ADB

Sexual Exploitation, Abuse and Harassment in ADB Financed Projects

Malika Shagazatova

Senior Social Development Specialist (Gender and Development) CCGE, CCSD, ADB

June 2024

The views expressed in this presentation are the views of the author/s and do not necessarily reflect the views or policies of the Asian Development Bank, or its Board of Governors, or the governments they represent. ADB does not guarantee the accuracy of the data included in this presentation and accepts no responsibility for any consequence of their use. The countries listed in this presentation do not imply any view on ADB's part as to sovereignty or independent status or necessarily conform to ADB's terminology.



- SEAH is the term used to refer to sexual exploitation, sexual abuse and sexual harassment.
- SEAH may occur anywhere in society, however the way the term is used within the development sector is to refer to acts of SEAH perpetrated by those working in, with or through development actors and their projects.
- This includes within a program setting or as a part of work; and includes
- travel, or online interactions.



Sexual Exploitation

Any actual or attempted abuse of a position of vulnerability, differential power or trust for sexual purposes including profiting monetarily, socially, or politically from the sexual exploitation of another.

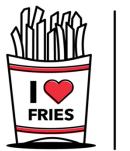
In other words, sexual exploitation is when someone working in the project gives something in exchange for sex and exploits the position of the person.

A health care worker threatens to withhold medical care from a trans person unless there is an exchange for sex

A young woman is offered a well-paying office job, but the boss insists that she must sleep with him to secure the job.

Consent to sexual activity Consent is when an adult chooses to do something where they understand what they are doing, and they are not being pressured or threatened.

CONSENT



Freely Given
Reversible
Informed
Enthusiastic
Specific



ADB

Consent to sexual activity

Consent is when an adult <u>chooses</u> to do something, <u>understand</u> what they are doing and they are <u>not being pressured or threatened</u>.

A person did not consent to sex if they were:

Forced

Threatened

Scared of being hurt

Asleep or unconscious

Drunk or under the influence of drugs

Unable to understand what they were doing

A person also did not consent to sex if the other person:

Had power or control of them

Lied to them

INTERNAL. This information is accessible to ADB Management and staff. It may be shared outside ADB with appropriate permission.

Sexual Abuse

The actual or threatened physical intrusion of a sexual nature whether by force or under unequal or coercive conditions and includes rape and other forms of sexual assault which is without consent.

Sexual abuse is rape or <u>physical sexual violence</u> or <u>threats</u> of physical sexual violence.

When a female engineer wants to make a complaint against her senior manager for discrimination, he starts sending messages saying that he will follow her home and rape her if she does not withdraw the complaint.

A driver saw a young woman near the far end of the work zone. No one else was around, and the driver pulled over and forced her to have sex with him.

Children and Sexual Abuse

Important: No matter the circumstances, any type of sex with a child is considered as sexual abuse.

Children are unable to provide informed consent to sexual activity as they are still developing the cognitive, behavioral, and emotional faculties that are needed to fully assess the future consequences of their actions.

ADB considers anyone **under the age of 18** as a child.

Sexual Harassment

Any unwelcome conduct of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation, or creates an intimidating, hostile or offensive environment. Sexual harassment is behavior that: is unwelcome, is sexual in nature, and that could make the person feel offended.

Sexual harassment does not need to be between colleagues and can occur within society in general. It can involve teasing, sexualized jokes, comments or gestures and may involve any conduct of a verbal, nonverbal, or physical nature.

It does not matter whether the person who used harassment meant to make the person feel offended. It matters if the person who experienced the harassment felt offended

A worker on a roads project paid to have sex with a 16-year-old girl who lives in a brothel nearby.

Project engineer offers better-paying job or overtime to women from the local community in exchange for sexual favors.

A woman's boss often makes comments about her clothing and how she should wear more makeup. He says clients like to see pretty women in the office.

INTERNAL. This information is accessible to ADB Management and staff. It may be shared outside ADB with appropriate permission.

ADB's Focus on sexual exploitation, abuse and harassment

SEAH-forms of gender-based violence, and violence against children, that may be related to ADB-financed projects.

ADB-financed projects do not cause the violence, but Projects may provide increased opportunities for sexual exploitation, abuse and harassment to occur.

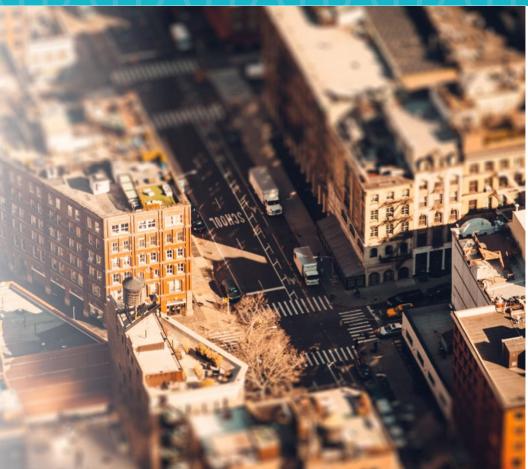
Sexual exploitation, abuse and harassment by someone working on the Project may occur

in the workplace, worker-to-worker nexus

in the community, worker –to community member

Project affected people

Any person located within and immediately adjacent to the project site and area of operations, such as storage and assembly yards, workers' barracks, access areas to the project, and public areas bordering project construction sites, who are subject to actual or potential direct risks and/or adverse impacts related to the construction or operation of the project.



SEAH Risk Factors in Projects

High levels of Gender based violence (GBV).

High levels of acceptance of GBV, including cultural norms and practices that justify GBV.

Challenges for survivors to access justice.

Barriers for survivors of GBV to access services.

Low reporting of GBV by survivors.

INTERNAL. This information is accessible to ADB Management and staff. It may be shared outside ADB with appropriate permission.



SEAH Risk Factors in Projects

Labour Influx

Workers with increased income and frequent access to women and children in the community.

Male Dominated Sector

Sexual exploitation, abuse and harassment re more likely to occur in male dominated sectors, like construction.

Isolation

Some project activities are implemented in isolated locations, or locations with limited supervision.

Size of workforce

Employees are more likely to develop close relationships which can mean perpetrators are protected.





ADB Good Practice Notes

https://www.adb.org/publications/seahreporting-good-practice-note

https://www.adb.org/documents/goodpractice-seah-adb-financed-projects To assist with SEAH risk identification within selected ADB financed sovereign projects with civil works

To advise ADB staff and borrowers on how best to prevent, mitigate and respond to SEAH risks

They are advisory in nature and apply only to new sovereign projects, with civil works, in selected ADB developing member countries, for a pilot period.

Good Practice Notes (GPN) on Addressing SEAH in ADB-financed Projects

- Provide guidance, set of tools, checklists, templates and minimum good practice standards that can be used by counterpart staff and contractors to tackle SEAH during project design and implementation
- Outline responsibilities for incorporating, implementing, and monitoring and reporting.
- Provide recommendations on SEAH incident response and case handling

- ADB Safeguards Policy has been undergoing review with extensive consultation and latest draft incorporates SEAH across several ESF standards.
- New ADB Safeguards Policy is expected to be approved in late 2024, with effectivity from late 2025.



Prevention, Mitigation, and Response to SEAH



SEAH RISK ASSESSMENT & PROJECT RISK CATEGORY



PSEAH CAPACITY
ASSESSMENT AND
NEEDS FOR
SUPPORT



SERVICE MAPPING FOR REFERRALS



SEAH ACTION
PLAN, BUDGET,
AND
RESPONSIBILITIES



SEAH IN GRIEVANCE REDRESS MECHANISM



PROJECT MONITORING SYSTEM AND REPORTING ON SEAH



CAPACITY BUILDING

Managing SEAH risks and Responding to SEAH incidents in projects



SEAH Requirements in Bidding documents and Contracts

Contractors' Code of Conduct with explicit SEAH provisions

SEAH Reporting Mechanism in Project GRM

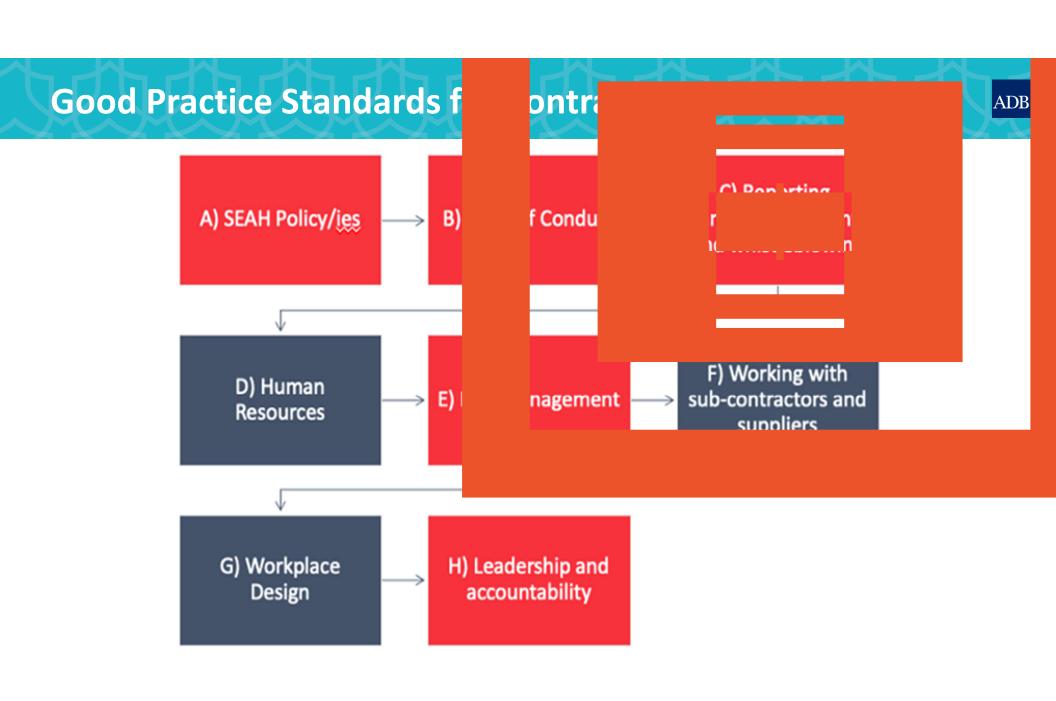
Referral Systems for SEAH Survivors

Awareness raising and training for all workers, consultants, and community members.

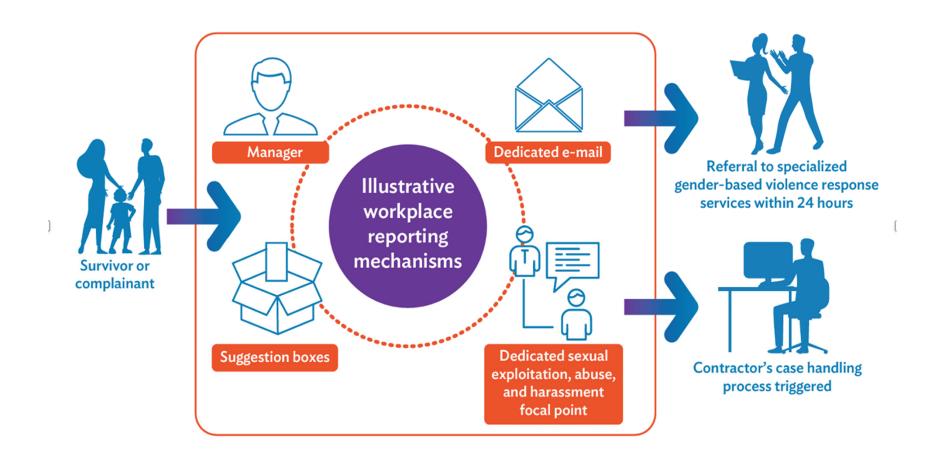
Case Handling mechanism with SOP and SEAH investigators

Monitoring and Reporting on SEAH to ADB



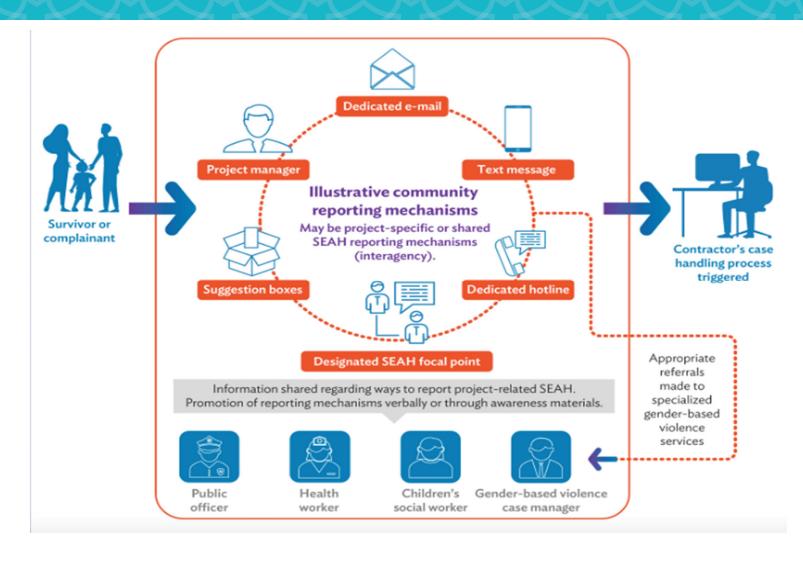


Workplace reporting mechanisms for SEAH incidents



INTERNAL. This information is accessible to ADB Management and staff. It may be shared outside ADB with appropriate permission.

Community based reporting mechanisms for SEAH incidents



Speed of response

- Each complaint must be responded to within 24 hours of receipt of the report

Confidentiality protocols and ethical handling

- Protect the victim-survivor's identity, privacy, and safety.

Multiple survivor-centered reporting mechanisms.

- Survivors and complainants should be able to access several modes and channels for reporting with ease and convenience

Ensuring specific expertise is available within the response

- Addressing SEAH complaints requires specialized knowledge.

Support, not compensation.

- Provide support to the survivor when the initial report is made.
- Ensure appropriate action is taken if the allegation is substantiated.
- Funds may only be used to help survivors access response services.
- No compensation should be provided as a part of responding to SEAH

Example of Case Handling
Flow Procedure for Sexual
Exploitation, Abuse, and
Harassment Incidents that
Contractors will Prepare as a
Summary of Their Standard
Operating Procedure

RECEIVE

1

Receive and record the complaint.
The complaint may come directly from a reporting channel or via a third party of the mechanism (if built into the design).
Provide the survivor with information regarding available services and ensure they are aware of the 72-hour limitation regarding prevention of HIV contraction. Information on this should be shared whether or not the survivor has indicated that rape or sexual assault has occurred.

CLASSIFY

2

Classify the complaint according to type and level of risk for those involved. Identify immediate safety and protection needs. Guidance on provisions of assistance to survivors can be found here. Ensure risk assessment takes place and is repeated throughout the process.

IDENTIFY



Identify the survivor's wishes and understand what they would like to happen. Continue to support them to access support services based on their needs and wishes.

ACKNOWLEDGE



Acknowledge the complaint by recording it and notifying the complainant. Act on the immediate safety and protection needs identified to support the survivor.

DETERMINE



Determine whether suspected criminal activity has taken place. If so, consider reporting to the authorities. Ensure the survivor's wishes and safety are considered before reporting. If the survivor does not wish to report to the authorities and there is no danger to them or others, this wish should be respected.

DEFINE



Determine whether an investigation is required. If so, define the scope and appoint an investigation team comprised of trained experts.^a Ensure a good gender balance among the team.

ACT



Act based on the findings from the investigation. The contractor-employer of a subject of concern will take the relevant disciplinary action in accordance with the employment contract, the code of conduct, and local legislation, and inform the implementing and executing agencies on the outcome regarding the subject of concern.

INFORM



Inform the survivor of the steps that will be taken and keep them informed throughout the investigation.

SEAH Reporting Mechanisms and Case Handling Oversight



After risk assessment Contractor receives and documents a SEAH complaint Incident report received by Implementing Agency Contractor notifies PIU/PMU within 24-hours of receiving the SEAH incident report. assessment EA/IA notifies ADB (SEAH focal and project team lead) **Incident Report** within 24 hours of receiving SEAH incident report. received by ADB ADB notifies co-financiers, if applicable

