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Safeguards Management

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ORIENTATION FOR SCHOLARS 2022

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SAFEGUARDS-PREVENTING SEXUAL EXPLOITATION ABUSE AND SEXUAL HARASSMENT - IN HIGHER EDUCATION INSTITUTIONS

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SEXUAL GENDER BASED VIOLENCE (SGBV)



- Sexual and gender-based violence (SGBV) refers to any act that is perpetrated against a person's will and is based on gender norms and unequal power relationships.
- It encompasses threats of violence and coercion. It can be physical, emotional, psychological, or sexual in nature, and can take the form of a denial of resources or access to services. It inflicts harm on women, girls, men and boys.

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Prevalence and service seeking behaviors



- **High prevalence of GBV:** E.g. 47% of women aged 15-49 in Kenya, 44% in Tanzania, 56% in Uganda had experienced physical or sexual violence in their lifetime
- **Service seeking behaviors:** In spite of high prevalence rates, access to formal response services is limited
- On average, less than 3% of women attempt to see doctors or medical personnel for help

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COMMON FORMS OF SGBV WITHIN ORGANIZATIONS OR INSTITUTIONS

- Sexual exploitation
- Sexual abuse
- Sexual harassment



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WHAT IS SEXUAL ABUSE?

- The accrual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.



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WHAT IS SEXUAL EXPLOITATION?

- Any actual or attempted abuse of 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



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WHAT IS SEXUAL HARASSMENT?

- Any unwelcome verbal, non-verbal, or physical conduct of a sexual nature, or any other behavior of a sexual nature, that might reasonably be expected or perceived to cause offense or humiliation to a person.
- It occurs when such conduct or behavior interferes with an individual's work performance, is made a condition of employment, or creates an intimidating, hostile or offensive work environment.



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CONDUCTS THAT MAY CONSTITUTE SGBV



- Unwanted written, verbal, or electronic statements of a sexual nature directed at an individual
- Unwanted attempt to engage in physical or sexual act without consent
- Sharing private sexual materials of another person without consent
- Inappropriately showing sexual organs to another person
- Indecent dressing with a covert or overt sexual expression
- Causing incapacitation to another person (through alcohol, drugs or any other means) with the intention to secure consent to the alleged sexual activity.
- Allowing third party(ies) to observe private sexual activity from a hidden location or through electronic means

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- Viewing another person's intimate parts or act in a place where one would have expected some level of privacy
- Repeatedly following another person without good reason (stalking)
- Recording, photographing, disseminating, or transmitting intimate or sexual utterances, sounds, or images of private sexual activity and/or a person's intimate part without consent
- Touching oneself sexually for others to view without their consent; and
- Insults, jokes, or anecdotes that belittle or demean an individual
- Inappropriate displays of sexually suggestive objects or pictures, cartoons, calendars, books, magazines, posters, banners, handbills, etc.
- Offering or implying a reward in exchange for sexual favours
- Threatening, taking a negative action or intentionally making an individual's work more difficult because of refusal to submit to sexual advances



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PREVENTION OF SGBV



- Preventing and addressing sexual harassment means doing all we can to uphold systems of accountability and transparency.
- We must create a culture in which we feel safe to report incidents of sexual harassment and are able to trust that robust systems are in place to address them—a culture of zero tolerance where sexual harassment is being systematically addressed
- The first step to prevent SGBV is to develop an SGBV protocol for an organization or programme

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RATIONALE FOR PREVENTING AND ADDRESSING SGBV



SGBV arising out of general workplace relationship or in a learning environment involving personal behaviour of people are common forms of violence that can cause enduring psychological harm.

The most effective way of tackling the problem of SGBV at icipe/ Universities is through the establishment of preventive, reporting channels and redress mechanism.

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THE OBJECTIVES FOR DEVELOPING AND IMPLEMENTATION OF SGBV POLICY FOR RSIF IMPLEMENTING INSTITUTIONS



- To create awareness among the University/icipe community on what constitutes SGBV and other related issues.
- To create an enabling environment for reporting acts of SGBV.
- To protect the basic rights of the parties involved within the University/icipe.
- To provide guidelines for handling SGBV and other related issues.
- To provide appropriate sanctions for established SGBV and other related issues.
- To maintain peaceful coexistence and mutual respect among University community /icipe

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QUALITIES OF A GOOD SGBV MITIGATION STRUCTURE



- To create awareness among the University/icipe community on what constitutes SGBV and other related issues.
- To create an enabling environment for reporting acts of SGBV.
- To protect the basic rights of the parties involved within the University/icipe.
- To provide guidelines for handling SGBV and other related issues.
- To provide appropriate sanctions for established SGBV and other related issues.
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SGBV PREVENTION AND MITIGATION STRUCTURES



- A functional SGBV mechanism should have clearly defined structures to address SGBV in an organization
- These structures may include but not limited to creating the position of Gender focal persons and establishment of SGBV committees

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RESPONSIBILITIES OF THE UNIVERSITY/ICIPE SGBV COMMITTEES (SGBVC)



- The SGBVC shall organise a periodic awareness campaigns through lectures, sensitization workshops, orientation, induction and any other means of disseminating information within the University/icipe.
- The Committee shall investigate all cases reported, find facts, determine the issues, and provide appropriate remedy or recommend disciplinary action. Each specific complaint of sexual harassment shall be dealt with in accordance with University/icipe laws to sanction erring student or staff to serve as deterrence to others

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- The Committee shall listen to the complaint and discuss all options with the Complainant as well as explain the processes involved in the formal grievance procedure. The Committee shall guide and counsel complainants on how to handle incidence of sexual harassment, including possible involvement of the law enforcement agencies if necessary.
- The Committee shall notify the respondent about the matter, and request that he/she files a written statement in response to the allegations within seven days.
- The Committee shall conduct hearing with the parties and their representatives if available.

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- The Committee may conduct its own investigations into the matter, take testimonies of other relevant persons and witnesses where available and review the evidence.
- The Committee shall dispense all reported cases within the shortest possible time after reporting.
- The Committee shall keep safe all records or reports of investigation of sexual harassment complaints alongside actions taken in response to the complaints.
- The Committee shall submit report of all SGBV cases reported, investigated, and recommendations to the Vice Chancellor/icipe management, for possible further action.

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REPORTING CASES OF SGBV

- Complainant(s) shall make initial contact with the Counsellors from the Deanery of Students Affairs (DSA); any member of the Department/Unit, Centre, School, Faculty or College SGBVC
- Follow up with face-to-face interaction with DSA Counsellor and/or any member of Department/Unit, Centre, School, Faculty, College SGBVC and/or staff.
- Complainant(s) are encouraged to provide concrete oral or documentary evidence.
- Complainant(s) shall comply with the instructions of the Faculty/SGBVC
- Member(s) of Faculty/ SGBVC should write a report to the Chairperson of the Faculty/SGBVC to initiate appropriate processes.
- The identity of complainants should be protected and anonymity be maintained.

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APPROACHES OF REPORTING SGBV

Cases of SGBV shall be reported as soon as possible after the alleged conduct occurs. Prompt reporting will enable the SGBVC to look into the matter and establish the truth. A complainant may adopt the informal or formal approach of reporting.

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INFORMAL APPROACH TO REPORTING SGBV

- Where a member of the University Community/icipe feels that he or she is an act of SGBV has been committed against them, such a member may attempt to resolve the matter directly with the alleged offender by advising that the behaviour is unwelcome and may be reported, if continued.
- A Complainant may choose to ask another person whom he or she trusts to intervene on his/her behalf. The person who is asked to intervene may provide advice or counselling to the parties involved. This shall be on a strictly confidential basis and only on the specific request of the Complainant

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- Where option A above fails, the Complainant may request through the SGBVC to resolve the matter through mediation.
- Or any other informal means of reporting the complainant deems fit.
- If a complainant chooses not to use the informal approach of reporting SGBV, this shall not be used against him or her or affect the merits of the case when a formal complaint is lodged

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FORMAL APPROACH TO REPORTING SGBV

- Any member of the University/icipe community who has been subjected to any form of SGBV, or is dissatisfied with the outcome of the informal approach shall make a formal complaint to the Committee.
- In serious cases of sexual abuse such as attempted rape, sexual assault, non-consensual anal copulation and the like, a Complainant shall report to the Committee in writing.
- In the case of a Complainant being unable to write, he/she may be assisted by a third party. The written complaint shall be read out and explained in the language he/she understands after which he/she will sign or thumbprint.
- The written statement shall give details of the alleged harassment, and if possible, give details of dates, places and names of those connected with the incident

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REPORTING OPTIONS

The University/icipe should encourage prompt reporting of conduct that may constitute SGBV. Reports of SGBV can be made directly to the SGBVC.

Some forms of SGBV may also constitute violation of state laws and the University encourage individuals to report to the law enforcement agencies.

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REPORTING TO THE UNIVERSITY/ICIPE

Individuals may choose to make a report to the University/icipe



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REPORTING TO LAW ENFORCEMENT AGENCIES

- The University/icipe should encourage anyone who experiences or witnesses to report to the SGBVC
- An individual who wishes to pursue criminal action in addition to, or instead of, making a report to the SGBV may contact law enforcement.
- An individual has the right to report an incident, or to decline to report an incident, to law enforcement.
- It is important to note that the setting of the SGBVC and its formal investigation procedure as instituted by the university does not serve as a replacement for the criminal process that may arise.



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SGBV SANCTIONING

- The perpetrator of minor sexual offenses such as inappropriate touching of the body may be served with a strong warning letter from the University/icipe and he/she should personally write an apology letter to the victim.
- Serious offenses such as rape should attract expulsion from the University in the case of students and termination of contracts where a member of staff is involved. The case should be transferred to the Police for being a capital criminal offense. The name of the offender should also be publicized in the black book. And he/she should personally write a letter of apology to the victim.
- In the event that the harasser is a third party (vendors, business owners, etc) or visitors, the University shall revoke his/her license to conduct business and be denied/banned from accessing the University premises. The harasser should be handed over to the University Security Division

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MANAGEMENT OF SGBV VICTIMS AT ACUTE STAGE EMERGENCY HEALTHCARE

SGBV victims may have been physically harmed and/or put in psychological trauma among others.

The University/icipe should have a well-established health services unit as well as trained human resources with expertise to handle acute stage emergency on physical harms and/or psychological trauma that may arise from SGBV.

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University should provide multiple options for filling complaints through the Grievance Redress Mechanism

- Operated by the Focal points
- There should be commitment to keep the matter confidential
 - Ensure that protocols are in place for safe, ethical and confidential disclosure, documentation, reporting and management of GBV grievances
- Respect a survivor's informed consent and confidentiality
- Operators regularly trained on empathetic, non-judgmental listening and safe and ethical referral procedures
- The accountability and response framework should be clearly stipulated (investigation process, who is involved, time frames, penalties,
- Linked to GBV service provision/regular assessment of the referral pathway



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Main actors in a GM for SEA/SH



¹This can be a specially constituted "SEA/SH Committee", composed for instance of representatives of the client, consultant, contractor and local service providers and charged with monitoring SEA/SH response. (**Only** when the survivor wants a response).

²GBV service providers include: agencies providing health/medical support, psychosocial support, safety and security-related services, legal and justice-related services and economic empowerment opportunities.



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Guiding Principles for SEA/SH Sensitive GRM



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Survivor centricity and Safety

The GM should:

- Support the creation of a supportive, dignified and protective environment for the SEA/SH survivor, and full respect of his/her rights, wishes and choices.
- Be based on the survivor's informed consent, which needs to be guaranteed throughout the GM.
- Provide feedback on the case to the survivor only and exercise strong caution before communicating any results beyond the survivor.



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Scholars /Teachers sensitization

Orientation/sensitization of scholars/teachers should be mandatory. Messaging on SEA/SH should include information on;

- Codes of Conduct
- How to report an SEA/SH incident
- To whom
- The referral pathway/GBV services available
- What to expect in terms of available services
- What to expect in terms of confidentiality
- Importance of timely services for GBV survivors
- Where to go for help – an illustration of GRM channels and simple information about service providers in the local language(s) and/or as a pictorial presentation

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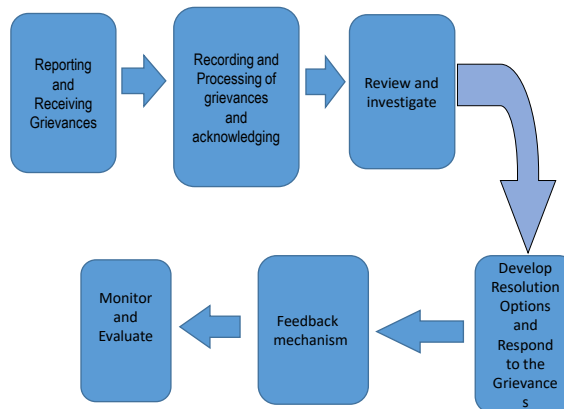


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Grievance flow diagram



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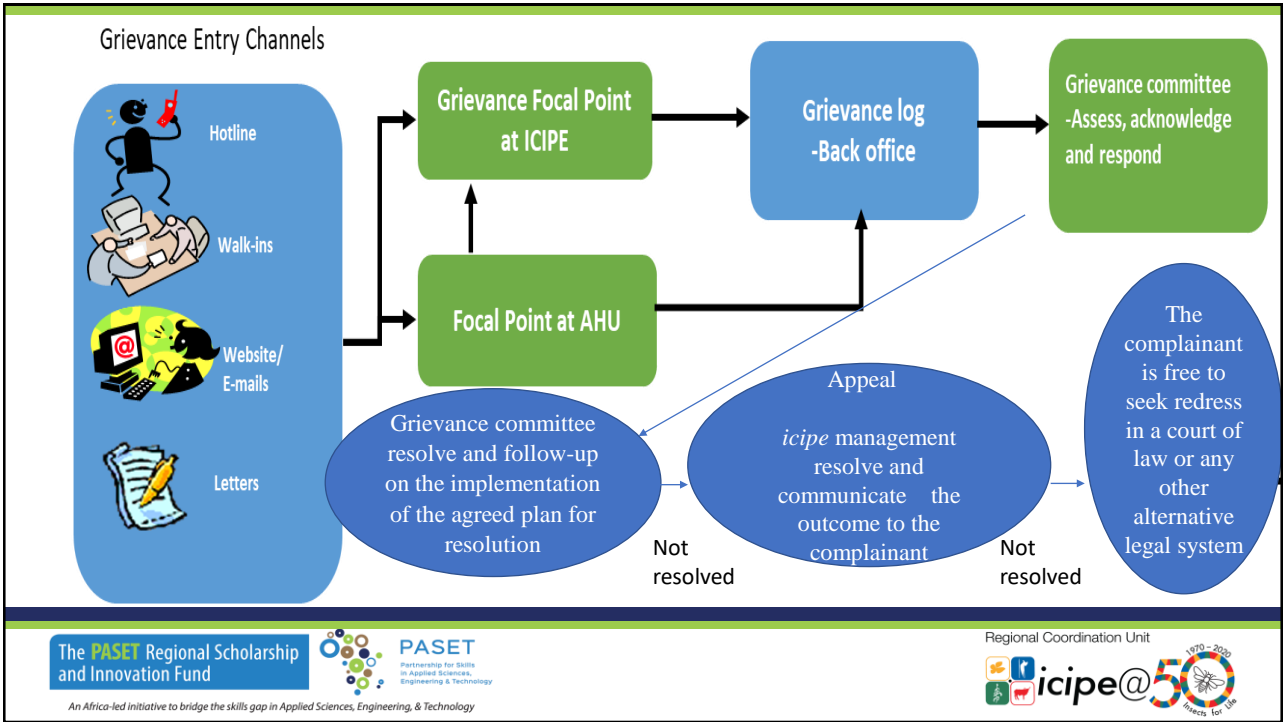


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Regional Coordination Unit



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