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ADB Health, Safety and Security (HSS)


Awareness Training Course

ADB



Training on Health and Safety in Pakistan

19–22 August 2024 • Islamabad, Pakistan



MODULE 4
Community
Health &
Safety

Identify and assess the risks and potential impacts on community H&S during the life-cycle of a project.

Projects

Communities have many benefits from ADB projects.

Projects can also benefit from a local source of workers, supplies and services.



Community H&S Risk Management



Project activities may expose the community to hazards.

Sexual Exploitation, Abuse and Harassment in ADB Financed Projects



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What is SEAH?

- 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 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

PAKISTAN PENAL CODE: Sexual Harassment



Sexual harassment defined in Section 509:

- Conducting sexual advances or demanding sexual favors.
- Using verbal or non-verbal communication or physical conduct of a sexual nature with the intent to annoy, insult, intimidate, or threaten another person.
- Committing such acts at the workplace or making submission to such conduct a term or condition of an individual's employment.
- Making submission to or rejection of such conduct a basis for employment decisions affecting the individual.
- Retaliating because of rejection of such behavior.

Conducting such behavior with the intention of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Section further elaborates that this type of harassment could occur at parks, markets, in public transport, public or private gatherings, or workplaces such as offices or factories.

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.

It does not matter if the person consented to a sex or an exchange

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 project worker asks for sex from a woman in a new housing settlement in exchange for prioritizing connection of her house to the power line.

A young woman is offered a well-paying job in the project, but the hiring manager insists that she must sleep with him to secure the job.

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 physical sexual violence or threats of physical sexual violence.

When a female engineer made 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.

Consent

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

 Planned Parenthood®

ADB

Consent to sexual activity



A person did not consent to sex if they were:

Forced

Threatened

Scared of being hurt

Asleep or unconscious

**Under the influence of
intoxicating substances**

**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

PAKISTAN PENAL CODE



Section 375 defines rape and includes provisions about consent.

It states that a man is said to commit rape if he has sexual intercourse with a woman under circumstances falling under any of the following descriptions:

- ❑ Against her will.
- ❑ Without her consent.
- ❑ With her consent, when her consent has been obtained by putting her in fear of death or of hurt.
- ❑ With her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.
- ❑ **With or without her consent when she is under 16 years of age.**

Section 90 explains what does not constitute consent. If it is given by: A person under fear of injury or under a misconception of fact.

A person who, from unsoundness of mind or intoxication, is unable to understand the nature and consequences of that to which they give consent.

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



Children and 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 (UN Convention on the rights of the child)

Quick Quiz





1. A project manager offered a woman from the local community more overtime work, allowing her to earn extra in exchange for sexual favors.

- **Sexual Exploitation**



2. A project manager often makes comments about junior female colleague's age, looks, and how she should wear more makeup. He says project counterparts like to see pretty women in the office. Despite her not responding to his advances, he sends messages and calls her after working hours.

- **Sexual Harassment**



3. An international consultant in the construction supervision team paid for school supplies and uniforms for the children of a single mother living in the project community. He is now in a sexual relationship with her and continues providing some financial help to her and her children.

- **Sexual Exploitation**



4. A project worker starts building relationships with children by giving them small gifts like toys and snacks. Over time, he gains their trust and begins to ask them to send him sexual images in exchange for more gifts.

- **Sexual Abuse**

5. A female worker has been working for the contractor company for two months. One of the managers told her that many people are asking about jobs with the project and want her job. He told her that she has to show that she really wants and deserves the job. He tells her that if she wants to keep her job, she has to have sex with him.

- **Sexual Harassment**



ADB's Focus on sexual exploitation, abuse and harassment



SEAH are 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.

SEAH perpetrated by someone working on the Project may occur

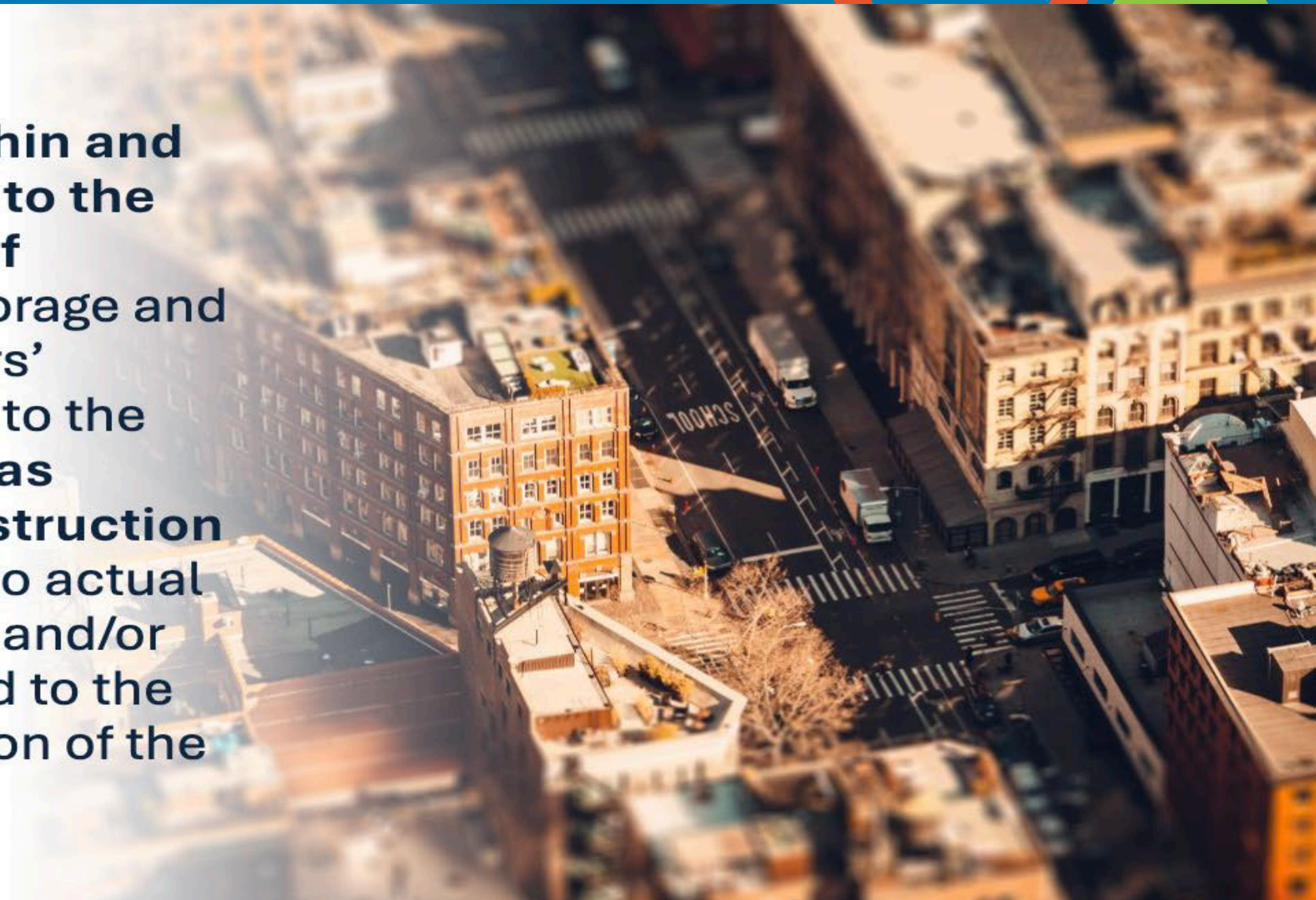
**in the workplace,
worker-to-worker nexus**

**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 to access services.

Low reporting of GBV by survivors.

SEAH Risk Factors in Projects



Labour Influx
(size and type)

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

Male Dominated Sectors

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

Isolation

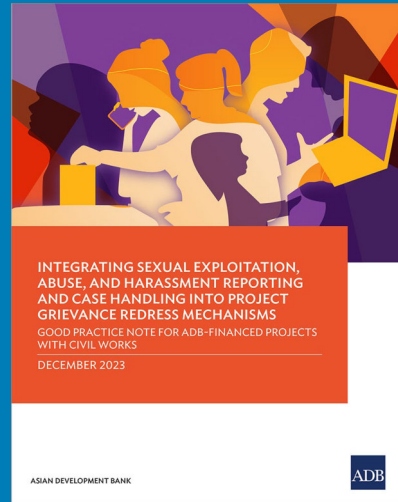
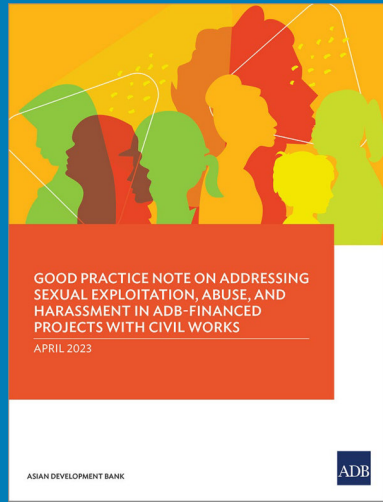
Some project activities are implemented in isolated locations, or locations with limited supervision.

Military or private
security forces

Security guards are in a position of power vis-à-vis the community and in particular, women and girls.

Project location
(proximity to schools)

Children are at increased risk of SEAH, this is due to the power differences between a child and an adult.



ADB Good Practice Notes

<https://www.adb.org/publications/seah-reporting-good-practice-note>

<https://www.adb.org/documents/good-practice-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.

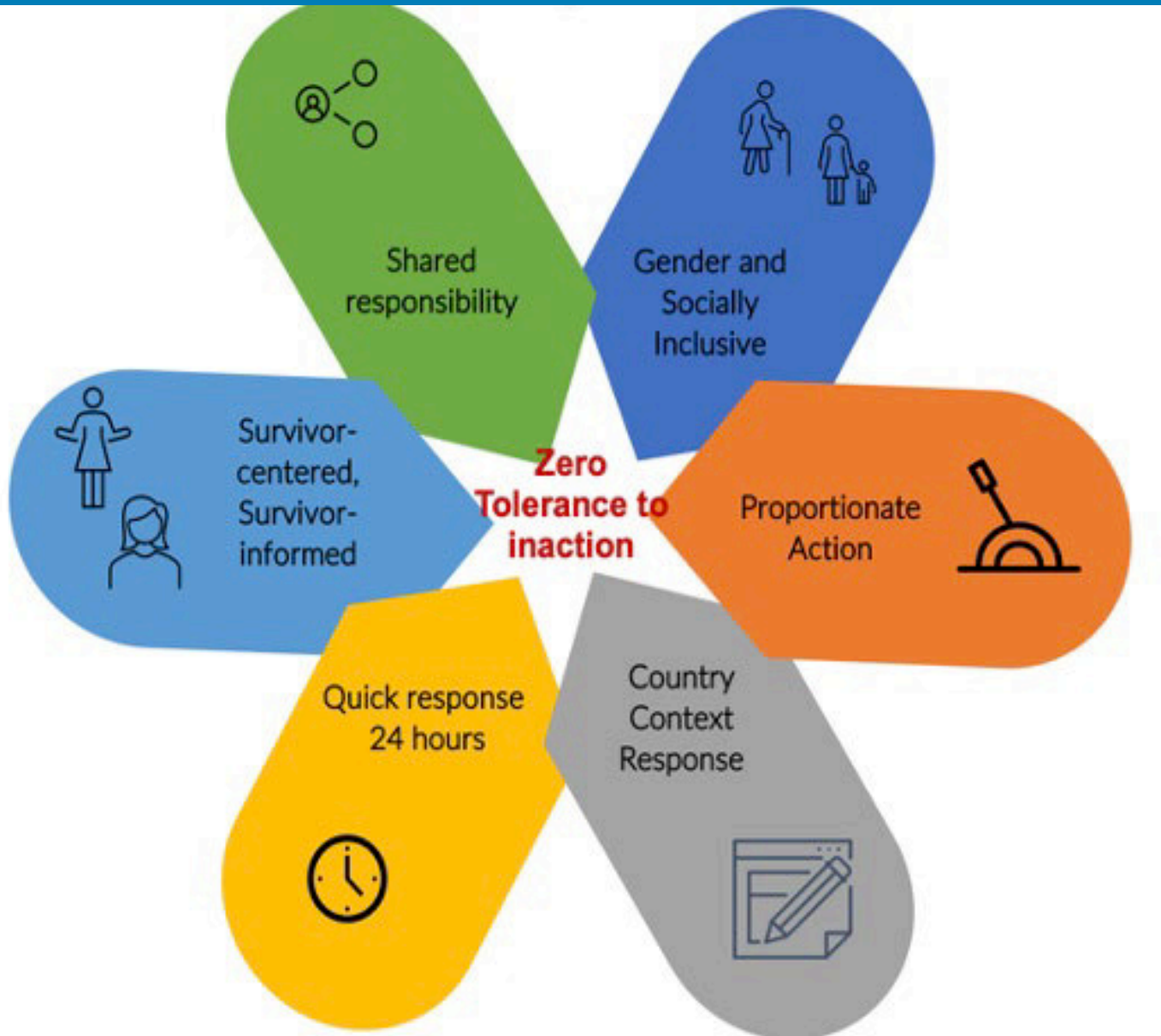
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Good Practice Notes (GPN) on Addressing SEAH in ADB-financed Projects

- 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.





Guiding Principles for addressing SEAH



Prevention, Mitigation, and Response to SEAH



SEAH RISK ASSESSMENT & PROJECT RISK CATEGORY



PSEAH CAPACITY ASSESSMENT AND NEEDS FOR SUPPORT



SERVICE MAPPING FOR REFERRALS



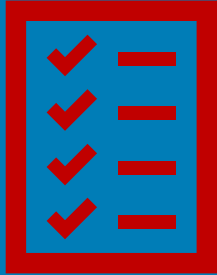
SEAH ACTION PLAN, BUDGET, AND RESPONSIBILITIES



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.

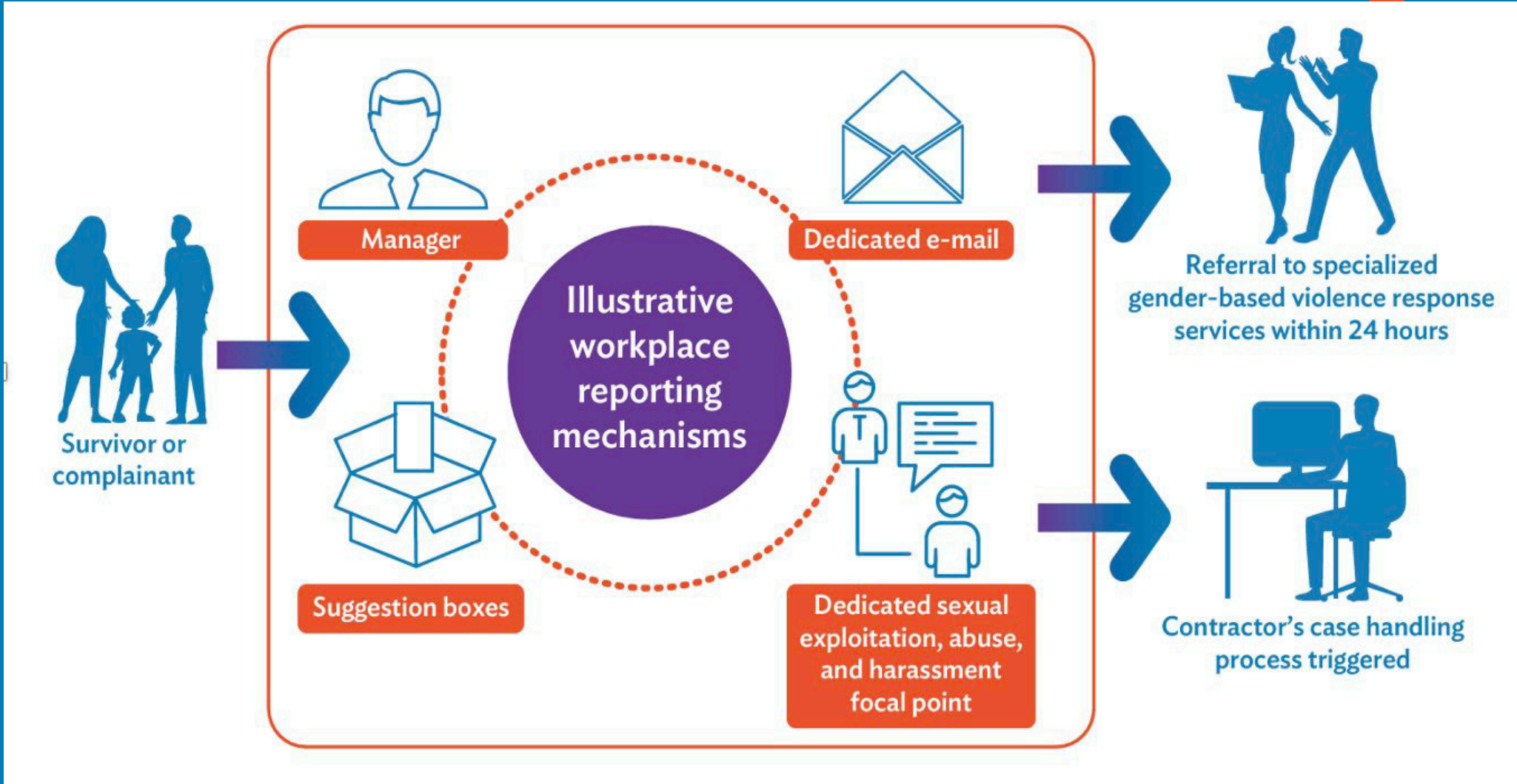
Case Handling Mechanism with SOP and SEAH Investigators

Monitoring and Reporting on SEAH to ADB

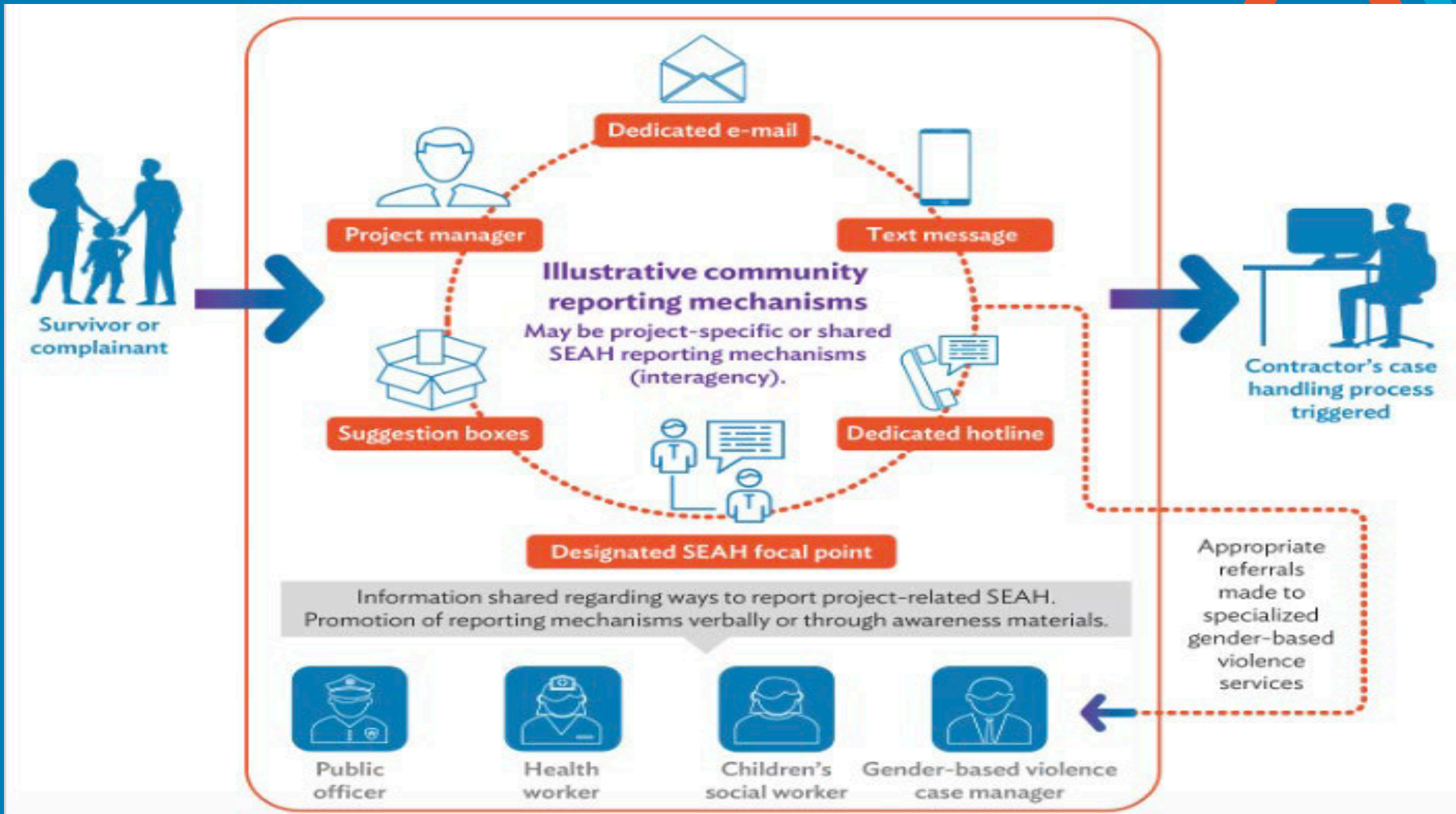


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Workplace Reporting Mechanisms for SEAH Incidents



Community-based Reporting Mechanisms for SEAH Incidents



Principles of SEAH incident management



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 (transport costs, medical costs).
- No compensation should be provided as a part of responding to SEAH

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

4

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

3

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

DETERMINE

5

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

6

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

8

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

7

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



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

Principles of SEAH incident management: Administrative Investigation



Standard of proof	Description
Balance of probabilities	<ul style="list-style-type: none"> • More likely than not – i.e., more evidence supports the finding than contradicts it. • Classic expression is: 'reasonable to conclude'. • This is the common standard of proof used in SEAH investigations.
Clear and convincing evidence	<ul style="list-style-type: none"> • Much more likely than not – i.e., very solid support for the finding; significantly more evidence supports the finding and limited information suggests the contrary. • Classic expression is: 'it is clear that'. • This standard is sometimes required for SEAH investigations depending on the organisation.
Overwhelming evidence (beyond reasonable doubt)	<ul style="list-style-type: none"> • Conclusive or highly convincing evidence supports the finding. • Classic expression is: 'it is overwhelming, it is undeniable'. • This standard is used in criminal investigations.

More likely than not that SEAH occurred (administrative) vs beyond reasonable doubt (criminal)

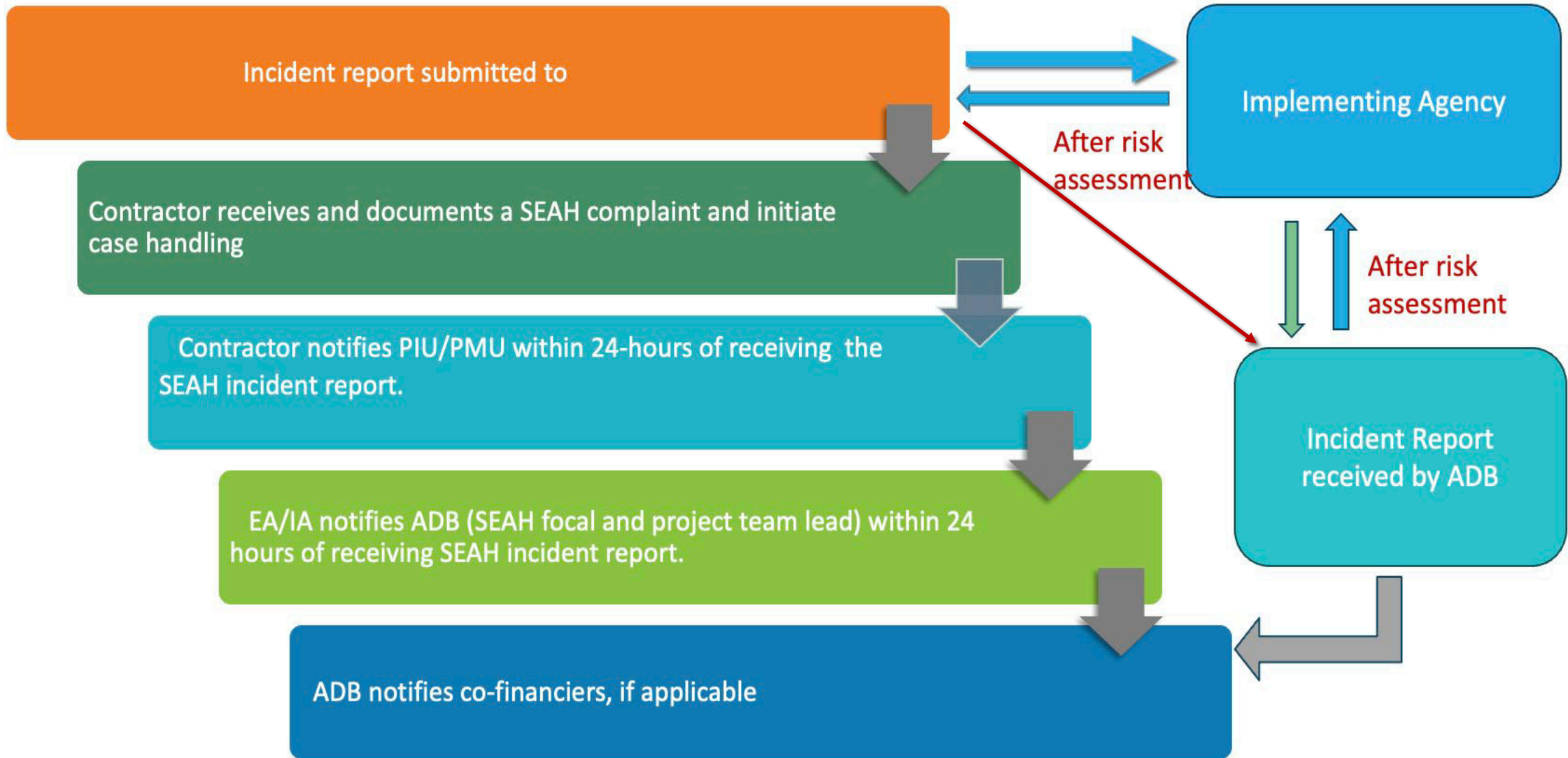
Due to Limitations:

- Time
- Resources
- Authority to enforce participation in investigation
- Severity of measures against perpetrator
- Survivor-centered approach

No re-investigation of closed complaints.



SEAH Reporting Mechanisms and Notifications





Questions?
Comments?
Concerns?
Requests for support?

MODULE 5

Site Security

Identify when a borrower or contract worker would require security personnel.



SECURITY

POWERPAC
0800 23 57 89

POWERPA
0800 23 57 8

DANGER
NO ENTRY
CONSTRUCTION SITE

MCCONNELL DOWELL CREATIVE CONSTRUCTION
HOME WITHOUT HARM
GATE ENTER


MCCONNELL DOWELL CREATIVE CONSTRUCTION

NUKU'ALOFA WHARF UPGRADE PROJECT

HAZARD BOARD

PAPA KI HE NGA AHI FAKATU'UTAMAKI

This personal protective equipment must be worn on the site.



All visitors must report to the site office and sign in.
Kuo pau ke lipooti e kau i ahi kotoa ki he 'ofisi' o fakamo'oni pea toki hū ki loto

HAZARD	CONTROL
1 JCB / Heavy Work	- Spoke at all times - Spoke to be seen always - JCB must have all lights on
2 CONCRETE BATCHING PLANT	- KEEP AWAY FROM PLANT WHILE OPERATING - WEAR PROPER PPE AS REQUIRED FOR THE TASK - TRUCK OPERATOR TO STAY INSIDE THE CABIN WHILE LOADING.
3 Full P.P.E. Paint Area	- ENSURE TO KEEP HANDS OFF FROM MOVING PLANT.

All visitors report to office, Park at side main Gate

Project Manager: MICHAEL BUCKLAND
Phone: 7 64 21 2446926
Supervisor: KEITH GODLEMAN
Phone: 7 64 21 193221
Safety Contact: BRENDAN BARNETT
Phone: 7 713959

Fire warden:
Assembly Point: PARKING AREA
Emergency Response:
Phone:
First Aider: MARIA VANE
Phone: 7 7107918

Last updated:
In an emergency please phone:
AMBULANCE 933
POLICE 922
FIRE 999



Fragile and Conflict-Affected States

According to the European Union, c1.5 billion people live in fragile and conflict-affected states.



Five Good Security Practice Principles



Security Risk Assessment and Planning



Assess Security Risks

Prevent and Mitigate Impacts

Manage Private Security

Manage Relationship with
Public Security

Address Security Grievances