

**STANDARD OPERATING PROCEDURE (SOP)**  
**For**  
**Addressing Gender Based Violence**  
**in HPSRTP**

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## 1. Introduction

### 1.1. Purpose of SOP

As Gender Based Violence (GBV)<sup>1</sup> is a crucial and sensitive issue, clear protocols, guidelines and measures are required to ensure that such matters are handled carefully and proper procedures are followed. HPRIDC and WB have adopted zero tolerance policy on GBV.

To this end, a Standard Operating Procedure (SOP) has been developed with specific procedures and guiding principles for confidential and unbiased response and reporting, safe and ethical documenting and, time bound resolutions of GBV complaints within the project.

This SOP provides guidance on how to respond to any incident of SEA/SH within the project. It describes the project established protocol for responding to any incident that occurs during the preparation or implementation stage of the project.

### 1.2. Background and Context

GBV is a widespread human rights violation. It is estimated that 35% of women worldwide have experienced either physical and/or sexual intimate partner violence or sexual violence by a non-partner (not including sexual harassment) at some point in their lives.<sup>2</sup> There is a rise in domestic violence in Himachal Pradesh, which is validated by the National Family Health Survey (NFHS) data that reports an increase from 5.6% in 2015-16 to 8.3% in 2019-20.

### 1.3. GBV Definitions

#### *Gender-Based Violence*

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

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<sup>1</sup> GBV specifically refers to SEA/SH and their operationalization in World Bank financed projects.

<sup>2</sup>World Health Organization, Department of Reproductive Health and Research, London School of Hygiene and Tropical Medicine, South African Medical Research Council (2013). Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence, p.2. For individual country information, see UN Women Global Database on Violence against Women.

forms of violence perpetrated against women and girls. It is important to note, however, that men and boys may also be survivors of GBV, and as with violence against women and girls, this violence is often under-reported due to issues of stigma for the survivor. GBV is a violation of universal human rights protected by international human rights conventions, including the right to security of person; the right to the highest attainable standard of physical and mental health; the right to freedom from torture or cruel, inhuman, or degrading treatment; and the right to life.

### *Sexual Exploitation and Abuse (SEA)*

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.

Sexual abuse is further defined as “the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.”

### *Sexual Harassment (SH)*

Unwelcome sexual advances, requests for sexual favours, and other unwanted verbal or physical conduct of a sexual nature.

SH differs from SEA in that it occurs between personnel/staff working on the project, and not between staff and project beneficiaries or communities

### *Survivor Centred Approach*

The survivor-centred approach is based on a set of principles and skills designed to guide professionals—regardless of their role—in their engagement with survivors<sup>3</sup> (predominantly women and girls but also men and boys) who have experienced sexual or other forms of violence. The survivor centred approach aims to create a supportive environment in which the survivor’s interests are respected and prioritized, and in which the survivor is treated with dignity and respect. The approach helps to promote the survivor’s recovery and ability to identify and express needs and wishes, as well as to reinforce the survivor’s capacity to make decisions about possible interventions.

## **1.4. GBV in Infrastructure Projects**

The World Bank has identified that large infrastructure projects often involve major civil works<sup>4</sup> can exacerbate the risk of GBV in both public and private spaces by a range of

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<sup>3</sup>This term is used interchangeably with the conventional term “victim” for women and girls who have been subjected to gender based violence

<sup>4</sup>Major civil works, which include construction, maintenance and/or upgrading of infrastructure (transport, energy, water & sanitation, irrigation and urban infrastructure, school or hospital

perpetrators in a number of ways<sup>5</sup>. These projects often require a labor force and associated goods and services that cannot be fully met by local supply. In such cases, there is an influx of workers as they are often brought in from outside the project area. Construction workers are predominantly young males, typically separated from their families for extended periods of time. They can therefore act outside their normal spheres of social control, which can lead to a spectrum of unacceptable and illicit behaviors, including sexual exploitation and abuse of women and girls from the local community. If not carefully managed, an influx of labor in the form of rapid migration and settlement of workers or locals can negatively impact a project area, especially in contexts with high prevalence and social acceptability of violence against women and girls. It is therefore essential to take into account labor influx<sup>6</sup> and drivers of gender-based violence when designing risk assessment strategies and mitigation measures.

### 1.5. Project Preparation and Implementation

In accordance with the WB Good Practice Note<sup>7</sup> three key steps cover project preparation and implementation:

- First, identify and assess the risks of SEA/SH, including social and capacity assessments. Ideally, this is done during project preparation, with the understanding that SEA/SH risk assessment is a continuous process and should take place throughout the project life cycle as SEA/SH can occur at any moment.
- Second, address the risks by identifying and implementing appropriate SEA/SH risk mitigation and monitoring measures.
- Third, respond to any reported GBV allegations. Projects should include effective monitoring and evaluation (M&E) mechanisms, which meet the World Bank's requirements on SEA/SH and allow for reporting on allegations that are project-related.

#### *Risk Assessment in HPSRTP*

A SEA/ SH risk assessment was carried out in 2019 in Himachal Pradesh for the project. The risk rating was found to be **Low**. Following are the identified potential At-Risk groups and Hotspots for GBV in the project area.

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construction, etc.) and related supervision oversight, as well as technical assistance activities related to such projects.

<sup>5</sup> Good Practice Note: Addressing Gender Based Violence in Investment Project Financing involving Major Civil Works, 28 September 2018, the World Bank group

<sup>6</sup> See Labor Influx Guidance Note, 2016, World Bank.

<sup>7</sup> See the Good Practice Note: Addressing Gender Based Violence in Investment Project Financing involving Major Civil Works, 28 September 2018, the World Bank group

### **At Risk Groups**

- Single women living in adjoining communities.
- Adolescent girls travelling to schools and vocational centres.
- Migrant women labourers.
- Female staff recruited/deputed by HPRIDC.

### **Hot Spots**

- Construction site, labour camps and adjoining local communities.
- Areas around Schools and Vocational training centres.
- Areas around Liquor shops.
- Residential areas accommodating migrant labourers within villages.

### ***Addressing SEA/SH Risks in the project***

The key findings from the risk assessment study have been incorporated into a GBV risk mitigation plan developed and implemented for prevention of any SEA/SH incidents.

### **Summary of Mitigation Measures**

- The ICC members contact numbers along with women helpline numbers as issued by the H.P. State Commissioner for Women have been displayed at various locations within the project like PanchayatGhar, schools, main markets, rain shelters, bus stops and HPRIDCL office premises
- Continuous follow up with police stations in all the corridors and institutional linkages established with all State departments for ensuring women's safety in the project areas
- Awareness programs for the communities, labourers, and the staff of HPRIDCL have been organised on projects zero tolerance on SEA/ SH, and all labour have signed the CoCs and received trainings on this.

### ***Response Mechanisms***

The GBV risk assessment noted that the existing modalities set up by the project for reporting complaints were not adequate to enable reporting or to handle the sensitivities associated with SEA/SH. Therefore the scope of Internal Complaints Committee (ICC)<sup>8</sup> constituted by HPRIDC was expanded to address incidents of SEA/ SH as described in Section 2 below.

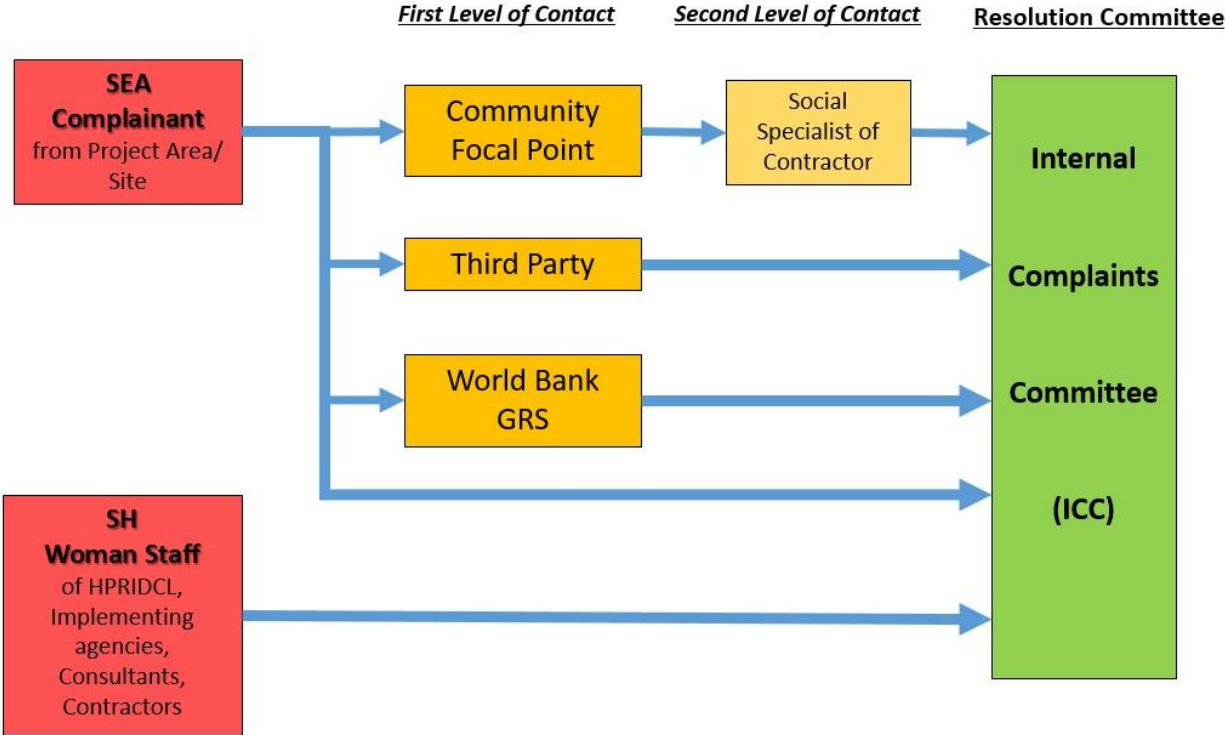
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<sup>8</sup>In accordance with POSH Act 2013 for Prevention of Sexual Harassment in the workplace.

## 2. Reporting and Response of SEA/SH incidents

### 2.1. Established SEA/SH reporting protocol

The following diagram (Figure 1) illustrates the process for reporting SEA/ SH within the project



**Figure 1: GBV Reporting Process**

**The First level of contact** and responder is the identified community focal point. In most of project areas the identified focal point is the frontline worker of the state Women and Child and/or Health Department<sup>9</sup> who are directly interacting with the communities for creating awareness against GBV and responsible for monitoring and reporting any complaints.

**The Second level of contact** is the social specialist of the contractor who is responsible for working closely with the community focal points. On receiving a complaint, the community focal point will inform the social specialist with immediate effect either via a telephone call, direct visit and conversations email or any other means of communication that is convenient. On receiving this complaint, the social specialist will immediately escalate this to the ICC chairperson or any member.

**ICC:** HPRIDC has constituted an ICC for handling cases of SH as per the POSH ACT of GOI 2013. For the purpose of this project, the scope of ICC has been expanded to cover and

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<sup>9</sup> Anganwadi workers/ Asha workers

respond to project related SEA incidents too. On receiving any complaint, the ICC will with immediate effect convene a meeting and initiate an investigation. The investigation process and steps to be followed by the ICC are provided in the section below.

### **Composition of ICC**

The Committee consists of one Chairperson and five members who are familiar with the issues of Sexual Harassment. The members are as under:

S. No	Name of the Officer/ Official	Designation	Contact details
1	Mrs.Tamanna Rani	Executive Engineer (CM), HPRIDCL, Shimla-2	Chairperson 94180-00505
2	Mr.Naresh Sharma	Assistant Engineer (Horticulture), HPRIDCL, Shimla-2	Member 94180-72639
3	Mr.Ritesh Raj Toor	Senior Assistant, HPRIDCL, Shimla-2	Member 98160-28477
4	Mrs.PriyankaKhanghta	Social Development Specialist, HPRIDCL, Shimla-2	Member 94597-41311
5	Mrs.NehaKumari	Steno Typist HPRIDCL, Shimla-2	Member 94598-28004
6	Ms.ShrishtiVerma.	Lawyer, Apattyaka, near Shiv Temple, Chamyana, Shimla-6	Member 94186-90009

The ICC has overall responsibility for the coordination of GBV multi-sector prevention and response services across HP. In this capacity, they will:

- Develop, coordinate and monitor such programs and activities for the effective implementation of the “Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013”, and other legislation and policies relevant to GBV;
- Conduct periodic study to monitor the situation of GBV;
- Develop advocacy and awareness raising initiatives against GBV including through wide publicity via public media including television, radio and the print media at regular intervals;
- Establish and maintain a central database management system in order to maintain up-to date record of GBV cases

### **Direct complaint to the Bank or Third party reporting**

The Bank’s Grievance Redress Service (GRS) allows communities to raise concerns directly to Bank Management. It is separate from the project level grievance mechanism which is the primary tool to raise and address project-related grievances.

A third party includes, among others: an NGO, another department like WCD or Police, media report, or a member of the community.



## 2.2. Incident Response Process Steps

If an incident occurs, it is the responsibility of the ICC for gathering the relevant facts, undertaking an investigation to understand the causes, and for developing and implementing corrective actions to prevent recurrence. Central to the process is to ensure that an adequate investigation is undertaken to determine if a project activity caused or contributed to the incident occurring. Based on the findings, HPRIDC with Bank support will develop the Corrective Action Plan to mitigate the immediate effects and prevent future recurrence in accordance with the WB Environment and Social Incident Response Toolkit (ESIRT)<sup>10</sup>

The sequence of steps to be followed is illustrated in the figure 2 below



### The Redressal Process

**Figure 2**

#### *Step 1: Process of Inquiry*

As part of the established resolution mechanism, allegations of SEA/SH misconduct are investigated paying attention to due process for all involved and in accordance with the guidelines provided in this SOP as outlined below. Following the inquiry, an agreement should be reached on a plan for resolution and appropriate disciplinary action. In accordance with the GPN all resolutions should be carried out within the shortest timeframe possible to avoid further trauma to the survivor.<sup>11</sup>

#### **ICC should follow the following steps**

- The chairperson will arrange for an ICC meeting within 24 hours of receipt of the complaint.
- The committee will immediately approach the SEA/ SH Survivor to prepare a detailed statement of incidents/ allegation either directly or with support of a third party.

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<sup>10</sup>ESIRT: Environment and Social Incident Reporting Toolkit developed by the World Bank for World Bank staff, March 2023

<sup>11</sup>SEA/SH incidents require misconduct investigations that accord with the WB GPN. Refer <https://thedocs.worldbank.org/en/doc/632511583165318586-0290022020/original/ESFGPNSEASHinmajorcivilworks.pdf>

- This statement of allegations will be shared with the accused and their employer<sup>12</sup> within 48 hours of receiving the statement.
- The accused will be directed to submit their response within 24 hours.
- The committee will conduct fact finding inquiries and review the evidence if necessary. They will ensure that due care is taken to avoid any reprisal.
- ICC will ensure that during the inquiry process, the complainant and the accused will refrain from any form of intimidation or influencing of witnesses.
- The committee will arrive at a decision after carefully and fairly reviewing the circumstances, evidence, and relevant statements.
  - Both parties to be given reasonable opportunity to be heard along with witnesses and to produce any other relevant documents.
  - Upon completion of the investigation, both parties to be informed of the results of the investigation.
- The ICC will facilitate and provide referral support services to the complainant if requested or required. For example:
  - If the complainant requires any police assistance the ICC members will support to register the complaint in the nearby police station.<sup>13</sup>
  - If the survivor requires any assistance in terms of medical assistance the ICC members will approach the Block Medical Officer/Chief Medical Officer of the nearest District/State Medical Hospital.
  - ICC will refer the survivor to WCD<sup>14</sup> or State Women's Commission<sup>15</sup> or State level NGOs working on Women's safety<sup>16</sup> in case of any requirements for stay, shelter and related support.

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<sup>12</sup>Employer could be the contractor, the consulting company, implementing agency, HPRIDCL etc.

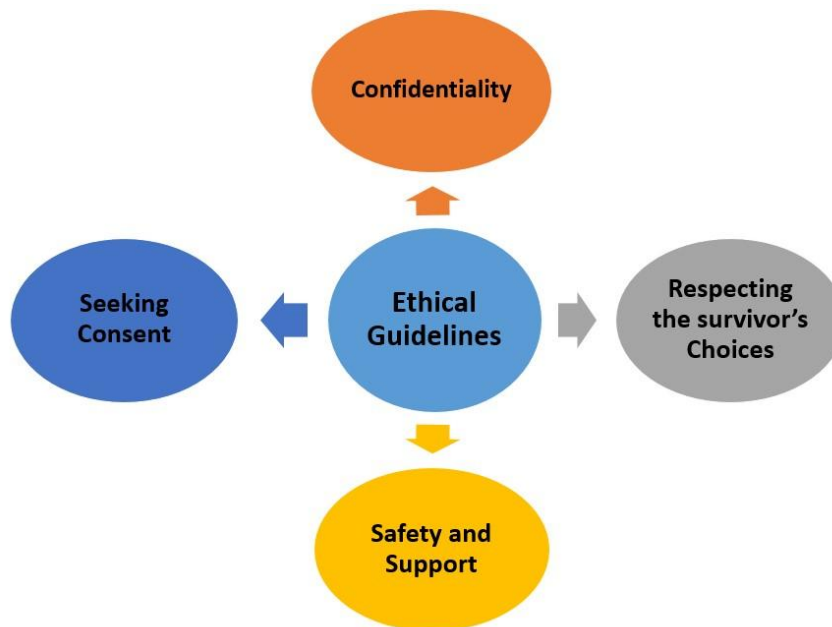
<sup>13</sup> Assistant. Police Sub-Inspector has already been deputed for Baddi-Sai-Ramshahr road) and police station (Station House Officer). In addition a women police cop has been appointed as Veerangana on Wheels by the Police Department to monitor the cases if any.

<sup>14</sup> HPRIDCL has collaborated with WCD for sensitization and providing various assistance to the victims as per the POSCO act, 2012 and other various schemes.

<sup>15</sup> HPRIDCL is already collaborated with the HP State Commission for Women for sensitization training's of project staff and other programmes related to women and girls safety and protection against violence in the state.

<sup>16</sup> See mapping of service providers prepared during the GBV risk assessment.

- The committee will ensure confidentiality and other ethical guidelines in accordance with WB GPN as given below



**Figure 3: Ethical Guidelines**

**Respecting the survivor’s choices.**

The survivor’s rights, needs and wishes are prioritized in every decision related to the incident. The survivor of SEA/SH, who has the courage to come forward, must always be treated with dignity and respect. Every effort should be made to protect the safety and wellbeing of the survivor and any action should always be taken with the survivor’s consent. These steps serve to minimize the potential for re-traumatization and further violence against the survivor.

**Confidentiality**

Confidentiality is essential throughout the process, otherwise the survivor risks retaliation and a loss of security. Writing down details of the complainant and sharing this information with others is strictly prohibited.<sup>17</sup>

**Seeking Consent**

Consent is a key consideration in GBV particularly with regards to SEA/SH. Consent must be informed, based on a clear appreciation and understanding of the facts, implications and future consequences of an action. Consent must be sought from the survivor for reporting or recording their statement. The survivor has the right to request that their story, or any part of their story, not be documented; the right to not share information or

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<sup>17</sup>GPN

partially share information; the right to refuse to answer any question that they prefer not to answer and, the right to retract their informed consent.

### Informed Consent and Child and Adolescent Survivors

A child's ability to participate in decision-making regarding their care and to provide informed assent and/or consent will be informed by their age, capacity and maturity.

For the purposes of informed consent from child and adolescent survivors, the ICC will seek to get consent from an adult family or community member.

### **Safety and Support**

If the alleged perpetrator is an employee of the contractor, consultant or implementing agency, to protect the safety of the survivor, and the workplace in general, the ICC should assess the risk of ongoing abuse to the survivor and in the workplace. This should be done in consultation with the survivor and reasonable adjustments should be made to the alleged perpetrator's or survivor's work schedule and work environment—preferably by moving the perpetrator rather than the survivor—as deemed necessary. The employer should provide adequate leave to survivors if they are required to seek medical, legal or any other support services after experiencing violence.

### *Step 2: Internal Communication to the Bank*

On receiving a complain, an initial communication must be sent to the WB Task Team Leader (TTL) and Social Specialist through an email, letter, telephone call, or direct visit and conversation. This communication may also come through from the Bank's Grievance Redress Service (GRS) from a third party, or be discovered or observed during an implementation support/supervision mission<sup>18</sup>

In the event of an allegation of SEA/SH being reported to the Bank directly or via a third party (e.g., NGO, Police, WCD, or directly during an implementation support/supervision mission), the Bank should inform the ICC.

### *Step 3: Submitting WB Incident form*

The Bank will share an SEA/SH Incident Form<sup>19</sup> with HPRIDC after receiving communication of the incident. HPRIDC will be required to complete the relevant sections and send to the Bank within 24 hours.

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<sup>18</sup>ESIRT

<sup>19</sup> The incident form is a living document that the Borrower is expected to complete over the course of the information gathering and investigative process,

#### *Step 4: Sharing Investigation Report*

After completion of the investigation, the ICC will prepare an inquiry report with recommendations within 7 days of the complaint being filed. This report will be shared with the competent authority and the WB<sup>20</sup>.

#### *Step 5: Disciplinary Action*

Once the investigation is completed, a determination will be made regarding the validity of the harassment allegation. If it is determined that harassment has occurred, prompt remedial action will be taken. The investigation details and the findings thereof will be shared with the appropriate functional heads for the applicable disciplinary action to be taken. This may include some or all of the following:

- In the case of H.P. Government employees, disciplinary action could be in the form of one or more of the following:
  - Warning.
  - Written apology.
  - Adverse remarks in the Confidential Report.
  - Denial of re-employment.
  - Stopping of increments/promotion.
  - Any other relevant mechanism.
- In case of labourers and other staff of consultants and contractors, disciplinary action could be in the form of:
  - Warning.
  - Written apology.
  - Expulsion.
  - Any other relevant mechanism.

#### *Step 6: Corrective Action Plan Developed*

Based on the findings, HPRIDC with Bank support will develop the Corrective Action Plan to mitigate the immediate effects and prevent future recurrence in accordance with the WB ESIRT. The CAP should be submitted within 5 days from finalization of the investigation report.

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<sup>20</sup> In addition, the findings of the investigation should be summarized in Part C of the incident form which will be shared by the Bank after the investigation has been completed and the Bank has been notified of the same, along with a list of the corrective actions to be adopted.

### *Timelines of the Redressal Process*

	<b>Action Item</b>	<b>Timelines</b>
1.	The committee chairperson will call for an ICC committee meeting	- within 24 hours of receipt of the complaint
2.	Communication on incident sent to the WB	– within 24 hours of receiving
3.	Notice to the accused by ICC	- within 48 hours of reviewing complaint
4.	Completion of inquiry	- within 7 days of receiving the complaint
5.	Submission of Report to CA and WB	- within 10 days <sup>21</sup>
6.	CAP prepared <sup>22</sup> and shared with WB	- within 5 days of submission of report
7.	Disciplinary actions taken Case Closure	-within 2 weeks of submission of report

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<sup>21</sup> The updated incident form shall be requested by the Bank, ideally within 10 days following receipt of the Preliminary Notification (Step 2). It is recognized, however, that particularly complex cases, including cases involving SEA/SH may take longer to investigate, as they may be dependent upon the investigation procedures or specialist investigation. (ESIRT)

<sup>22</sup> With clear timelines and implementation support supervision and monitoring requirements and responsibilities clearly assigned.