identifies.
6	Does the survivor experience other/multiple inequalities (apart from disability, gender and sexual orientation)?	For example: ethnicity, caste, displaced /refugee, economic.
6.1 branch 'yes'	If 'yes' what are those inequalities?	Please state what other/multiple inequalities the survivor experiences.
7	Any further details regarding perpetrator.	Please add any further details as necessary.
8	Location of Incident/Issue.	Please select the location of the incident /issue from the drop down.
8.1 branch 'other'	If other please state.	Please state the location of the incident /issue if you have selected 'other' above.
9	Incident/Issue Time of Day.	Please select whether the incident/issue took place during the day or night. Day time hours are considered approximately 5am-5pm and nighttime 5pm-5am.
10	How was the incident/issue reported?	Please explain how the incident/concern was reported. Please specifically include dates and who it was escalated to.

²⁶ Slightly adapted from the Girls' Education Challenge Fund Safeguarding Reporting Guidelines.

11	Confirm if the incident/issue is a crime according to local law.	Please confirm whether the incident/issue is a crime according to local law, and any further details you wish to provide.
12	Confirm if the incident was reported to the local authorities following a risk assessment being conducted and with the survivor's(s) authority (for an adult), and participation in the decision-making process (for a child).	Please confirm whether the incident/issue has been reported to the authorities and add further details when prompted.
12.1 branch 'yes'	If yes, confirm date of report and where/who report was made to.	Please provide the date the report was made in the following format: dd/mm/yyyy and provide role or function of who the report was made to, not individual names.
12.2 branch 'no'	If no, briefly explain why.	Please explain why this case was not reported to authorities.
13	Detailed description of incident/issue.	Please confirm in as much detail as possible the details of the incident/issue including relevant dates.
14	Immediate actions taken by the project with regards to assistance to the survivor(s).	Please detail what initial steps were taken to address the survivor(s) of the incident/issue.
15	Are the survivor(s) now safe? (e.g., from retributive action from perpetrator, their friends, family; from further traumatisation resulting from the incident/issue).	Please confirm whether the survivor(s) are now safe.
16	Please provide details on survivor assistance provided.	Please detail what support and survivor assistance has been provided.
17	Immediate actions taken by the project with regards to the Subject of Concern.	For example, has the Subject of Concern been suspended. Please provide all relevant dates.
18	Part 1 completed by.	Please provide the name, title, organisation of the individual completing Part 1 of the form.

Part 2 to be completed and returned to the PIU within 3 days of receipt of case:

NUMBER	QUESTION	GUIDANCE
1	Investigation ToR (attachment).	Please attach Investigation ToR here.
2	Investigation Team details, positions and qualifications.	Please provide details of the investigation team, their positions and qualifications.

3	Timeframe for concluding the investigation.	Please state the anticipated completion date for the investigation.
4	Part 2 completed by.	Please provide the name, title, organisation of the individual completing Part 2 of the form.

Part 3 to be completed and returned to the PIU within 1 month of receipt of case:

NUMBER	QUESTION	GUIDANCE
1	Investigation process: describe the process used, why this methodology was chosen and whether this was successful.	Please describe the process used and explain why this methodology was chosen and whether this was successful.
2	Outcome of investigation.	Please detail the outcome of the investigation.
3	Individuals involved in the final outcome.	Please provide details of those involved in the final outcome of the investigation, their positions and qualifications.
4	Follow-up actions by the project and relevant organisation.	Please detail any follow-up actions taken by the project and relevant organisation.
5	Current status of the survivor(s)?	Please state the current status of the survivor(s).
6	Has the programme identified health, psychosocial, legal, protection, livelihoods and other relevant services to refer survivor(s) and have the referral been made for longer-term support if needed?	Please list other relevant services identified and whether referrals have been made for longer-term support if needed.
7	Outcome regarding Subject of Concern.	Please detail the outcome regarding the Subject of Concern.
8	Has the education/other relevant authority been informed if allegation proven?	Please confirm whether the education/other relevant authority has been informed if the allegation has been proven.
9	Please explain why the education /other relevant authority has or has not been informed.	Please explain why the education/other relevant authority has or has not been informed.
10	Lessons learned and project adaptations.	Include lessons learned both in relation to your policy and your procedures including cross-consortium where applicable. Could this incident/issue have been prevented or responded to better?
11	Part 3 completed by.	Please provide the name, title, organisation of the individual completing Part 3 of the form.

Annex 7:

Guidance on GRM adaptations and a potential case oversight and complaints mechanism²⁷

There are three models that can be used for project-level SEAH GRMs, set out below. These are based on the three models set out in the World Bank 2020 Interim Technical Note on GRMs for SEAH. As such, summaries are provided below. Further information and details can be found in the World Bank Good Practice Note.

MODEL 1: Adapt the overall contractor's grievance mechanism to allow for the reporting and response to SEAH allegations.

Under this model SEAH complaints are reported to the Contractor's GRM channels, which should be multiple and offer the option of anonymous reporting. The person responsible for receiving, processing and monitoring complaints through the GRM would also be responsible for acknowledging receipt of SEAH complaints and for taking immediate action.

MODEL 2: Link the project grievance mechanism to an existing intermediary.

Under this model, an intermediary can be appointed and tasked with responding to and addressing SEAH complaints. This intermediary could be a government actor such as a health or GBV service provider, or it could be a non-governmental actor with GBV expertise such as an NGO or a community organization.

SEAH complaints can be made through the Contractor GRM and the intermediary added as an entry point to reporting. If the report is made through the Contractor GRM, then this must be immediately referred to the intermediary who is then responsible for providing immediate support to the survivor and/or refer them to relevant GBV support services (and other specialist services where necessary). With the survivor's consent, the intermediary acts as the survivor's representative and liaises with the project GRM operator on their behalf.

The intermediary should inform the project Contractor's GRM focal person of any SEAH reports that have been identified as originating from the project (i.e., those involving any project workers as Subjects of Concern), where they have consent from the survivor regarding the information they may/may not disclose and where disclosure to the operator is informed by a thorough risk assessment which centers safety of the survivor and other potentially affected people (including the Subject of Concern).

If the survivor does wish to take the matter further, then the intermediary can act as the survivor's representative and update the Contractor's GRM focal person with case information so that the project staff responsible for investigating, verifying, and taking disciplinary action with respect to the complaint have the requisite information.

MODEL 3: Outsource SEAH allegation management to a third party GBV service provider.

Under this model, the entire SEAH mechanism design and management is outsourced to a third-party who has extensive expertise in GBV prevention and response. In contexts where government GBV service providers do not have the capacity or expertise to handle SEAH cases,²⁸ the third-party is most likely to be an NGO operating in the project area.

The reporting channels under this model are the same as those under model 2; however, the third-party is responsible for all prevention activities (for example, communications and awareness campaigns), developing SEAH protocols for receiving and handling complaints, for providing support to survivors and referrals to other GBV service providers as needed.

²⁷ This section is largely drawn from World Bank (2020) Interim Technical Note: Grievance Mechanisms for Sexual Exploitation, Abuse and Harassment in World Bank-Financed Projects and the technical note and the Asian Development Bank's forthcoming Good Practice Note regarding SEAH in their Sovereign Operations: Addressing sexual exploitation, abuse and harassment (SEAH) in ADB-financed projects with major civil works.

²⁸ Ibid

Example of a GRM flow for SEAH incidents²⁹

Below is a sample flow chart for SEAH reports concerning the Contractor's project staff or workers. It demonstrates the basic flow of what should happen when a report is received by Contractors, or intermediaries.



For a child survivor, reports should automatically be made to the police where it is safe to do so and where the child is not an emancipated adolescent (for example, married). The best interests of the child should always be balanced with the child's assent. More weight should be given to the child's assent the older the child is.

²⁹ Example taken from IFC Toolkit: Supporting Companies to Develop and Manage Community-Based Grievance and Feedback Mechanisms Regarding Sexual Exploitation, Abuse and Harassment, (Washington, DC: IFC, 2022)

Annex 8:

Illustrative examples of SEAH risks in Bank-financed projects

This document provides a brief overview of SEAH risks within AfDB projects.

SEAH risks vary according to country or local context. Contextual factors that can increase risks include gender inequality, how widespread violence is in society, and the legal framework. Key resources to understand the country context are shown below.

Country-level risk factors for SEAH	Data sources.
Gender inequality	World Economic Forum global gender-gap data.
Violence against women	UN Women’s Global Database on Violence against Women has prevalence data on intimate partner violence (physical and sexual), non-partner sexual violence, child marriage, and female genital mutilation. Data at the sub-national level and by age is available from Demographic and Health Surveys.
Violence against children	CDC’s Violence Against Children and Youth Surveys (VACS) measure physical, emotional, and sexual violence against children and youth up to age 24. Data on school bullying among 13-15 year-olds is also available in the Global School-based Student Health Surveys.
Legal framework	National legislation on women’s rights and sexual harassment can be found in the World Bank’s database on Women, Business and the Law and at the World Bank’s compendiums of national legal frameworks on Sexual Harassment in the Workplace, Female Genital Mutilation and Child Marriage.
Discrimination	The Inclusiveness Index ranks countries on group-based inclusion and marginality.
Fragile or conflict-affected settings	The Fragile States Index’s Global Data and how to read it World Bank’s Harmonized List of Fragile Situations World Health Organization’s Health Emergencies List includes disease outbreaks, disasters and humanitarian crises.

General project risks and high-level mitigation measures

Beyond the specific factors that are unique to a project, there are more general project features that can increase the potential for SEAH. These general project risks include the following:

- **Large influxes of male workers** to construct infrastructure can increase the risk of SEAH. Risks are highest in small, often rural communities with low capacity to absorb a sudden increase in transient male workers, who often come without their families and have large disposable incomes relative to the local community.
- **Remote locations** where survivors are less likely to report incidents due to limited access to reporting SEAH and receiving support services. It is important to include accessible reporting (in close consultation with particularly at-risk populations) and support mechanisms for survivors in remote locations, such as options to report online, by telephone or to trusted community members.
- **Presence of security personnel** who can abuse their positions of power and status to perpetrate SEAH. Risks are highest where security personnel have access to areas where staff or project-affected community members sleep, for example, residential accommodation/camps.
- **Poorly designed or maintained physical spaces.** Risks are highest where safety is not considered in the design and maintenance of facilities, for example where there are no secure, lockable, well-lit and centrally located toilets, where workplaces and access routes are poorly lit, and where there are no safe transportation options.
- **Land acquisition and resettlement processes** involved in the construction of large infrastructure projects include SEAH risks when workers have considerable power over the allocation of compensation. Where there is large-scale land acquisition, there should be transparent processes in place to mitigate the SEAH risks involved in workers having considerable power over the allocation of compensation and livelihood restoration.

High-level mitigation measures are important when there are general project risks. These include robust policies and Codes of Conduct, grievance mechanisms and investigations procedures, training and awareness raising, recruitment and HR processes, and physical design measures. It can also involve putting in place mitigation measures with Contractors and suppliers during the procurement, contracting and monitoring process.



Things to consider when assessing the suitability of mitigation measures

Survivor-centered:

Do the mitigation measures respect the rights of survivors? In cases where the survivor is a child (under the age of 18), are “the best interests of the child” the primary consideration when making decisions or providing support? (as noted in the Convention on the Rights of the Child).

Safe and confidential:

Do all proposed mitigation measures prioritize the safety of those who have experienced, witnessed and/or reported SEAH? Are reporting mechanisms confidential?

Inclusive:

Has the application considered which groups are at high risk of SEAH and are the mitigation measures inclusive of at-risk groups?

Capacity of implementing organizations:

Does the proposal list any policies, procedures or Codes of Conduct about expected behaviors? Does it mention grievance and investigation mechanisms? What resources are in place to mitigate the risks?

Context-specific:

Are the proposed mitigation measures based on a thorough understanding of the local context? Has a gender assessment been conducted? Have particularly at-risk groups been consulted about the effectiveness and safety of mitigation measures?

Monitoring:

How will projects collect and analyze data? How often will risks be monitored? Will monitoring include at-risk groups?

Working with Contractors and suppliers:

Will there be Contractors and suppliers? How will the mitigation measures cascade down to other implementing partners? (e.g., through procurement, clauses in contracts, Codes of Conduct)?

Illustrative examples of SEAH risks across AfDB’s key sectors

The following provides illustrative examples of the ways in which SEAH may manifest in some key AfDB sectors. It is important to note that risks are context-, project- and contract-design specific. A more thorough analysis should be undertaken at due diligence stage for each project for a more nuanced understanding of how SEAH might manifest.

Construction and infrastructure development (all sectors)

Construction activities in all sectors carry a high risk of SEAH. There are a range of reasons for this, including the typically large and primarily male workforce engaged during construction. This workforce may consist primarily of temporary workers on short contracts who either live in onsite accommodation or within the host communities. Large, male workforces tend to lead to increased demands for women’s sexual services. Another reason is that construction projects may entail land acquisition and resettlement/relocation, bringing community members into direct contact with contractor and sub-contractor staff who wield implicit power over their pending claims and entitlements.

Examples of the types of SEAH risks in such projects are:

- Construction workers sexually exploit young boys and girls from the surrounding communities who play near the construction site.
- A manager of a resettlement/relocation process tells a community member that they will receive increased compensation or benefits if they engage in a sexual relationship with the staff member.
- Drivers employed by the contractor to transport construction materials to/from site sexually harass community members at truck stops.
- Female community members engaged as construction workers on the project experience sexual harassment from male employees.

Agribusiness

The agricultural sector is characterized by a high concentration of female workers in unskilled, labor-intensive tasks, with limited opportunities for skills upgrading. The seasonal nature of commercial agricultural work, the fact that it takes place in remote locations and the use of migrant/temporary labor can exacerbate SEAH risks.

- Companies working to tight seasonal deadlines attempt to incentivize productivity through the use of performance-related pay. Managers use these bonus schemes and piece-rate systems as opportunities to demand sexual favors from workers.
- Female workers in remote locations, who are landless or working on dispersed workplaces experience sexual harassment by male supervisors.
- Rural agribusiness workers experience SEAH perpetrated by NGO staff supporting their capacity development.

Urban and infrastructure

Urban development projects (including energy, water and transport infrastructure) are often located in settings combining multidimensional challenges which can increase residents' vulnerability for example, aging populations, informal settlements, densely populated areas, climate shocks, and so on. Urban settings can present heightened risks of SEAH for example:

- Women-headed households may be pressured into sexual favors in order to gain access to newly established energy grids.
- Road workers sexually harass girls walking to and from school near the project site.
- Women transport workers are sexually harassed by male colleagues or service users.
- During the registration for household connections to new water sources, women-headed households could face sexual harassment from water company staff.

Health

While healthcare services and centers can support SEAH prevention and response efforts, they can also be spaces where SEAH is perpetrated by and against healthcare workers, patients and other service users. Healthcare workers have direct contact with/access to vulnerable

patients for example, children, often in confined /private spaces (for example, hospital rooms) which presents SEAH risks. Other examples of SEAH risks are:

- Due to rapid expansion, hospital staff are inadequately vetted and some staff that have previously been dismissed for perpetrating SEAH are rehired.
- Construction workers on hospital sites sexually harass young women visitors.
- A data breach of a digital health system leaves women who have sought medical assistance for rape or other forms of sexual abuse vulnerable online.
- Male doctors use their position of power to sexually harass women employees, who are in a more junior position.
- Male nurses are sexually harassed by doctors.

Education

SEAH risks relating to AfDB education sector projects can occur inside and outside the classroom, around the education facilities (existing or under construction) and on the way to and from the facility site. They can occur in primary, secondary and tertiary education settings and teachers, students and construction workers can be both victims and perpetrators. Risks are greater in areas such as toilets, changing rooms, dormitories, corridors and playgrounds where students are less easily seen or supervised by school staff. If construction work is taking place in and around the school (for example, refurbishments or construction of new classrooms, or a new road being constructed near the school) construction risks (see above) also apply and can take different forms, for example exploitative "sugar daddy" relationships between mobile workmen with incomes and school/university aged girls and women. Illustrative risks are:

- Construction workers engage in SEAH of students while working on school construction sites.
- Teachers perpetrate SEAH of students, particularly vulnerable students (for example, those from minority ethnic groups, or students with disabilities).
- Younger, newly qualified female staff are sexually harassed by other school staff as well as by students, including verbal comments or sending of pornographic images.
- Project-implementing staff ask for sexual favors in exchange for access to scholarships and grants funded by the project.



**2022 SEAH
ADVISORY NOTE**

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