DADAAB ROYAL

GENDER BASED VIOLENCE & SEXUAL HARASSMENT POLICY

DADAAB ROYAL COMPANY INVESTMENT LIMITED

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FOREWORD

This policy serves as a cornerstone of our dedication to preventing and addressing gender-based violence and sexual harassment at Dadaab Royal. In today's society, where gender equality and the elimination of violence are crucial, implementing a robust gender-based violence and sexual harassment policy is of paramount importance. It reflects our dedication to promoting respect, dignity, and equal opportunities for all individuals within our organization. The gender-based violence and sexual harassment policy aligns with legal requirements, global best practices, and the unique needs of Dadaab Royal, serving as a comprehensive guide for preventing, responding to, and addressing incidents of gender-based violence.

This gender-based violence and sexual harassment policy encompasses various elements, including but not limited to awareness and sensitization programs, reporting mechanisms, investigation procedures, support services, and disciplinary measures. By embracing these measures, we aim to create an environment where every member of our institution feels safe, valued, and empowered.

Adherence to the gender-based violence and sexual harassment policy is mandatory for all staff and stakeholders, as it forms the foundation of our commitment to eradicating gender-based violence and sexual harassment.

I unreservedly endorse this gender-based violence and sexual harassment policy and encourage everyone to embrace its principles. Together, we can create an environment that promotes equality, respect, and a strong sense of community, where gender-based violence has no place.



Signed: _____

Managing Director

ACRONYMS/ABBREVIATIONS

AU	African Union
BPfA	Beijing Platform for Action
CEDAW	Convention on Elimination of all forms of Discrimination Against Women
MD	Managing Director
FGM	Female Genital Mutilation
GBV& SH	Gender Based Violence & Sexual harassment
HR	Human Resource
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic and Socio-Cultural Rights
ILO	International Labour Organization
M&E	Monitoring and Evaluation
PTSD	Post-traumatic stress disorder
UDHR	Universal Declaration of Human Rights

DEFINITION OF TERMS

Cyber Harassment Refers to use of digital platforms such as social media to stalk, threaten, intimidate or humiliate individuals.

Discrimination Refers to the unfair treatment of people and groups based on the characteristics of sex, race, disability or age.

Gender Based Violence Refers to any act that is perpetrated against a person's will and is based on gender norms and unequal power relationships.

Gender Inequality Refers to unequal treatment or perceptions of individuals based on their gender. It arises from differences in socially constructed gender roles**.**

Inequality unfair treatment of people and groups based on the characteristics of sex, race, disability or age.

Perpetrator Refers to a person, group, or institution that directly inflicts, supports, and condones GBV&SH against a person or a group of persons.

Quid Pro Quo Refers to any physical, verbal or non-verbal conduct of a sexual nature and other conduct based on sex affecting the dignity of women and men, which is unwelcome, unreasonable, and offensive to the recipient; and a person's rejection of, or submission to such conduct is used explicitly or implicitly as a basis for a decision which affects a person's job.

Sexual Harassment Refers to unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. Sexual harassment can involve one or more incidents and actions be it physical, verbal and non-verbal nature.

Sexual Violence Refers to when a person is compelled to engage in a sexual act against his/her will whether or not the act is attempted or completed.

Stakeholder Refers to anyone who conducts business for or on behalf of Dadaab Royal.

Survivor Refers to a person who has endured an ordeal or great misfortune

Victim Refers to a person who has been harmed by a crime or other adverse circumstances.

CHAPTER ONE
BACKGROUND AND INTRODUCTION

Introduction to GBV

Gender-based violence refers to any act that is perpetrated against a person's will and is based on gender norms and unequal power relationships. It includes physical, emotional or psychological and sexual violence, and denial of resources or access to services. Violence includes threats of violence and coercion This can take many forms such as intimate partner violence, sexual violence, child marriage, female genital mutilation and so-called 'honour crimes. GBV inflicts harm on women, girls, men and boys but the majority of victims are women and girls. GBV continues to be one of the most notable human rights violations within all societies.

Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. Sexual harassment can involve one or more incidents and actions constituting harassment may be physical, verbal and non-verbal. GBV&SH are caused by an interplay of various factors that lie at the root of the problem. These causes are generally grouped into cultural, legal, economic and political factors. It is imperative to note that the perpetrator of GBV&SH act is the main cause rather than the victim and his/her actions.

Rationale

The rationale for developing a GBV&SH policy at the workplace is rooted in the importance of creating a safe, inclusive, and respectful work environment for both men and women. This includes implementing a GBV&SH policy at the workplace to protect employee well-being, comply with legal obligations, promote a positive work culture, support gender equality, enhance organizational reputation, attract and retain talent, prevent legal and financial risks. Drought Care Alliance is therefore committed to adhere to the constitutional and statutory requirements and implement the principles of gender based violence and sexual harassment hence the development of the GBV&SH Policy which provides a framework for preventing GBV&SH at the workplace.

Scope

The Policy shall apply to the Board of Directors, and staff of Drought Care Alliance and all Stakeholders involved in the conduct of the Board's business either at its premises or elsewhere.

Legal and Policy Framework
International Instruments

a) **Beijing Platform for Action (BPfA), 1995**

The United Nations Fourth World Conference on Women, which took place in Beijing, China, in 1995, resulted in the adoption of the Beijing Platform for Action and Declaration for Action (BPfA)

On Gender-Based Violence and Sexual Harassment. The platform is a thorough international framework that deals with the problems of gender inequality, prejudice, and violence against women.

The platform acknowledges that sexual harassment and other forms of gender-based violence are serious obstacles to achieving gender equality for women and a violation of their human rights. It recognizes that such violence takes place in a variety of contexts and places, including the family, the neighborhood, and institutions. The Beijing Platform seeks to end all types of violence against women and girls and to establish a society in which their rights are upheld.

The Platform offers a comprehensive definition of GBV and acknowledges that it can happen in a variety of settings. It places a strong emphasis on the value of preventative measures in addressing the underlying causes of GBV. The BPfA demands actions to increase awareness, advance gender equality, and confront cultural attitudes and customs that support violence and also emphasizes the importance of offering survivors complete support services including counseling.

Further, The Platform calls on governments to pass and enforce legislation that makes GBV&SH illegal and demands the closure of legal gaps and barriers that prevent survivors from accessing justice.

b) Convention on Elimination of all Forms of Discrimination of Women (CEDAW), 1979.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is an international treaty adopted by the United Nations General Assembly in 1979. CEDAW defines discrimination against women as any distinction, exclusion, or restriction based on sex that impairs or nullifies the rights and freedoms of women, with the aim or effect of undermining their rights. Gender-Based Violence and sexual harassment are manifestations of gender-based discrimination. The Convention emphasizes that such acts constitute violations of women's rights and can impede their full participation in society, and obliges state parties to take measures to prevent, investigate, and punish acts of discrimination including through adopting legislation, establishing support services, and providing access to justice and remedies for victims of discrimination. Further, CEDAW calls for the elimination of harmful stereotypes and practices that perpetuate discrimination against women and emphasizes the importance of promoting gender equality and changing societal attitudes and norms.

c) Universal Declaration of Human Rights, 1948

The UDHR was proclaimed by the United Nations General Assembly in Paris in 1984 (General Assembly resolution 217A) as a common standard of achievements for all people and all nations. It guarantees that all people are born free and equal in dignity. The UDHR provides for respect for human rights and can be construed to protect persons against GBV&SH through provisions such as freedom from discrimination, and prohibition of torture, cruelty, inhuman or degrading

treatment.

d) The International Covenant on Civil and Political Rights (ICCPR), 1966

The ICCPR upholds the right of both men and women to enjoy the civil and political rights in the covenant and equal protection. Under the law. It obligates State Parties to take measures to protect, promote and fulfill human rights, including the establishment of redress mechanisms when rights are violated. This would entail protection against GBV&SH and also guarantee access to justice in cases of violations.

e) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1994

The convention recognizes the urgent need for the universal application of the rights and principles with regard to equality, security, liberty, integrity and dignity of all human beings, and protection from torture and other cruel, inhuman and derogatory treatment is a non-derivable right. To the extent that the impact of GBV&SH has been recognized as a form of torture, the Convention can be invoked for the prohibition against violence, including GBV&SH.

f) International Covenant on Economic, Social and Cultural Rights, 1966 (ICESCR)

The United Nations General Assembly adopted the Global International Covenant on Economic, Social, and Cultural Rights (ICESCR) in 1966. The ICESCR incorporates principles addressing sexual harassment and gender-based violence in addition to its primary focus on advancing and defending economic, social, and cultural rights. The intrinsic right of every person to be free from violence, including GBV&SH, is recognized by the ICESCR, and States are required to take proper action to stop such acts from happening. The ICESCR also places a strong emphasis on non-discrimination and gender equality principles. The ICESCR upholds the right to work in a conducive environment free from GBV&SH and any other form of discrimination and acknowledges the right to the best possible level of physical and mental health. It acknowledges that girls and women are disproportionately affected by GBV&SH and calls for the elimination of discrimination against them

g) The International Labor Organization's Discrimination (Employment and Occupation) Convention, 1958 (No.111)

The Convention prohibits discrimination in employment and occupation based on sex and emphasizes the principle of equality of opportunity and treatment in employment. GBV&SH harassment undermines this principle by creating an unequal and hostile work environment and employers are obligated to ensure a workplace free from sexual harassment. The Convention also requires states to formulate and implement national policies to eliminate discriminatory practices. This includes addressing and preventing sexual harassment in the workplace through legislation, policies, and awareness-raising campaigns. The convention also emphasizes the importance of providing a safe and healthy working environment. GBV&SH can create an unsafe and harmful

atmosphere for workers and obligates employers to take proactive measures to prevent and address sexual harassment. States are required to establish effective mechanisms for enforcing the provisions of the convention, including addressing complaints of discrimination and access to appropriate remedies and redress, such as filing complaints, legal recourse, or support services to victims of sexual harassment.

Regional Instruments

a) African Charter on Human and people's Rights (Banjul), 1981

The Charter is a human rights instrument intended to promote and protect human rights and basic freedoms in the African continent. Violence against women is an act of violence that persists through sustained gender inequality. At its core, violence against women is both a cause and a consequence of gender-based discrimination – impacting all women regardless of wealth, race, culture and location. According to the Charter, the adoption of a human rights perspective is an important part of developing approaches to tackle violence against women, as it obliges states to address the violation as existing in a wider environment of discrimination and inequality. By guaranteeing women the equal enjoyment of all rights in the Charter it is not just part of tackling violence against women, it is necessary for eliminating it. It also outlines the duties relevant to tackling violence against women in Article 28 which states that every individual shall have the duty to respect and consider his fellow beings without discrimination, and to maintain relations aimed at promoting safeguarding and reinforcing mutual respect and tolerance.

b) Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, 2003 (Maputo Protocol)

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, also known as the Maputo Protocol, is an international human rights instrument adopted by the African Union in 2003. It aims to promote and protect the rights of women in Africa. The protocol prohibits all forms of violence against women, including domestic violence, sexual assault, and female genital mutilation. It requires states to enact legislation, establish mechanisms, and provide support services to prevent and address violence against women

c) African Youth Charter, 2006

The African Youth Charter is a legal and policy framework adopted by the African Union (AU) in 2006. It acknowledges and addresses the issue of gender-based violence among young people in Africa. It emphasizes the need for prevention, protection, and support for survivors. The charter promotes education and empowerment to challenge harmful gender norms and promote respectful relationships. The charter calls for accountability through laws and policies, and collaboration among governments, organizations, and stakeholders to combat gender-based

violence effectively. It aims to create safer and more equal environments for young people in Africa

National Framework

a) The Constitution

It guarantees equality and freedom from discrimination, human dignity, the right to freedom and security of the person, protection from slavery, servitude and forced labour. Other relevant articles include those that ensure fair treatment of special vulnerable groups, persons with disabilities, minorities ad marginalized groups and older members of the society. It further provides that fundamental rights and freedoms may not be limited. These rights underpin the commitment to nurturing and protecting the well-being of the individual, the family, communities and the nation as indicated in the preamble of the Constitution and the national values.

b) The Sexual Offences

It defines sexual offences and makes provision for the investigation and prosecution of offences with particular regard to offenses against vulnerable groups; children, women and persons with disabilities, as well as offences perpetrated by persons in authority or in positions of trust. This Act criminalizes various forms of sexual offenses, including rape, defilement, indecent assault, sexual harassment, and female genital mutilation and provides legal definitions and penalties for these offenses.

c) The Penal Code

It defines criminal offences and the penalties against each. As such, there are provisions for offenses such as assault and those against individual liberties and the available remedies under the law.

d) Employment

The Act prohibits discrimination and harassment on employees on the basis of sex, guaranteeing equal remuneration for work of equal value. The Act defines what constitutes sexual harassment and outlaws the same and further obligates an employer who employs twenty or more employees to develop a Sexual harassment policy after consulting with its employees or their representatives. The Employment Act includes provisions related to sexual harassment in the workplace, defines sexual harassment and establishes procedures for making complaints and seeking redress.

e) National Policy on Gender and Development Policy

The goal of the policy is to achieve gender equality and women's empowerment in national development so as to enhance participation of women and men, boys and girls, vulnerable and marginalized groups for the attainment of sustainable development. The policy sets, legislative and administrative measures to address the existing gaps in the realization of gender equality and women's empowerment.

CHAPTER TWO
SITUATION ANALYSIS
Introduction

Gender-based violence is violence directed against a person or group of people because of their sex, gender, sexual orientation and/or gender identity. It can include physical, sexual, psychological, emotional and economic harm, as well as threats, coercion and manipulation. Gender-based violence is a serious violation of human rights and a life-threatening health and protection issue. It is deeply rooted in gender inequality and affects women and girls disproportionately. However, men and boys, as well as people with diverse sexual orientations and gender identities, can also experience gender-based violence.

Sexual harassment is defined as a type of harassment involving the use of explicit or implicit sexual overtones, including the unwelcome and inappropriate promises of rewards in exchange for sexual favors. Sexual harassment includes a range of actions from verbal transgressions to sexual abuse or assault.

Forms of Gender Based Violence

a) Physical Violence

It is the intentional use of physical force with the potential to cause death, disability, injury or harm. Physical violence is the easiest form of violence to identify because usually there are physical findings to match it. It includes assault, domestic violence and harmful cultural practices.

b) Sexual Violence

This applies when a person is compelled to engage in a sexual act against his/her will whether or not the act is completed. There are many types of such violence which include harassment, rape, sodomy and attempted rape, amongst others.

c) Emotional/Psychological Violence

This entails trauma to the victim caused by acts, threat of acts and coercive tactics like verbal violence, emotional abuse, humiliation and discrimination, amongst others.

d) Economic Violence

Act or behavior which causes economic harm to an individual on the basis of their gender. It can take the form of limiting or restricting access to financial resources or not complying with economic responsibilities.

e) Cyber Harassment

The use of digital platforms, such as social media, to stalk, threaten, intimidate, or humiliate individuals based on their gender.

Forms of Sexual Harassment

a) **Physical conduct**
   - Unwanted touching or physical contact (e.g. an arm around the shoulder
   - A hand placed on a thigh or another part of the body, giving someone a massage around the neck or shoulders
   - Standing up against someone after being told to move away;
   - Groping, hugging, kissing, patting, touching or rubbing oneself sexually against another person
   - Touching another person's clothing, hair, or body,

b) **Verbal conduct**
   - Cat calling – whistling, yelling sexually suggestive comments, usually at a stranger;
   - Unwanted flirting
   - Jokes referring to sexual acts and/or sexual orientation
   - Unwelcome graphic comments about a person's body (e.g. Look at those sexy legs, I like a curvy woman)
   - Making sexual comments about a person's clothing, anatomy, or looks
   - Unwelcome and inappropriate enquiries about a person's sex life
   - Sexual favors – asking for sexual favors from a co-worker or peer
   - Repeatedly trying to date a person who is not interested
   - Telling lies or spreading rumors about a person's sex life or sexual preferences

c) **Non-verbal conduct**
   - Unwelcome gestures of a sexual nature – looking someone up and down in a way that makes that person feel uncomfortable, blocking someone's path
   - Indecent exposure (e.g. "flashing")
   - Unwelcome display and/or sharing of sexually explicit pictures and objects
   - Following or stalking someone,
   - Making sexual gestures with the hands or through body movements, using facial expressions such as winking, throwing kisses, or licking lips.

d) **Quid pro Quo Something for Something**
- When an owner, employer, supervisor, member of management or co-employee influences conditions of employment or advancement in exchange for sexual favors, either explicitly or implicitly – this may include: access to training opportunities; consideration for employment, promotion and/or salary increase, and dismissal/disciplinary proceedings.

Drivers of Gender Based Violence and Sexual Harassment

Workplace GBV&SH is a complex problem that is influenced by several factors. These include but are not restricted to:

a) **Gender Inequality:** GBV in the workplace can be exacerbated by persistent gender

inequalities such as unequal power relations and gender stereotypes. Violence, harassment, and discrimination can result from power imbalances or from the perception that women are subordinate to men

b) **Organizational Culture:** An organization's culture has the ability to enhance or prevent GBV&SH. Gender-Based Violence and Sexual Harassment is more likely to occur in an environment where sexist attitudes, offensive language, and improper behavior are tolerated at work. Its occurrence may also be influenced by the lack of procedures and methods for reporting and addressing issues.
c) **Lack of Awareness and Training:** Lack of knowledge and awareness on GBV&SH can contribute to the occurrence of violence at the workplace. Employees may lack the knowledge on what constitutes GBV&SH or how to react effectively if affected. Due to this, GBV&SH may be unnoticed or untreated in certain settings.
d) **Hierarchies and Power Dynamics:** Workplace power disparities can exacerbate GBV&SH. This can happen between coworkers with varying levels of authority or between superiors and subordinates such as through misuse of power and position, resulting in sexual assault, coercion, or harassment among other manifestations of violence.
e) **Non-existent or inadequate reporting mechanisms**: Ineffective reporting procedures such as a lack of confidentiality or poor follow-up, may also deter reporting of GBV&SH cases
f) **Economic issues:** Employees may be more susceptible to exploitation, harassment, or violence in circumstances where they are faced by financial insecurity, a lack of job opportunities, or fear for their livelihoods among other consequences.
g) **Social Norms and attitudes:** Workplace culture can be affected by societal norms and attitudes such as stereotypes, or victim-blaming that support violence against women and gender inequity.
h) **Isolated Workspaces:** In jobs where the workers are physically isolated or have few opportunities to work with others, harassers have easy access to their victims, and there generally are no witnesses to the harassment.

Effects of Gender Based Violence and Sexual Harassment at the workplace

The consequences of gender-based violence are devastating and can have life-long repercussions for survivors. It can even lead to death. Gender-based violence has effects such as homicide and suicide, injury and shock, disability and sleeping disorders, reproduction problems, emotional and psychological problems and social and economic problems such as increased gender inequalities.

a) **Physical and Psychological Impact on Victims:** Gender-based violence and sexual harassment can cause physical and psychological harm to the victims. They may experience injuries, pain, and trauma as a result of the incidents. This can lead to mental health issues such as anxiety, depression, post-traumatic stress disorder (PTSD), and a decreased sense of self-worth.
b) **Emotional Distress and Reduced Productivity:** Victims of gender-based violence and sexual harassment often suffer from emotional distress, including fear, shame, and

humiliation. This can have a significant impact on their ability to concentrate, perform well at work, and make decisions. As a result, their productivity and overall job satisfaction may decline.

c) **Increased Absenteeism and Turnover:** Employees who experience gender-based violence or sexual harassment may frequently miss work due to physical or mental health problems or to avoid the hostile work environment. This can lead to increased absenteeism and a higher turnover rate, as victims may seek employment elsewhere to escape the harassment.
d) **Hostile Work Environment:** Gender-based violence and sexual harassment create a hostile work environment, negatively affecting not only the victims but also other employees. Witnessing or hearing about such incidents can create a climate of fear, discomfort, and distrust among colleagues. This can harm teamwork, collaboration, and overall employee morale.
e) **Financial Costs:** Gender-based violence and sexual harassment can have financial implications for both individuals and organizations. Victims may face medical expenses, legal fees, and counselling costs. For organizations, these issues can result in legal liabilities, lawsuits, increased insurance premiums, and reputational damage.
f) **Inequality and Discrimination:** Gender-based violence and sexual harassment perpetuate gender inequality and discrimination in the workplace. When individuals are targeted based on their gender, it reinforces power imbalances and hinders opportunities for career advancement. This can create a hostile work environment for women and other marginalized groups, leading to further disparities in pay, promotions, and job opportunities.
g) **Decreased Trust and Employee Engagement:** Incidents of gender-based violence and sexual harassment erode trust between employees and employers. When organizations fail to address these issues effectively, it can result in a loss of confidence in the leadership and a decline in employee engagement. This, in turn, can harm productivity, teamwork, and overall organizational performance.
h) **Corporate reputational damage:** Gender-based violence and Sexual Harassment can have significant negative effects on an institution's corporate reputation and image. It can create a perception that the institution does not prioritize the safety and well-being of its employees, leading to public outrage, damage to the company's brand, and loss of trust among stakeholders.
i) **Low staff morale:** A company that fails to address GBV&SH risks creating an environment of fear, mistrust, and dissatisfaction among employees, resulting in decreased staff morale, ultimately impacting negatively on productivity and company culture.

Challenges to fighting Gender Based Violence and Sexual Harassment at the workplace

a) Normalization and trivialization of GBV&SH
b) Lack of Knowledge and understanding of GBV&SH law, legal rights and individual responsibilities.
c) Inadequate implementation of programs for the prevention of GBV&SH.
d) Insufficient allocation of resources

e) Minimal corroboration between DADAAB ROYAL and other stakeholders in GBV&SH programs.
f) Inadequate implementation and enforcement of the existing gender policies.
g) Inadequate support from the staff and management.
h) Underreporting of GBV&SH cases mainly for several reasons such as fear of retaliation, libel suits, victimization and stigmatization among others.
i) Lack of guidelines and procedures for addressing GBV&SH.
j) Ignorance of the law, fear or embarrassment of raising complaints and apprehension about the consequences of prosecution impacts the reporting of GBV&SH cases.

CHAPTER THREE
POLICY FRAMEWORK
Policy Goal

The goal of this policy is to curb GBV&SH at the Board.

Objectives

- To create awareness on GBV&SH to DADAAB ROYAL staff and stakeholders.
- To promote a safe and conducive work environment for all.
- To provide a GBV&SH handling mechanism at DADAAB ROYAL.

Guiding Principles

- **Do No Harm-** This principle emphasizes the prominence of prioritizing the well-being of survivors /victims of GBV&SH.
- **Abide by the rule of law**- This calls on upholding the rule of law and a commitment to enforce legal requirements, safeguarding individual rights, and promoting a conducive work environment in compliance with all relevant legal frameworks.
- **Confidentiality and Privacy**- Survivors/victims have the freedom to decide to whom they choose to reveal their ordeal and whom they do not. Maintaining confidentiality entails never sharing any information with a third party without the survivor's knowledge and consent.
- **Non-victimization**- It emphasizes the need to protect victims/survivors from further victimization or harm.
- **Safety** - The safety and security of a survivor/victim must be prioritized by all.

Policy Approaches

a) **A human rights-based approach** - A human rights-based approach centers on the rights of victims/survivors. It ensures that GBV&SH is recognized as a fundamental violation of human rights, which is systemic and both a cause and consequence of gender inequality and discrimination. This approach recognizes that the institution has an obligation to

protect and promote victims'/ survivors' rights including ensuring the creation of avenues for their voices to be heard.

b) **A victim/survivor-centered approach** - Adopting a victim/survivor-centered approach ensures that specific attention is applied to everyone's safety, confidentiality, and well-being throughout all procedures. All actions or decisions should be guided by respect for the victims/survivor's choices, wishes, rights, and dignity. Victims/Survivors are believed when they share their experiences on GBV&SH. The role of the institution lies in assisting them to restore dignity and control over their lives without coercion or negative judgment. Victims/Survivors have a right to choose and refuse services based on their needs.

c) **Zero tolerance** -Curbing GBV&SH at the workplace calls for stern action to be taken on perpetrators of GBV&SH regardless of one's status and position in the institution.

Priority Area 1: Creation of Awareness

Objective: To create awareness on GBV&SH to DADAAB ROYAL staff and stakeholders.

Strategies and Actions.

- Publicize the policy to all employees and stakeholders.
- Sensitize employees and stakeholders on GBV&SH.
- Develop & disseminate information, education and communication materials on GBV&SH.
- Provide regular training of staff at DADAAB ROYAL on GBV&SH
- Ensure that security personnel & GBV&SH champions are trained to respond effectively to incidents of GBV&SH

Priority Area 2: Conducive Work Environment

Objective: To promote a safe and conducive work environment for all.

Strategies & Actions

- Zero tolerance by holding perpetrators to account for GBV&SH
- Enable access to psychosocial support services for employees who have experienced GBV&SH
- Offer flexible work arrangements or temporary reassignments to ensure the safety and well-being of victims during the investigation and recovery process
- Conduct a security assessment to identify potential vulnerabilities and risks, particularly in areas where GBV&SH incidents may occur, such as parking lots or isolated spaces.
- Implement appropriate security measures, such as surveillance cameras, alarms, access control systems, and panic buttons.

Priority Area 3: GBV&SH handling mechanism

Objective: To provide a GBV&SH handling mechanism at DADAAB ROYAL.

Strategies & Actions

- Rehabilitate GBV&SH perpetrators and victims.
- Provide legal advice to the survivors/victims of GBV&SH.
- Develop monitoring & evaluating systems for GBV&SH cases.
- Provide sufficient budgetary allocation GBV&SH programs.
- Set up an adhoc committee comprising employees of all cadre to handle the GBV&SH on need basis.
- Develop GBV&SH Handling procedures for reporting, investigations, resolution, discipline, appeal, false allegation & retaliation

GBV&SH Handling Procedure

a) Reporting

i. Informal reporting process

Informal reporting of Gender-Based Violence and Sexual Harassment (GBV&SH) refers to the process of sharing incidents or experiences of such violence or harassment with friends or trusted individuals, rather than formally. It is a means for survivors or witnesses to seek support, and guidance without following official channels. Survivors or witnesses may choose to confide in their close friends or colleagues to seek emotional support, advice, referrals or guidance about available resources. This type of reporting allows them to share their experiences in a safe and familiar environment. It can offer a support system and understanding since peers may have shared experiences or be familiar with the context in which the violence or harassment occurred.

It is important to note that while informal reporting can provide initial support and validation, it may not always result in the formal investigation or legal action that is often necessary to hold perpetrators accountable

ii. Formal reporting process

Any person who feels violated is strongly encouraged to report the incident to any member of the GBV&SH Committee, immediate supervisor or the HR Department in person or by proxy. The HR department shall write to the Executive Director or Board of Directors on the same and request for constitution of an investigating committee. The complaint will specify the details of the allegation, including; Name, title and location of the respondent; A description of the action/circumstances of the complaint, Date(s) of incident(s), Name of witnesses, if any (see appendix 1). The member receiving the complaint will:

a) Ascertain the views of the complainant as to what outcome he/she wants;
b) Receive the complaint in the prescribed form;
c) Discuss on the mode of resolution preferred;
d) Forward the complaint for processing;
e) Encourage internal resolution of complaints, however, ensure that the complainant is aware of their right to lodge the complaint to the relevant authorities;
f) Any complaints of criminal nature such as rape and sexual assault will be handled within the provisions of the law notwithstanding the complainant's preference for

an informal resolution

b) Investigations

The grievances not resolved through conciliatory mode will be handled through the Board's Disciplinary process. In cases where investigations will be required to resolve a complaint;

a) The Chair of the GBV&SH Committee, in consultation with the ED, will convene an Ad-hoc committee comprising of at least three members of the Gender Mainstreaming Committee to investigate the complaint.
b) Investigations will be conducted fully, impartially and concluded within 60 days from the time of reporting;
c) Investigating committee will provide the accused with the allegations, to which that individual will be required to respond within 7 days;
d) During the course of the investigation, the investigating committee will interview the complainant, the accused, and witnesses identified by each party if any;
e) Upon conclusion of the investigations, the Ad hoc committee shall document their findings and recommendations for the ED's consideration.
f) The report will be reviewed by the ED who will process the case through the Human Resource Management Advisory Committee where need be for disciplinary action. The report shall contain:
    - Evidence collected by the committee, including any statements by witnesses;
    - Analysis of the evidence and statements;
    - A statement on whether the charges against the officer have been proved;
    - Details on any matter that may affect the gravity of the case, if any

g) Where a case involves a member of the Board of directors or ED, the matter shall be referred to the relevant institution.

c) Modes of resolution

i. Arbitration

Arbitration is the submission of a disputed matter to an impartial person (the **arbitrator)** for resolving a dispute. The arbitrator controls the process, conducts a hearing where all parties present evidence through documents, exhibits and testimony. The parties may agree to, in some instances, establish their own procedure, or the provided procedures. There can be either one arbitrator or a panel of three arbitrators. Unlike a trial, only one side prevails and appeal rights are limited.

ii. Mediation/Conciliatory Approach

Formal mediation may also be facilitated by an outside party who is acceptable to both parties and can occur at any time during the process when agreed to by both parties.

If the complainant prefers resolution of the case through this mode, the chair of the GBV&SH committee will appoint a member who will:

a) Ensure that the accused understands the DADAAB ROYAL complaints mechanism;
b) Give an opportunity to the accused to respond to the complaint;

c) Facilitate discussion between both parties to achieve a resolution which is acceptable to both parties; and
d) Ensure that records of deliberations are maintained and forwarded for custody through the Chair of the committee.

Possible outcomes of this process include:

a) The grievance is resolved to the satisfaction of both parties.
b) Grievance is not resolved: In cases where resolution of the grievance is not possible, the Chair of the Committee will advise the complainant of the option of resolution through mode 2 (disciplinal mode).

iii. Disciplinal Approach

Sexual harassment is an offence under the code of conduct and amounts to gross misconduct under the provisions of the Employment Act, the Sexual Offences Act, and DADAAB ROYAL HR Policies and Procedures Manual.

d) Appeal

Appeal can be described as a review of the decisions made out of a report made as a result of GBV&SH case. Any part (victim/survivor) or perpetrator who may feel aggrieved by the outcome of the investigating report, may appeal the outcome within fourteen days after the finalization of the case in writing to the full GBV&SH committee

e) Retaliation

Victims/Survivors of GBV&SH shall be protected from retaliation (revenge). Any cases of retaliation should be reported to the committee and shall be dealt with in accordance with the Board's HR policies.

f) False Accusations

This is an allegation instilled in an innocent person that did not occur. Being the subject of false accusations can trigger a range of responses from frustration and panic. Even if you are innocent, you may still experience feelings of guilt. A false accusation may lead to more accusations, rumors, and confrontations. Such allegations should be reported to the ad hoc committee investigating the complaint and should face disciplinary action as per the HR policy and procedures manual or as per the law.

CHAPTER FOUR
IMPLEMENTATION FRAMEWORK

Introduction

This policy will guide all future decisions and processes to ensure that all issues revolving around GBV&SH are well understood. The DADAAB ROYAL will ensure that the implementation framework is articulated in this policy and effectively monitored and regularly reviewed.

Board of Directors

a) Approve the GBV&SH policy.
b) Adhere to the policy.
c) Ensure implementation of this policy.
d) Ensure zero tolerance for cases of GBV&SH

Executive Director

a) Oversee the implementation this policy.
b) Provide budget for the implementation of the policy.
c) Appoint members of GBV&SH and ad-hoc committees.
d) Adhere to the policy.
e) Ensure dissemination of the policy to the Board of Directors and all staff.
f) Take a zero-tolerance stance for cases of GBV&SH

Management

a) Disseminate the policy in their respective departments and Maintain impartiality while handling cases of GBV&SH
b) Ensure all cases reported are acted upon in a timely manner and Provide a conducive work environment.
c) Provide leadership and support for full implementation of this Policy at their respective levels.
d) Participate in GBV&SH programs organized by the Board.
e) Mobilize staff to participate in GBV&SH sensitization programs organized by the Board and other key stakeholders and Promote a zero-tolerance stance for cases of GBV&SH

GBV&SH Committee

a) Spearhead implementation of this policy.
b) Advise the management and the Board on GBV&SH initiatives.
c) Maintain impartiality while handling cases of GBV&SH
d) Ensure all cases reported are acted upon in a timely manner
e) Coordinate implementation of the policy.
f) Spearhead the review of this Policy.
g) Monitor and evaluate the implementation of the Policy.
h) Develop and disseminate information, education and communication material on GBV&SH.

Employees

a) Adhere to the provisions of this policy.
b) Participate and support all workplace GBV&SH activities.
c) Report any cases of GBV&SH
d) Report any violations of this policy.

Stakeholders

a) Adhere to the provisions of this policy
b) Report any violations of this policy.

CHAPTER FIVE
MONITORING, EVALUATION AND REVIEW

Introduction

Monitoring and evaluation (M&E) shall be an essential strategy in the implementation of the GBV&SH policy. The Board will monitor and evaluate the implementation of this Policy in order to provide information on progress made to inform GBV&SH in the workplace.

Monitoring and evaluation mechanism

The Monitoring and evaluation mechanism will ensure the policy objectives and policy actions are monitored, tracked and evaluated. This includes regularly checking whether the implementation is on course in relation to the set objectives to curb GBV&SH in the workplace.

Documentation

The committee shall keep a record/database of the cases handled on GBV&SH &the perpetrators who have been found guilty of the offence.

Policy Communication and Dissemination

The Policy shall be communicated and disseminated to employees and key stakeholders through the Board's website or any other relevant platforms including virtual meetings.

Policy Review

This Policy will be reviewed after every three years or as need may arise to ensure it remains relevant to the needs of the Board and in line with the current legal & policy frameworks.

Policy Effective Date

This Policy comes into effect on this …20…… day of JANUARY..... 2025.



Signed:

Managing Director

DADAAB ROYAL

ANNEX
REPORTING FORM

Dadaab Royal Company Investment Limited

GBV and Sexual Harassment Reporting Form

(Instructions: This form should only be used by Dadaab Royal staff and stakeholders. It can be filled by a complainant independently or on their behalf. Each form applies to a single complaint).

Please use this form to report any incidents of gender-based violence or sexual harassment that you have experienced or witnessed at the workplace. Your report will be treated with the utmost confidentiality, and appropriate action will be taken to address the situation.

Complainant's Name: ……..……

Contact information: Phone No…….

Email address: …….....

Incident Details:

Date of Incident: …….

Time of Incident: ……

Location of Incident: ……

Specify whether you are reporting on behalf of the victim Yes……No…….

Incident Description:

Please provide a detailed description of the incident, including the nature of the GBV or sexual harassment, individuals involved (if known), and any relevant information that can assist in the investigation.

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Witnesses:

Were there any witnesses to the incident? If yes, please provide their names and contact details (if known).

1. …….

2. ……..

3.……

Impact on You:

Please describe the impact the incident has had on you, including any emotional, physical, or psychological effects.

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Previous Reporting (If Applicable):

Have you previously reported this incident or similar incidents to anyone in the organization? Yes……No…….

If yes, please provide details of the previous reports, including the dates and individuals involved.

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Supporting Evidence:

Do you have any supporting evidence such as emails, messages, photographs, or other documentation related to the incident? Yes……No…….

If yes, please provide details or attach relevant documents.

Additional Information:

Is there any additional information you would like to share regarding the incident or any other concerns related to GBV or sexual harassment at Dadaab Royal?

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……...

Preferred Outcome:

What would be your preferred outcome or resolution regarding this incident?

……

I understand that by submitting this report, I am providing truthful and accurate information to the best of my knowledge. I acknowledge that any false information may result in appropriate action being taken. I also consent to the use of the information provided in this form for investigation purposes.

Signature: ……

Date: ……

Please submit this form to or you can email it to or hand it over in a sealed envelope to member of the GBV&SH Committee, immediate supervisor or the HR Department

For official use only

Name of receiving officer……... Title……

Signature……Date……

Immediate action taken (*if any*) ……...