

## TERMS OF REFERENCE FOR INDIVIDUAL CONSULTANT

### GRIEVANCE REDRESS OFFICER

|                                |  |
|--------------------------------|--|
| <b>Project:</b>                | Regional Off-Grid Electricity Access Project Additional Financing (ROGEAP) |
| <b>Title:</b>                  | <b>Grievance Redress Officer</b>   |
| <b>Contract Type:</b>          | Individual Contract  |
| <b>Duty Station:</b>           | Abuja, Nigeria and/or home-based (depending on COVID-19 restrictions)      |
| <b>Duration of Assignment:</b> | 1-year renewable for a total of up to 5 years                              |

#### 1. Project background

The Regional Off-Grid Electricity Access Project (ROGEAP) aims to increase access to sustainable electricity services in the fifteen<sup>1</sup> member countries of the Economic Community of West African States (ECOWAS) and four Sahelian countries<sup>2</sup> for household, businesses, in some instances, public health and education facilities in a pilot program.

While Sub-Saharan Africa suffers from lack of access to reliable electricity services, this deficit is more pronounced in the West Africa and Sahel region, particularly in countries such as the Central African Republic (CAR), Chad, Guinea-Bissau, Liberia, Niger, and Sierra Leone. In addition, household access to electricity varies considerably between urban and rural areas. Out of a population of 406 million people in the 19 project countries, it is estimated that 208 million inhabitants have no access to electricity, about 70 percent of whom live in rural areas. Based on the off-grid market assessment of 2018, the average rural electrification rate stood around 18 percent, while that of eight countries—Burkina Faso, Chad, the CAR, Guinea, Guinea-Bissau, Liberia, Mauritania, and Niger—is less than 5 percent. Improving energy access, especially for marginalized and disadvantaged groups and lagging regions is essential in achieving sustainable and inclusive development and poverty reduction.

Stand-alone solar systems have a large market potential in West Africa and the Sahel. Currently, less than 3 percent of the region is served by stand-alone solar systems, equivalent to roughly 5 million consumers. The market assessment carried out in 2018 identified that about 31 million households could be electrified using stand-alone solar systems in West Africa and the Sahel. The potential value of the household solar market is estimated to be about US\$6.6 billion. The assessment further identified about 800,000 educational and healthcare facilities that could be electrified with stand-alone solar systems with an investment estimate of US\$1.5 billion. Moreover, the share of the rural population served by decentralized renewable energy sources such as mini-grids and stand-alone systems is expected to reach 22 percent by 2020 and 25 percent by 2030.

Uptake of stand-alone solar systems in West Africa and the Sahel faces several barriers from the supply side. These barriers stem from the perception that the West African market is fragmented, implying that many countries have small, dispersed population; lack of appropriate policy and regulatory environments; absence of supporting ecosystems for the solar industry; poor access to finance; and lack of clear information on the demand and customer segments. Moreover, the region has yet to significantly benefit from the innovative solar photo voltaic (PV) technologies and disruptive business models, such as Pay-As-You-Go (PAYGO), compared to East Africa.

Promoting electrification using stand-alone solar systems requires a harmonized regional approach. This entails establishing a business-friendly ecosystem to attract private sector investments to provide electricity to people

---

<sup>1</sup> The 15 members of the Economic Community of West African States (ECOWAS) are Benin, Burkina Faso, Cabo Verde, Cote d'Ivoire, The Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo.

<sup>2</sup> The four Sahelian countries are: Cameroon, Chad, Mauritania and Central African Republic.

without grid connection including female headed households, in a decentralized manner. The projects<sup>3</sup> financed by the World Bank in the Africa region with stand-alone solar components have adopted a market-based approach, implemented by the private sector, to provide access to electricity to the people.

The project has two main components: Component 1 focused on developing a regional market by establishing enabling business environment and providing technical and financial capacity building support to solar entrepreneurs in 19 project countries (15 member countries of ECOWAS and 4 Sahelian countries). Component 2 focused on facilitating access to finance for standalone solar system businesses through a line of credit and establishing a guarantee facility to eligible CFIs located in eight West African Economic and Monetary Union (WAEMU) member countries.

ECOWAS will be the implementing agency for Component 1, while the West African Development Bank (Banque Ouest Africaine de Développement or BOAD) will be the implementing agency for Component 2. To this end, a Project Implementation Unit (PIU) will be established within the ECOWAS Commission.

**ECOWAS Commission is recruiting a Grievance Officer for the ROGEAP Project (Component 1) as personnel of the PIU.**

## **2. Purpose of the assignment/objectives of the position**

**The objective of the Grievance Redress Officer position is to:**

- Support ECOWAS Project Implementation Unit (PIU) in establishing an accessible, inclusive, transparent, efficient and harmonized GM for project-affected people and other interested stakeholders in ROGEAP in consultation with the environmental and social specialists in the Project Implementation Unit (PIU);
- Hire and oversee a Gender Based Violence Consultant to develop separate procedures that will be annexed to the Grievance Mechanism(GM) for Sexual Exploitation and Abuse/Harassment (SEAH)-related complaints that will follow a different receipt, management, and closure process with emphasis on confidentiality, speed of referral to medical, psychosocial, and legal services (immediate referral without verification of whether the incident is project-related), and a survivor-centered approach<sup>4</sup>.
- Define the roles and responsibilities of the various parties involved in the consideration and effective, responsive transparent and fair resolution of grievances;
- Facilitate improvement in the performance of staff involved in the GM and overall project performance (including environmental and social performance) through capacity-building, monitoring of grievance redress processes and periodical progress reporting.
- Monitor, record, and track grievances in a physical and electronic log (for non-SEAH complaints and ensure the recording process is adhered to for SEAH related complaints as per developed procedures for such complaints) and ensure grievances move through the grievance process, and communicate decisions to complainants and obtain feedback from complainants to ensure effective resolution.

## **3. Grievance Mechanism (GM) Officer Tasks and Responsibilities**

---

<sup>3</sup> Ethiopia: Electricity Network Reinforcement and Expansion Project (P119893), Niger: Solar Electricity Access Project (P160170), Rwanda: Renewable Energy Fund Project (P160691), Zambia: Electricity Service Access Project (P162760), and Kenya: Off-Grid Solar Access Project (P160009).

<sup>4</sup> These procedures should be inclusive of clear explanations of who is responsible for receiving complaints and supporting survivors through the referral process, complaint registration documents, data confidentiality and management protocols clearly outlining who has access to survivor data and where it is stored, and survivor monitoring and follow-up documents. The procedures will be part of the grants and loan contracts for any grantee or entity receiving a loan through the project. The procedures will also cover basic mapping guidance that grantees or borrowers will need to conduct in the geographic areas where activities are being implemented to ensure a referral pathway for survivors. Provide clarity, predictability and uniformity on how grievances, complaints, and concerns will be received, assessed, sorted, resolved, and monitored under the project.

Under the direct supervision of the Project Steering Committee, and in close collaboration with the PIU, including the environmental and social safeguards specialists the duties and responsibilities of the Grievance Redress Mechanism (GRM) Officer shall be:

### 3.1. Communication and awareness-raising about the GM

The GRM Officer shall be responsible for ensuring that the existence and procedures of the GM are being communicated clearly and adequately throughout the entire project lifecycle to project-affected parties and other interested stakeholders. This will include:

- Overseeing the development and dissemination of communication materials for the GM, whether these are in print (e.g. brochures, posters), using traditional media channels (radio, TV programs) or using online channels (social media, etc.)
- Communicating with all relevant stakeholders, especially project-affected parties, on any issues concerning the GM
- Where appropriate: Developing and including a chapter on communications for the project GM in the project's communications policy and plan
- Developing GM-related content to be published in relevant outlets (e.g. implementing agency's website)
- Identifying groups of disadvantaged, vulnerable, or potentially excluded groups and preparing tailored outreach mechanisms to ensure these groups are aware of and confident seizing the GM (e.g. dedicated consultations or sensitization sessions related to the GM; adaptation of communication materials to the expressed needs and preferences of these groups, etc.).
- A separate log that is password protected with limited access to ensure confidentiality should be established for SEAH complaints.

### 3.2. Coordination of actors involved in the GM and general GM oversight

The GRM Officer shall be responsible for coordinating the work of other actors involved in operating the GM and providing support in GM implementation. This may include:

- Coordinating with the PIU, especially environmental and social safeguards
- Coordinating with the nineteen country-level GM focal points
- Supporting the establishment of a GM, including community mobilization, recruitment and selection of GM members
- Assisting and providing guidance to other actors involved in the GM at various levels, as needed
- Overseeing the consultant who will develop the SEAH protocols, and ensuring that grantees or borrowers needing assistance in operationalizing/developing these protocols at their level are connected to the consultant for any relevant technical assistance
- Conducting regular spot checks and proactively following up with other actors involved in the GM to ensure the smooth roll-out and operation of the GM.

### 3.3. Capacity-building

The GM Officer shall be responsible for developing the capacity of staff at various levels (PIU, local level) through training in order to enhance the effectiveness of the GM.

This will include:

- Creating training materials in coordination with PIU and updating them on an ongoing basis as per harvested lessons learned and best grievance resolution practices noticed in the nineteen project countries
- Conducting sensitization sessions and trainings, as well as refresher trainings, for staff involved in grievance handling (e.g., country-level GM focal points).

### 3.4. Monitoring and reporting on GM performance

The GM Officer shall be responsible for monitoring and analyzing the performance and effectiveness of the GM and reporting progress to PIU management and the World Bank.

This will include:

- Developing an integrated grievance management database to allow for tracking and analysis of grievances received across the project, which will require close coordination with other actors involved in the GM in order to record all grievance entries in a consolidated GM log;
- Analyzing grievance data and reporting regularly on quantitative and qualitative findings and feedback trends to senior PIU management<sup>5</sup>
- Ensuring that a section reporting on GM activities is included in regular progress reports to the World Bank
- Communicating on project GM findings with project donors, partner implementers, stakeholders, and direct and indirect beneficiaries as agreed upon with senior management
- Developing periodic (monthly, quarterly and annual) reports and presentations including overall, detailed analysis of all data collected and analyzed.

#### 4. Required Qualifications

The following minimum qualifications are required:

- Master’s degree in a relevant discipline (e.g. Law, Political Science, Sociology);
- 5 years of relevant professional experience;
- Proven understanding of issues related to social accountability, grievance mechanisms and stakeholder engagement;
- Excellent inter-personal, problem-solving, negotiation and training skills;
- Excellent communication, data analysis and report-writing skills in English;
- Be proficient in both English and French (written and oral);
- Capability to prioritize work and mitigate risks;
- Ability to work as part of a team, while at the same time being able to work and deliver independently;
- Willingness to travel to as situation permits depending on travel restrictions due to the pandemic;
- Previous work experience with the World Bank or other international development organizations a plus.

#### 5. Reporting Requirements

The candidate is expected to closely coordinate with the environmental and social safeguards specialists for ECOWAS as the grievance mechanism oversight is part of safeguards oversight. The candidate reports directly to ECOWAS Commissioner for Energy and Mines.

All deliverables must be written in English and French.

#### 6. Deliverables

The GRM Officer is responsible for the preparation and submission of the following reports to the ECOWAS Commissioner for Energy and Mines for approval and onward transmission to IDA:

- GM policy and operating manual for the project
- GM training resources
- GM related communications materials
- Capacity building of PIU staff including sensitization session for staff

#### 7. Duration and Location of Services

The consultant will be initially engaged for one year. At the expiration of this, based on her/his performance, she/he may be engaged for up to four more years based on availability of funding. Extension of the duration of services shall be subject to mutual agreement between the parties.

---

<sup>5</sup> In particular, the following indicators linked to the GM’s performance can be monitored and reported upon: Total number and type of grievances received; Channels through which grievances were received; Number and % of complaints that have been resolved / unresolved; Number and % of complaints that have been appealed / have gone to mediation; Average timeframe between grievance submission and grievance resolution; % of grievances that are being processed within to the fixed service standards established; Current status of unresolved grievances; % of complainants satisfied with various elements of the GM (e.g. accessibility, responsiveness, fairness, predictability); Effective assignment of responsibility for grievance resolution; Confirmation that “closed” grievances have been closed following satisfactory due process.

This is a full-time position to be based at ECOWAS headquarters Abuja, Nigeria and/or home-based (depending on COVID-19 restrictions)

## Annex 1: Background on Grievance Mechanisms

### 1. Importance of GMs

While this project is under World Bank OP 4.03 (Financial Intermediaries), guidance on establishing effective, responsive and inclusive grievance mechanisms is in the World Bank's Environmental and Social Framework's Environment and Social Standard 10, "Stakeholder Engagement and Information Disclosure". ESS 10 prescribes that "the Borrower will respond to concerns and grievances of project-affected parties related to the environmental and social performance of the project in a timely manner. ECOWAS will propose and implement a grievance mechanism to receive and facilitate resolution of such concerns and grievances. The project's grievance mechanism (GM) should be "proportionate to the potential risks and impacts of the project", "accessible and inclusive". The GM "is expected to address concerns promptly and effectively, in a transparent manner that is culturally appropriate and readily accessible to all project-affected parties, at no cost and without retribution. The mechanism, process or procedure will not prevent access to judicial or administrative remedies. The Borrower will inform the project-affected parties about the grievance process in the course of its community engagement activities, and will make publicly available a record documenting the responses to all grievances received". Furthermore, "handling of grievances will be done in a culturally appropriate manner and be discreet, objective, sensitive and responsive to the needs and concerns of the project-affected parties. The mechanism will also allow for anonymous complaints to be raised and addressed"<sup>6</sup>.

For sensitive complaints such as those related to sexual exploitation and abuse and sexual harassment (SEAH), separate protocols will be developed to ensure that the grievance mechanism is accessible to women, girls, and other persons identified as vulnerable to SEAH, and that a) the World Bank is immediately informed of these complaints with information on the date of incident, date of incident report to the grievance mechanism, age/sex/gender of survivor, age/sex/gender of alleged perpetrator, if survivor states that the incident was related to the project, and the services offered and accepted/received by the survivor; b) the survivor must be immediately referred to basic services (medical, psychosocial, and if possible and desired, legal); and c) confidentiality and guiding principles to ensure that survivor-centered procedures are respected at all stages of the accompaniment of survivors. These protocols should clearly describe who is responsible for managing SEAH cases at the lending institution, borrower, and granter levels (for example, a GBV focal point), the forms completed (differ from those for other forms of complaints), and protocols for storing and sharing information to ensure confidentiality and non-disclosure of information about the survivor or alleged perpetrator. These protocols will be developed by a consultant with expertise in gender-based violence.

There are many benefits of effective GMs – sometimes also called beneficiary feedback or complaint handling mechanisms. –. They can create trust between government and citizens/beneficiaries and enhance operational effectiveness by generating public awareness about program activities; providing staff with practical suggestions/feedback that allows them to be more transparent, accountable, and responsive to beneficiaries; deterring fraud and corruption; increasing involvement of stakeholders in program activities; and catching problems before they become more serious and/or widespread. Effective GMs are typified by a number of characteristics, including - multiple feedback uptake channels and locations for receiving feedback; fixed service standards for feedback resolution; prompt and clear processing guidelines and procedures (including reviewing procedures and monitoring systems); and an effective and timely feedback response system to inform complainants of each action taken. Most GMs follow a value chain, which comprises of six steps<sup>7</sup>: (i) uptake, (ii)

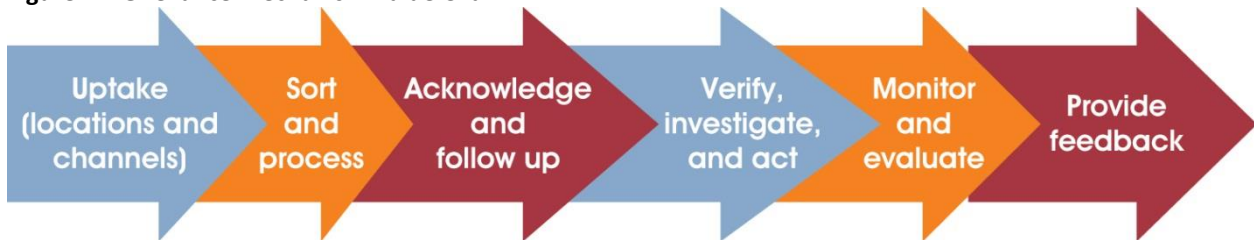
---

<sup>6</sup> Source: World Bank. 2018. Environmental and Social Framework, p.100

<sup>7</sup> Each step of the feedback/grievance management process addresses different questions, such as – (i) Uptake – How is feedback collected? At how many locations and through what channels?; (ii) Sorting and processing – How is feedback categorized, logged, and prioritized? Who is it referred to? How is feedback addressed?; (iii) Acknowledgement and follow up – Do feedback providers receive acknowledgement upon submission of feedback? How are they provided progress updates? Are feedback providers informed of the timeline and process to address

sort and process, (iii) acknowledge and follow up, (iv) verify, investigate, and act, (v) monitor and evaluate, and (vi) respond to the complainant (see **Error! Reference source not found.**). These steps are critical to the success of any effective GM.

**Figure 1 – Grievance Mechanism Value Chain**



In ROGEAP, the GM is a core component of managing operational risks, enhancing citizen engagement, social inclusion, promoting accountability and transparency, all of which will support the project’s development objectives and enhance social and environmental sustainability. Complaints will be addressed by different stakeholders—private companies; commercial financial institutions; financial, technical implementation agencies (BOAD and ECOWAS respectively); and the ECOWAS Commissioner for Energy and Mines. The fulfillment of their responsibility will be a pre-condition for each stakeholder to participate in the project. The Environmental and Social Risk Management sector guide and the project GM guide provides guidance on accurate record-keeping and registering complaints to assist with providing responsive and timely resolution and ensure feedback communication loop to the complainant, developing GMs. It also includes guidance on ensuring that the GM is adapted to handle SEA/SH complaints in a confidential, ethical, and survivor-centered manner).

**Box 1: Benefits of a Grievance Mechanism (GM)<sup>8</sup>**

| Benefits to the Project  | Benefits to Project-Affected Parties (PAPs) and Other Interested Parties (OIPs)   |
|--|---|
| <ul style="list-style-type: none"> <li>a) Provides information about project implementation</li> <li>b) Provides an avenue to comply with government policies</li> <li>c) Provides a forum for resolving grievances and disputes at the lowest level</li> <li>d) Resolves disputes relatively quickly before they escalate to an unmanageable level</li> <li>e) Facilitates effective communication between the project and affected persons</li> <li>f) Helps win the trust and confidence of community members in the project and creates productive relationships between the parties</li> <li>g) Ensures equitable and fair distribution of benefits, costs, and risks</li> <li>h) Mitigates or prevents adverse impacts of the project on communities and produces appropriate corrective or preventive action</li> <li>i) Helps avoid project delays and cost increases, and improves quality of work</li> </ul> | <ul style="list-style-type: none"> <li>a) Provides a cost-effective method to report their grievances and complaints</li> <li>b) Establishes a forum and a structure to report their grievances with dignity, and access to a fair hearing and remedy</li> <li>c) Provides access to negotiate and influence decisions and policies of the project that might adversely affect them</li> <li>d) Facilitates access to information.</li> </ul> |

their feedback?; (iv) Verify, investigate, and act – How is information about the feedback gathered to resolve it? How is the feedback resolved? How is feedback escalated to higher levels?; (v) Monitoring and evaluation – How is feedback tracked by program management? Is feedback data analyzed? Does program management get regular reports on feedback receipt and resolution trends? Is feedback gathering an agenda item in management meetings?; (vi) Provide feedback (to the feedback providers) – Are feedback providers informed of the action(s) taken on their feedback? How? Is information on feedback and the action(s) taken made available to other citizens?

<sup>8</sup> Source: Uganda National Roads Authority, 2017. Harmonized Grievance Redress Mechanism Manual, p.6.

<sup>33</sup> See SEA/SH GPN (2020) Glossary and 2015 Inter-Agency Standing Committee Gender-based Violence Guidelines, p. 5.

<sup>34</sup> See SEA/SH GPN (2020) Glossary and UN Glossary on Sexual Exploitation and Abuse 2017, pp. 5-6.

<sup>35</sup> Id.

<sup>36</sup> See SEA/SH GPN (2020) Glossary.

<sup>37</sup> Id.

## **Annex 2: ECOWAS Grievance Mechanism for ROGEAP (published December 2020)**

The Grievance Mechanism (GM) will effectively address grievances or answering questions from project affected people as well as indirect stakeholders. It is a core component of managing operational risks, enhancing citizen engagement, social inclusion, promoting accountability and transparency, all of which will support the project’s development objectives and enhance social and environmental sustainability

A grievance mechanism is an accessible and inclusive system, process, or procedure that receives and acts upon complaints and suggestions for improvement in a timely fashion and facilitates resolution of concerns and grievances arising in connection with a project. An effective grievance mechanism provides project-affected parties access to the project and helps address issues at an early stage.

To respond to concerns and grievances of project-affected parties (PAPs) related to the environmental and social performance of the project, the following grievance mechanism is proposed to receive and facilitate resolution of such concerns and grievances. However, the grievance mechanism for project workers will be provided separately, and the project grievance mechanism will likewise be adapted to incorporate specific procedures to manage Sexual Exploitation and Abuse (SEA)/Sexual Harassment (SH) complaints ethically and confidentially, accompanied by an appropriate response protocol.

Complaints will be addressed by different stakeholders—private companies; commercial financial institutions; financial, technical implementation agencies (BOAD and ECOWAS respectively); and the ECOWAS Commissioner for Energy and Mines. The matrix below shows potential complaints arising from project and sub-project activities and how they can be addressed. The fulfillment of their responsibility will be a pre-condition for each stakeholder to participate in the project. Accurate record keeping logging in complaints, location, date, intake person, nature of grievance, timeline for resolution, feedback communication loop to the complainant shall also be kept. An example of such a grievance log for non-Gender Based Violence (GBV), non-Sexual Exploitation and Abuse (SEA)/Sexual Harassment (SH) complaints is in **Annex A**.

### *Method of Addressing non-GBV/SEA/SH Grievances<sup>1</sup>*

| <b>Level</b>      | <b>Description</b>  | <b>Responsible Entity</b>                                 | <b>Actions</b>  |
|-------------------|---|---|---|
| Private Companies | Customer Complaints such as non-replacement of products, aggressive repossession of units from households for defaults, behavior of workers including inappropriate behavior that clearly violates the Codes of Conduct (for example, cases of sexual exploitation and abuse) | Solar Equipment Distributors and Energy Service Providers | <ul style="list-style-type: none"> <li>● Set up a call centers to receive feedback and complaints from customers,</li> <li>● Address customer complaints received at the Call Centers</li> <li>● Adhere to Warranty arrangements/terms</li> <li>● Solving the issues on repossession in amicable ways</li> <li>● In cases where workers do not behave properly with customers, use a local</li> </ul> |

<sup>1</sup> Separate procedures need to be developed for GBV/SEA/SH related complaints adhering to the guidance included in Annex B. A consultant with GBV expertise should be engaged to elaborate these procedures to

ensure that they adhere to the guiding principles of being ethical, confidential, non-biased, rapid, and survivor-centered.



|                                   |  |   |   |
|-----------------------------------|--|---|---|
|                                   | <u>and/or sexual harassment</u> ), etc.  |   | <p>grievance mechanism that has authority to deal with complaints of this nature, if it exists</p> <ul style="list-style-type: none"> <li>• Otherwise, customers should seek redress through the local courts in the country if amicable resolution of issues is unsuccessful</li> </ul>  |
| Commercial Financial Institutions | Solar Equipment Distributors and Energy Service Providers complaints about the loan processing, repayment requirements, and disputes related to interest charges | Commercial Financial Institutions, comprising banks, micro-finance institutions and leasing companies | <ul style="list-style-type: none"> <li>• Ensure that the processing and requirement for loans are clearly communicated.</li> <li>• Resolve disputes amicably between the parties at the operational level</li> <li>• Establish local grievance mechanisms for dealing with complaints that cannot be resolved by the commercial financial institutions. Such mechanisms should include local representatives who have the authority to hear and resolve disputes of this nature.</li> <li>• Seek redress through the local courts in the country if amicable resolution of issues and/or grievance process is unsuccessful</li> </ul> |
| Financial Implementation Agency   | Complaints about the Credit Line, repayment requirements, and disputes related to interest charges   | BOAD  | <ul style="list-style-type: none"> <li>• Clearly communicate the processing requirement for Credit Lines</li> <li>• Resolve disputes amicably between the parties in line with the credit line agreements.</li> <li>• If not already done so, establish an internal Grievance Mechanism for processing complaints that come to the Financial Implementation Agency i.e. BOAD. Complaints and the decisions regarding their resolution should be recorded. Seek redress through the local courts in the country if amicable</li> </ul>   |

|                                 |   |        |  |
|---------------------------------|---|--------|--|
|                                 |   |        | resolution of issues is unsuccessful   |
| Technical Implementation Agency | Complaints from all stakeholders. Issues related to following Sub-Components: (1A) Enabling Environment, (1B), Entrepreneurship Technical Support, (1C) Entrepreneurship Financing Support, (1D) Barrier Removal for Challenging Markets. | ECOWAS | <ul style="list-style-type: none"> <li>• Set up a GM reporting portal on the website</li> <li>• Set up a GM team (Coordinator of the PIU, E&amp;SFocal Person and the Administrative Officer)</li> <li>• Set up separate procedures for the treatment of sensitive GBV/SEA/SH related complaints in a rapid(within 72 hours), confidential, ethical, and survivor-centered manner (see sample Terms of Reference in annex for reference to what this entails);</li> <li>• Upon the receipt of any complaints, the GM team will review the issue and within 3 business days notifythe complainant of receipt of the complaint and ask for additional information if needed.</li> <li>• Within 30 business days of receipt of full complaints (including any additional information received), the GM team shall send a proposal to the complainant(s) with an action plan and timeframe for its implementation</li> <li>• The GM team shall consult with the complainant(s) on the proposal (Complex complaints may require the team to extend the time limit for resolution of conflicts to 45 business days)</li> <li>• If the complainant(s) accepts the proposal, the project team implements it according to the process andtimeframe set out in the proposal. The complaint is</li> </ul> |

|  |  |  |  |
|--|--|--|--|
|  |  |  | <p>closed when the actions in the proposal are satisfactorily implemented. Document all complaints and resolutions.</p> <ul style="list-style-type: none"> <li>● If the complainant does not accept the proposal, the complainant may file an appeal. The appeal will be made to the ECOWAS Commissioner of Energy and Mines who will have to act on the complaints within 30 days</li> <li>● ECOWAS will seek to use arbitration to resolve issues as much as possible in order to avoid resolutions at the courts.</li> <li>● Extremely complicated and/or issues that ECOWAS considers beyond its GM team and The Commissioner of Energy and Mines resolution, seek the advice of the World Bank in handling extremely complicated complaints. In such circumstances, further redress may be done through the local/international courts in the country where complaints originated or a regional court.</li> </ul> |
|--|--|--|--|



## Annex B: Sample Terms of Reference/Principles for a GBV/SEA/SH Grievance Mechanism

### *Project-Level Grievance Mechanism (GM) for Allegations of Sexual Exploitation and Abuse, and Sexual Harassment (SEA/SH) in World Bank-Financed Projects*

#### **I. MANDATE**

1. The World Bank Environmental and Social Framework requires the Borrower to respond to project-related concerns and grievances of project-affected parties through a grievance mechanism.<sup>2</sup> Such a mechanism must be accessible, inclusive, and designed in a manner proportionate to the potential risks and impacts of the project. In this context, a grievance mechanism for allegations of Sexual Exploitation, Abuse, and Harassment (“SEA/SH GM”) is one element of the World Bank’s approach to addressing SEA/SH in World Bank-financed projects. A SEA/SH GM may take different forms, based on project context, needs, and level of risk. It may be a project-level GM that has been adapted to address SEA/SH allegations, it may link the project GM with an existing grievance mechanism for various types of gender-based violence (“GBV”) including SEA/SH, or it may be a stand-alone SEA/SH GM outsourced to a third party.<sup>3</sup> The SEA/SH GM is generally managed by the Project Implementing Unit (“PIU”) and financed by the Project.<sup>4</sup>
2. Only grievances related to SEA/SH allegedly committed by any “individual associated with a World Bank project”<sup>5</sup> fall under the mandate of a SEA/SH GM. The mandate of a SEA/SH GM is limited to: (i) referring, any survivor who has filed a complaint to relevant services, (ii) determining whether the allegation falls within the World Bank definition of SEA/SH, and (iii) noting whether the complainant alleges the grievance was perpetrated by an individual associated with a World Bank project. A SEA/SH GM does not have any investigative function. It has neither a mandate to establish criminal responsibility of any individual (the prerogative of the national justice system), nor any role in recommending or imposing disciplinary measures under an employment contract (the latter being the purview of the employer).
3. A SEA/SH GM operates without prejudice to any other complaint mechanisms or legal recourse to which an individual or community may otherwise have access under national, regional, or international law, or under the rules and regulations of other institutions, agencies or commissions, including the World Bank’s Grievance Redress Service (GRS),<sup>6</sup> or the World Bank’s Inspection Panel.

---

<sup>2</sup> The World Bank Environmental and Social Framework, Environmental and Social Standard (ESS) 10 on Stakeholder Engagement and Information Disclosure, paras 26-27 and ESS10 – Annex 1 on Grievance Mechanism.

<sup>3</sup> For further details on these models (*i.e.*, Model 1, 2, and 3 respectively), refer to Annex on “Options for Designing a SEA/SH GM” (“Annex”) of these ToR and the Technical Note.

<sup>4</sup> In Model 3, however, running the GM may be completely outsourced to the contracted third party. For further details, refer to Annex and the Technical Note pp. 14-20.

<sup>5</sup> See definition below at section VI.

<sup>6</sup> For further information, see, [Bank Procedure on Bank Grievance Redress Service \(GRS\)](#), issued on and effective from March 1, 2017. For information on how to submit complaints to the World Bank’s corporate GRS, visit <http://www.worldbank.org/GRS>.

## II. GUIDING PRINCIPLES OF A SEA/SH GM

- 1. Accessibility, transparency, and non-discrimination:** A SEA/SH GM must be accessible to all potential complainants and its existence and operation should be transparent to the community in which it is situated. SEA/SH GM accessibility should be sensitive to gender, age, disability, and other potential contextual barriers. Adequate information about the existence and operation of the SEA/SH GM must be provided in a language and manner accessible to any potential project-affected person.<sup>7</sup> The principle of non-discrimination should be respected when receiving, processing, and referring the allegation.
- 2. Survivor-centered approach:** All prevention and response actions must balance the respect for due process with the requirements of a survivor-centered approach under which the survivor's safety, confidentiality, choices, needs, and well-being remain central. The SEA/SH GM should also include processes that protect the rights of the alleged perpetrator, including confidentiality.
- 3. Safety:** The survivor's physical and psychological safety as well as that of their family remains a priority at all times.
- 4. Confidentiality:** Confidentiality should cover all information in a complaint that may lead to the identification of a specific incident or those affected by the allegation. This applies to the survivor and witnesses, but also the identity of the alleged perpetrator. Confidentiality is a key to protecting survivor's and witnesses' safety. Confidentiality requires that information gathered about the allegation not be shared with persons or entities unless there is explicit permission granted by the complainant.<sup>8</sup> Even in such cases, information-sharing should take place on a strict need-to-know basis, limited to essential information,<sup>9</sup> and based on pre-established information sharing protocols which are in line with best practices for the handling of SEA/SH cases.<sup>10</sup> Reports of grievances to the Bank and PIU shall only include an anonymized summary of allegations based on pre-established information sharing protocols.<sup>11</sup>
- 5. Considerations regarding children and persons with intellectual disabilities:** When the survivor is a child, the best interests of the child is the governing principle. Children are considered incapable of providing consent because they do not have the ability and/or experience to anticipate the implications of an action, and they may not understand or be empowered to exercise their right to

---

<sup>7</sup> In cases where there are mandatory reporting requirements under national law, information relating to such requirements need to be widely disseminated among affected communities as part of project information dissemination on the GM.

<sup>8</sup> The identity of witnesses and alleged perpetrators must also be protected at all times.

<sup>9</sup> To protect confidentiality, only the following elements are to be reported when needed: (i) age and sex of survivor; (ii) type of alleged incident (as reported); (iii) whether the alleged perpetrator is reported to be associated with the project (Y/N, as indicated by the survivor); and (iv) whether the survivor is referred to service provision.

<sup>10</sup> Other measures may need to be taken into account to assure confidentiality, such as not writing down the complaint in a ledger accessible to many people, not noting the personal information in the ledger, or using a coding system to protect the identity of the survivor, using a locked cabinet for file, etc.

<sup>11</sup> Before logging the allegation, the complainant must be informed that an anonymized summary of the allegation will be shared with the World Bank and the PIU. For further details, see Sections IV and V of this ToR.

refuse. The World Bank considers that a child is anyone under the age of 18<sup>12</sup> and, as such, not able to give free and voluntary consent.<sup>13</sup> Similar additional considerations and protective safeguards may also apply where the complainant or survivor is a person with intellectual disabilities.

### III. COMPOSITION OF THE SEA/SH GM

1. An SEA/SH GM is composed of: (a) a GM Operator; and (b) a SEA/SH Committee,<sup>14</sup> each with qualifications and experience satisfactory to the World Bank. All SEA/SH GM staff shall have received training on GBV and SEA/SH, and on how to conduct basic fact analysis regarding whether: (i) the allegation in question is one of SEA/SH; and (ii) the alleged perpetrator is associated with a World Bank-financed project. The SEA/SH GM staff shall have relevant knowledge and expertise to: (i) enable them to differentiate SEA from SH; and SEA/SH from other forms of GBV; (ii) address allegations where the survivor is a child; (iii) uphold the guiding principles<sup>15</sup> and ethical requirements for dealing with survivors of SEA/SH; and (iv) communicate in the relevant local language(s). The GM Operator shall have adequate knowledge of GBV services available, how to access said services, who to contact, any financial support that may be provided, and available options for assistance within and outside of the SEA/SH GM.
2. Conflict of interest: Any actual or perceived conflict of interest must be avoided in selecting the SEA/SH GM members.<sup>16</sup> The composition of the SEA/SH GM may need to change depending on the nature and source of the allegation.

### IV. ROLES and RESPONSIBILITIES OF ACTORS IN THE SEA/SH GM:

1. The GM Operator is responsible for: (i) receiving, sorting, and logging allegations; (ii) referring all survivors who come to the GM to relevant GBV service providers; and (iii) notifying the PIU and the World Bank of the allegation in line with pre-established information-sharing protocols.
2. The SEA/SH Committee is responsible for determining whether the allegation: (i) falls within the definition of SEA/SH; and (ii) whether the alleged perpetrator is associated with the Project. Where the SEA/SH Committee determines that: (i) the allegation amounts to SEA/SH and (ii) the alleged perpetrator is associated with the Project, with the survivor's consent, it shall refer the allegation to the employer (and the authorities if required by domestic law).

---

<sup>12</sup> Even if national law stipulates a lower age.

<sup>13</sup> See SEA/SH GPN (2020), p.8.

<sup>14</sup> The Committee may include, *inter alia*, (i) a SEA/SH specialist from the PIU; (ii) a GBV Service Provider; (iii) [any other additional relevant personnel and their respective qualifications].

<sup>15</sup> See Section II above.

<sup>16</sup> Such actual or perceived conflict of interest include conflicts between an individual's private interests and his or her responsibilities in their official position of trust as an actor in a SEA/SH GM.

## V. SPECIFIC STEPS OF THE SEA/SH GM<sup>17</sup>

### 1. UPTAKE, SORT, AND PROCESS

- (i) Upon receipt, the GM Operator sorts and processes the allegation. Allegations can be received by the SEA/SH GM through various means (*e.g.*, online, phone, writing, or in-person), submitted by multiple types of complainants (*e.g.*, survivor, witness, or whistleblower),<sup>18</sup> and received through multiple channels (*e.g.*, the PIU focal point, Contractor, Supervision Consultant, or GBV service provider). When the allegation is received in person, the GM Operator records the survivor's account of the incident; this shall be conducted in a private setting, ensuring that any specific vulnerabilities are taken into consideration.
- (ii) The SEA/SH GM should not ask for, or record, information other than the following: (i) the nature of the complaint; (ii) if possible, the age and sex of the survivor; and (iii) if, to the best of the complainant's knowledge, the perpetrator is associated with the Project; and (iv) if possible, information on whether the survivor was referred to services.<sup>19</sup> It is important to seek the survivor's consent during intake and referral to services by clarifying in advance the remit of the GM, what referral services entail, key elements that need to be collected, and informing of mandatory reporting laws as relevant. Standardized incident intake and consent forms should be used.<sup>20</sup> The GM Operator shall record all allegations and information received respecting the principle of confidentiality.
- (iii) The GM operator shall receive all allegations but shall, where the complainant is not the survivor, encourage the complainant to reach out to the survivor and explain the potential benefit of coming forward alone or with the person reporting to the GM. In the event that there is a credible concern about the safety of the survivor, the GM Operator may attempt to approach the survivor directly to offer a referral to services. Here, as elsewhere, the survivor's consent governs.

### 2. ACKNOWLEDGE AND FOLLOW UP

- (i) With the survivor's consent, the GM Operator shall, within the shortest timeframe possible, refer the survivor to the relevant GBV service provider<sup>21</sup> for any specific service the survivor may need and want in accordance with pre-established and confidential referral procedures.<sup>22</sup> These services may include

---

<sup>17</sup> For further details on specific steps in the GM value chain, see pp. 21-24 of the Technical Note.

<sup>18</sup> Survivors should be encouraged to self-report the alleged SEA/SH incident, but they may choose to do so with the assistance of a trusted individual, *e.g.* close family member, friend or trusted community member.

<sup>19</sup> SEA/SH GPN (2020), at p. 37.

<sup>20</sup> For further details, see the Technical Note.

<sup>21</sup> Such a referral can be made irrespective of whether the allegation is later verified to be a SEA/SH and the alleged perpetrator is associated with the Project.

<sup>22</sup> Survivors should receive care regardless of whether the alleged perpetrator is known to be associated with the project or not. The GM Operator shall refer the allegation to the existing intermediary with GBV expertise or to the dedicated SEA/SH entity when the SEA/SH GM outsourced to a third party. For further details, see the Annex and the Technical Note.



legal,<sup>23</sup> psychosocial, medical care, safety and security-related support, and economic empowerment opportunities.<sup>24</sup>

- (ii) The GM Operator shall, within 24 hours of receiving the allegation, inform the PIU of the SEA/SH incident,<sup>25</sup> copying the World Bank,<sup>26</sup> by sending an anonymized summary of allegation based on pre-established information sharing protocols. The GM Operator shall ensure that the information collected regarding the complainant and allegations respects the principles of confidentiality, anonymity, and consent.<sup>27</sup> Elements to be reported should only include: (i) the age and sex of survivor; (ii) the type of alleged incident (as reported); (iii) whether the alleged perpetrator is employed by the project; and (iv) whether the survivor was referred to a service provider.

### 3. *FACT ANALYSIS*

If the survivor wishes to pursue disciplinary action in addition to the referral to services provided, the GM Operator shall refer the case to the SEA/SH Committee to analyze the facts of the allegation by determining whether: (i) the allegation falls within the definition of SEA/SH; and (ii) the alleged perpetrator is an individual associated with a World Bank-financed project. If the SEA/SH Committee confirms these two elements, it shall refer the allegation to the employer, who shall then be responsible for investigating the allegations.<sup>28</sup> If national law requires it, the SEA/SH Committee may be obliged to refer the complaint to the local authorities for further investigation and eventual criminal prosecution. The survivor should be made aware of legal obligations of reporting certain incidents before disclosing the complaint, again consistent with the principle of consent. In all cases when there is no mandatory reporting, referral to local authorities should be done exclusively with the survivor's consent.

### 4. *MONITOR AND EVALUATE*

The GM Operator shall compile relevant data about SEA/SH allegations in accordance with the principles of safety and confidentiality. The GM Operator shall issue regular reports to the PIU and the World Bank, containing basic information on the types of SEA/SH allegations, the number of the allegations related to a World Bank-financed project, and the age and sex of the survivor to enable them to track grievances.

---

<sup>23</sup> It is also possible that the survivor independently pursues legal action through the justice system at this stage.

<sup>24</sup> In Model 2 and 3 where an existing intermediary with specific GBV qualifications or the dedicated entity to which the entire GM is outsourced, the GM Operator shall refer the survivor to these entities. They may refer the survivor to other GBV providers as relevant based on the survivor's consent.

<sup>25</sup> Other forms of GBV that are received and referred through the GM do not need to be reported further, unless there is a mandatory reporting law that governs reporting of specific instances, like cases of sexual abuse against a minor.

<sup>26</sup> Such reporting shall be conducted in accordance with the Environmental and Social Incident Response Toolkit (ESIRT) that has been introduced to outline procedures for World Bank Staff to report negative environmental and social incidents linked to IPF operations. ESIRT outlines the requirements for reporting GBV cases and has a protocol that defines incidents using three categories (*i.e.*, "indicative", "serious", and "severe"). Depending on the categorization, incidents are elevated to different actors/units.

<sup>27</sup> This should be read in accordance with any relevant requirements under domestic law.

<sup>28</sup> These ToR acknowledges that the identity of the alleged perpetrator may not always be known.

## 5. PROVIDE FEEDBACK

If the survivor wishes to pursue disciplinary action, the GM Operator shall provide feedback to the survivor on the receipt and reporting of the allegation. The GM Operator shall also inform the survivor when the matter has been referred to the employer for disciplinary action. Survivors may also prefer to go directly to the employer themselves or through their legal representative after having consulted with referral services.

## 6. CLOSURE OF PROCESS

- (i) If the survivor does not wish that disciplinary action be pursued by the employer, and has not pursued legal action independently, the process is closed after the referral to services has been provided.
- (ii) In cases where the survivor seeks disciplinary action to be pursued by the employer or where the survivor pursues independent legal action,<sup>29</sup> the process is closed in the SEA/SH GM once that disciplinary or legal action has been initiated.<sup>30</sup> The GM's tracking records should show the results of the referral and the chosen follow-up action (*i.e.*, employment sanction or judicial verdict). Should the survivor seek further assistance from the SEA/SH GM, the survivor may return to the GM.
- (iii) All SEA/SH survivors who come forward before the project's closing date should be referred immediately to the GBV service provider for health, psychosocial and legal support. If a project is likely to close with SEA/SH cases still open, appropriate arrangements should be made with the GBV service provider, prior to closing the project, to ensure there are adequate resources to support the survivor for an appropriate time after the project has closed. Since funding cannot be provided by the project after the closing date, other funding arrangements shall be made (Borrower, other projects within the portfolio that may have aligned objectives and budget flexibility, extension of the closing date).<sup>31</sup>

## VI. KEY DEFINITIONS

*The definitions of all relevant terms can be found in the Interim Technical Note "Grievance Mechanism for Sexual Exploitation and Abuse in World Bank-Financed Projects" dated April 2020 and the Good Practice Note "Addressing Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH) in Investment Project Financing Involving Major Civil Works" dated February 2020. This section includes definitions of a select number of terms that are relevant to the context of these ToR, as well as a number of additional terms introduced in these TORs.*

**Child:** refers to a person under the age of 18,<sup>32</sup> and allegations of SEA/SH by or on behalf of a child shall be treated with additional safeguards to protect the child.

---

<sup>29</sup> This could occur where the survivor is represented by a legal service provider or where the case is being prosecuted by the authorities on behalf of the survivor.

<sup>30</sup> For further details, see SEA/SH GPN (2020) p. 47 on Resolving and Closing a Case.

<sup>31</sup> *Id.*, para 127.

<sup>32</sup> This is in accordance with Article 1 of the United Nations Convention on the Rights of the Child.

**Complainant:** A person who brings an allegation of SEA to the GM in accordance with established procedures, whether a SEA/SH survivor or another person who is aware of the wrongdoing.

**Consent** must be informed, based on a clear appreciation and understanding of the facts, implications and future consequences of an action. In order to give consent, the individual concerned must have all relevant facts at the time consent is given and be able to evaluate and understand the consequences of an action. The individual also must be aware of and have the power to exercise the right to refuse to engage in an action and/or to not be coerced. There are instances where consent might not be possible due to age, cognitive impairments and/or physical, sensory, or developmental disabilities. Consent may be withdrawn at any time, and the choice to withdraw consent must be respected.

**Gender-based violence (GBV):** GBV is an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (*i.e.*, 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.<sup>33</sup>

**Individual associated with a World Bank project:** Such individuals would include any worker hired with World Bank financing, consultants supervising the operation, consultants undertaking technical assistance activities or studies relating to the operation, security personnel hired to protect the project site, PIU staff (whether financed by the Bank or not), contractors or consultants on the project whose contracts are financed by a co-financier, World Bank staff, or anyone to whom the project GBV requirements apply.

#### *Sexual exploitation and abuse (SEA)*

- **Sexual exploitation:** any actual or attempted abuse of a 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.<sup>34</sup>
- **Sexual abuse:** actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.<sup>35</sup>

**Sexual harassment (SH):** Any unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature.<sup>36</sup>

**Survivor:** A survivor is a person who has experienced the SEA/SH incident in the context of this SEA/SH GM.<sup>37</sup>