

Environmental and Social Management Plan (ESMP)



NGOs and CSOs Capacity Support Project in
Afghanistan (P178933)



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Please contact communications.af@undp.org with any questions.

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List of Acronyms and Abbreviations

ABADEI	Area-based Approach to Development Emergency Initiatives
ACBAR	Agency Coordinating Body for Afghan Relief & Development
ARTF	Afghanistan Reconstruction Trust Fund
AWPs	Annual Work Plans
CHSS	Community Health, Safety and Security
CMT	Crisis Management Team
CO	County Office
CoC	Code of Conduct
CSO	Civil Society Organizations
DAAB	Dispute Avoidance/Adjudication Board
DFA	<i>de facto</i> authority
DNH	Do No Harm
DO	Designated Official
E&S	Environment and Social
ECA	Entry Criterion of Access
ESCP	Environment and Social Commitment Plan
ESF	World Bank Environmental and Social Framework
ESHS	Environment, Social, Health and Safety
ESIRT	Environmental and Social Incident Reporting Toolkit
ESMP	Environment and Social Management Plan
ESRC	World Bank Environmental and Social Risk Classification
ESS	Environmental and Social Standards
FIDIC	International Federation of Consulting Engineers
GAP	Gender Action Plan
GBV	Gender- Based Violence
GEWE	Gender Equality and Women's Empowerment
GFP	Grievance Focal Point
GFT	Gender Focal Team
GIIP	Good International Industry Practice
GPN	Good Practice Note
GRCs	Grievance Redressal Committees
GRM	Grievance Redressal Mechanism
HRBA	Human Rights-based approach
IDA	International Development Association
IGSMN	Inter-Agency Security Management Network
INGO	International non-governmental Organization
ITA	Interim Taliban Administration
LMP	Labour Management Procedures
LNOb	Leave No One Behind
LVG	Low-Value Grants
M&E	Monitoring and Evaluation
MOPH	Ministry of Public Health
NGO	Non-Governmental Organizations
NOC	No Objection Certificate

OHS	Occupational Health and Safety
OSH	Occupational Safety & Health
PIU	Project Implementing Unit
POM	Project Operations Manual
PPE	Personal Protective Equipment
PSA	Principal Security Adviser
PSC	Project Steering Committee
PSEA	Prevention of Sexual Exploitation and Abuse
PVPV	Promotion of Virtue and Prevention of Vice
PWDs	Persons with Disabilities
QIPs	Quick Impact Projects
RPA	Responsible Party Agreement
RP s	Responsible Parties
RR	Resident Representative
RTA	Road Traffic Accident
SEA	Sexual Exploitation and Abuse
SEA/SH	Sexual Exploitation and Abuse/ Sexual Harassment
SEP	Stakeholder Engagement Plan
SES	UNDP's Social and Environmental Standards
SH	Sexual Harassment
SMG	Security Management Group
SMM	Security Management Measures
SMT	Security Management Team
SO	Security Office
SOP	Standing Operating Procedure
SPM	Security Policy Manual
SRM	Security Risk Management
SSAFE	Safe and Secure Approaches in Field Environments
SSIRS	The Safety and Security Incident Recording System
SSIRS	Safety and Security Incident Recording System
STD	Sexually Transmitted Diseases
TEF	Transitional Engagement Framework
ToRs	Terms of References
TPMA	Third-Party Monitoring Agent
TRIP	Travel Request Information Process
UN	United Nations
UNAMA	United Nations Assistance Mission in Afghanistan
UNCT	United Nation Country Team
UNDP	United Nations Development Programme
UNDSS	United Nations Department of Safety and Security
UNSMS	The United Nations Security Management System
VPSHR	Voluntary Principles on Security and Human Rights
WB	World Bank
WHO	World Health Organisation
WSH	Workplace Sexual Harassment

Executive Summary

The Non-Governmental Organizations (NGOs) and Civil Society Organizations (CSOs) Capacity Building Support Project in Afghanistan will enhance the capacity of non-governmental implementation partners in delivering quality basic services to the most vulnerable in the communities. The Project aims to target both operational NGOs to enhance basic service delivery, and CSOs, especially, those that are women-led and advocate for women's rights, as well as supporting and advocating for persons with disabilities (PWDs).

The United Nations Development Programme (UNDP) will implement the project, while the International Development Association (IDA) and the World Bank (WB), acting as the administrator of the Afghanistan Reconstruction Trust Fund (ARTF), have agreed to provide financing for the Project. This Environment and Social Management Plan (ESMP) has been developed for the Project. The purpose of the ESMP is to consider and develop adequate measures and controls to minimize and mitigate the potential environmental and social risks and impacts during the project implementation.

The ESMP has been prepared in compliance with the World Bank's Environmental and Social Standards (ESS) and UNDP's Social and Environmental Standards (SES). This ESMP identifies environmental and social management measures to be implemented throughout the course of the Project and will be integrated into all contractual and responsible party agreements with partners involved in project implementation.

As per the risks and impacts identified, World Bank's ESS1 (Assessment and Management of Environmental and Social Risk and Impacts), ESS2 (Labour and Working Conditions), ESS4 (Community Health and Safety) and ESS10 (Stakeholders Management and Information Disclosure) and UNDP's SES Standard 3 (Community Health, Safety and Security) and Standard 7 (Labour and Working Conditions) will be relevant to the Project.

The ESMP includes the following management instruments measures based on the risks and impacts identified:

- **Labour Management Procedures** entails an overview of the labour use of the Project, assesses the potential labour risks envisaged due to the project activities and suggests mitigation measures in relation to the exposure of project workers to COVID – 19 and other infections, risks to Sexual Exploitation and Abuse (SEA), Sexual Harassment (SH) and Gender- Based Violence (GBV), Non-Discrimination, Child Labour, Occupational Health and Safety (OHS) and Grievance Redress Mechanism for workers.
- **SEA/SH Action Plan** provides an overview of SEA/SH (Sexual Exploitation and Abuse/ Sexual Harassment) risk on the Project, the screening process adopted and activities proposed in areas of interventions related to awareness- raising and monitoring, Gender Action Plan (GAP), Gender Focal Team (GFT) system, recruitment and human resource management, Country Office Capacity Building Plan, mandatory training, reporting mechanisms, field monitoring, screening and vetting, pre-conditional/conditional grant approval and additional measures including ABADI special measures and multi-

stakeholder approach on PSEA, Women's Human Rights and GBV, mahram system in place and physically segregating spaces.

- **COVID-19 Infection Plan** discusses the action plan to be adopted in terms of provisioning of adequate Personnel Protection Equipment, awareness training, record keeping and setting up of an anonymous process for workers to voice concerns about COVID-19-related hazards in view of the exposure of COVID-19 risks to the project workers, NGO network and PIU due to the project implementation phased.
- **Security Management Measures** details the security risks identified due to the project activities and action plan incorporating adoption of World Bank's ESS Security Screening Checklist, Security Training and Capacity Development Statement, Security Audit Process, Security Incident Reporting Provisions, Crisis Management, Incident Management and Data Protection Management based on the risks identified.
- **The Negative List of Activities** lists out the indicative list of activities that cannot be financed under the Project's small grants components.
- **Public Consultation, Communication and Information Disclosure** provides an overview of the consultative activities planned to be undertaken with the stakeholders identified for the Project including the Information Disclosure process to be adopted to ensure transparency and accountability in line with World Bank ESSs and UNDP SES standards. Link to the Stakeholder Engagement Plan developed for the Project is provided: <https://www.undp.org/afghanistan/ngos-and-csos-capacity-support-project-afghanistan>

1. Introduction

1.1 Project Description and Objectives

The Non-Governmental Organizations (NGOs) and Civil Society Organizations (CSOs) Capacity Building Support Project (hereinafter referred to as the Project) in Afghanistan will enhance the capacity of non-governmental implementation partners in delivering quality basic services to the most vulnerable in the communities. This includes addressing the challenges that NGOs and CSOs are facing and simultaneously supporting them to carve out space for civil society participation in the medium- to long-term. The Project aims to target both operational NGOs to enhance basic service delivery, and CSOs especially those that are women-led and advocate for women's rights, as well as supporting and advocating for persons with disabilities. Capacity building support will be provided in parallel to NGO/CSO implementation of agreed activities, which will also facilitate on-the-job learning. The Project targets NGOs and CSOs who have operational and programmatic capacity to quickly establish outreach and engagement with vulnerable communities to design interventions based on community needs and implement them on time. The selection criteria are composed of eligibility criteria to indicate which NGOs and CSOs are eligible, and priority criteria to prioritise NGOs and CSOs (or clusters of NGOs/CSOs where relevant) and implement Quick Impact Projects (QIPs) with small grants (Low -Value Grants). This will facilitate kick-starting NGO/CSO operations on the ground and retaining staff, while QIPs will support local community access to basic services, social protection, and other livelihood opportunities.

The Project will build capacity for a total of 400 NGOs and CSOs across the eight regions and 34 provinces of Afghanistan and implementation is planned for 24 months.

The United Nations Development Programme (UNDP) will implement the Project, while the International Development Association (IDA) and the World Bank (WB), acting as the administrator of the Afghanistan Reconstruction Trust Fund (ARTF), have agreed to provide financing for the Project. This Environment and Social Management Plan (ESMP) is for the NGOs and CSO's Capacity Building Support Project.

The Project objective is to enhance the capacities of registered national and local NGOs and select CSOs to improve their effectiveness and accountability.

1.2 Project Components

The Project comprises four components which will be implemented over 24 months.

Component 1: Mapping and Capacity-Strengthening of select NGOs and CSOs. The objective of this component will be to provide capacity strengthening support to select NGOs and CSOs. This support will be informed by a comprehensive overview of the NGOs and CSOs currently operating in Afghanistan. Through the rapid mapping and needs assessment, the Project will identify and mobilize the relevant CSOs and NGOs to train, with selection based on transparent eligibility and priority criteria. The Project will only work with organizations where women are not prohibited from participating as workers and recipients of aid/services (see information – Entry Criterion of Access, ECA). **The project has established one Entry Criterion for Access (ECA) to ensure that the context on the ground remains aligned with principles of community participation and gender access.** The entry criterion does not monitor

the performance of UNDP, but provides a platform around which ARTF donors, UNDP and the World Bank can assess whether the situation on the ground continues to provide the required conditions under which activities can be implemented. The ECA is women's participation is not prohibited and continues in select NGOs and CSOs. Funds will not be released for capacity-building and subgrant activities to targeted NGOs/CSOs where this criterion is not met.

This component will comprise three sub-components: a) Mapping exercise to screen the landscape of national/local NGOs in Afghanistan today; b) Rapid Needs Assessment to inform the strategic capacity building plan and the elaboration of shared standards; and c) The delivery of capacity building which will include three sub-activities (i) direct provision of training, (ii) hands-on support/ on-the-job training, and (iii) production of self-instruction handbooks and kits to promote self-study.

Component 2: Provision of Operational Support Grants to Select NGOs and CSOs. The objective of this component is to provide sub-grants to select NGOs/CSOs to support their capacity to deliver by helping them to reactivate their operations, retain key staff and implement quick impact projects in support of the most vulnerable populations. Typically, operational support grants aim to support core funding, boost organizational capacity and solicit development solutions for which no repayment is required. This component will prioritize women-led organizations and local NGOs and CSOs that serve the most vulnerable and marginalized populations.

Component 3: Development and Coordination of NGO Platform(s). The objective of this component is to strengthen the dialogue and coordination structures of the NGO sector that exist at national and provincial levels. This component will follow a two-pronged approach: (i) design of the platform(s) based on stakeholders' consultations to agree on the objective, vision statement, structure, and operating procedures; and (ii) development and deployment of the platform(s).

Component 4: Implementation Support. This component will allow the lead implementing partner to manage and oversee the program.

1.3 Project Beneficiaries

Targeted beneficiaries amount to 300 NGOs and 100 CSOs for capacity- building support and 150 NGOs and 50 CSOs for operational support through sub-grants in 34 provinces across the country. A total of 2,400 persons (through three technical and three generic/ management training) will be trained.

These include NGOs/CSOs that support the delivery of critical services in the area of Health, Education, Food Security, and Livelihood to the most vulnerable and marginalized groups, including ethnic minorities, persons with disabilities (PWDs), and women and girls. The Project will support NGOs/CSOs that support women and girls' rights and their empowerment in addition to women-led NGOs and CSOs. The rapid mapping exercise will inform the selection of NGOs and CSOs that will receive capacity-building support, based on the eligibility criteria and prioritization of NGOs and CSOs that provide services to the most vulnerable communities'. The Project will provide sub-grants to select NGOs and CSOs to support their capacity to implement QIPs with a ceiling of up to USD 45,000 (or Low -Value

Grants – LVGs). This will facilitate kick-starting NGO/CSO operations on the ground and keeping their staff, while supporting local communities access to basic services, social protection and other livelihood opportunities.

While the selection of QIPs to be funded through small grants will be identified during Project implementation, initial estimates indicate that approximately 400 NGOs/CSOs employees in eight regions across the 34 provinces will ultimately benefit from capacity-building support interventions.

1.4 Low -Value Grant Eligibility/Priority Criteria

While the final list of criteria will be detailed in the Project Operations Manual (POM) of the Project, agreed with the World Bank, the preliminary list encompasses:

Eligibility Criteria:

- 1) Registered national and local NGOs and CSOs
- 2) Active operations for past 24 months (registration)
- 3) Presence in geographically targeted areas
- 4) Proven track record of sound financial management practice
- 5) NGOs/CSOs engaged in service delivery
- 6) The entity signing the grant agreement is a 'single beneficiary' or institution from a legal perspective that is expected to fulfil a development-relevant function.

Proven track record in social and environmental responsibility, including no record of recurring or significant environmental and social controversies or violations.

Overall Priority Criteria:

- 1) Engaged in four priority areas: health; agriculture; education; community resilience and livelihoods
- 2) Women-led structures and/or structures with minimum 25 percent of women staff
- 3) NGOs/CSOs with programs engaging vulnerable communities: women and girls; youth; people with disabilities; ethnic/rural populations)
- 4) Track record in community mobilization (CDCs; health councils; education councils; water users' association (*mirab* system¹).

1.5 Need for the ESMP

To comply with the WB's Environmental and Social Standards (ESS) and UNDP's Social and Environmental Standards (SES), preparation of an ESMP is required to ensure that the Project avoids, minimises, and/or mitigates adverse environmental and social impacts and risks identified through screening of project activities and interventions. This ESMP identifies environmental and social management measures to be implemented throughout the course of the Project and will be integrated into all contractual and responsible party agreements with partners involved in Project implementation.

¹ Mirab is a person or a group that provides irrigation operation and maintenance services.

1.6 ESMP Preparation Process

UNDP is to ensure that the Project is carried out in accordance with the ESSs, SES and the Environmental and Social Commitment Plan (ESCP) developed for the Project. The ESCP sets out material measures and actions that UNDP is to carry out or cause to be carried out, including, as applicable, the timeframes of the actions and measures, institutional, staffing, training, monitoring and reporting arrangements, and grievance mechanism. The ESCP also details the environmental and social (E&S) instruments that shall be adopted and implemented under the Project, all of which shall be subject to prior consultation and disclosure, consistent with the ESSs and SES, in form and substance and in a manner acceptable to the World Bank and UNDP.

As part of the ESCP, UNDP committed to prepare, consult, disclose, adopt, and implement this ESMP. The ESMP aims to ensure consistency with the relevant ESSs (ESS1, ESS2, ESS4, ESS10) and UNDP's SES. Once adopted, this ESMP may be revised from time to time with prior approval from the Project Steering Committee and written agreement by the World Bank. This draft ESMP was prepared with the support of an environmental and social expert consultant. The ESMP includes the following:

- Section 1 – Introduction
- Section 2 – Legal and Regulatory Framework
- Section 3 – Labour Management Procedures (LMP)
- Section 4 - SEA/SH (sexual exploitation and abuse and sexual harassment) action plan
- Section 5 - COVID-19 infection prevention plan
- Section 6 - Security risk management measures
- Section 7 – Negative list of activities (i.e. excluded activities)
- Section 8 – Public consultation, communications and information disclosure
- Section 9 – Implementation arrangements
- Section 10 – Monitoring and reporting

1.7 ESMP Consultation and Disclosure

This ESMP was informed by consultations held (12 July to 19 July 2022) with various stakeholder groups (as summarized in the Stakeholder Engagement Plan [SEP] during the Project Design phase pertaining to overall Project activities and identification of risks. In preparation for the ESMP, preliminary consultations were carried out, and gender-related concerns and the risk of SEA/SH were discussed with women CSO leaders and advocates. Along with the SEP, the Environmental and Social Commitment Plan (ESCP) was disclosed on the UNDP website and the World Bank external website.

In line with section 8 on public consultation, communication, and information disclosure, 51 individuals representing various NGOs, CSOs, UN agencies, women's rights advocates, and community leaders were consulted. The participant's list is attached as Annex 3, and the questions during the focus group discussion are attached as Annex 4. The ESMP consultation was carried out with 51 members, and there was a separate discussion on ESMP with female groups, including young women advocates. The list of participants and the names of their organizations are attached separately. Due to data privacy issues, the contact numbers of the participants have been removed.

The draft ESMP was disclosed, and key partners, including NGOs and CSOs, informed and consulted through stakeholder meetings, email and social media as defined in the consultation activities planned in the Project Initiation and Implementation phase as per the Stakeholder Engagement Plan developed for the Project. The comments and outcomes received through these meetings have been integrated into the final draft of the ESMP.

The ESMP Executive Summary and the translations in Dari and Pashto were disclosed on the UNDP website on 14 July 2022. The draft was also made available on UNDP social media. The Environmental and Social Management Plan (ESMP) was later updated onto a different link (18 July 2022).

1.7.1 DISCLOSURE INFORMATION

1. The Environment and Social Management Plan for the World Bank-funded Non-Governmental Organizations and Civil Society Organizations Capacity Building Support Project in Afghanistan has been published on the UNDP website

2. Environment and Social Management Plan (ESMP) – Executive Summary

<https://www.undp.org/afghanistan/news/environment-and-social-management-plan-esmp-executive-summary>

3. https://twitter.com/UNDPaf/status/1548927866993254401?t=B_SJLdHdteGNpyO81Be3w&s=08

4. 19 July 2022: A consultation meeting held with @ACBAR)AFG on developing an ESMP to implement the NGO/CSO Capacity building project in Afghanistan. Read more on ESMP here

<https://bit.ly/3zhRILF>

<https://twitter.com/UNDPaf/status/1549621641260433409>

The draft ESMP was shared with ACBAR and its network members, requesting their feedback. During the consultation period, the ESMP was presented in the form of a PowerPoint presentation before the consultation took place. A translation was provided in Dari and Pashto. The stakeholder consultation was informed by the CSOs/NGOs from different provinces, UN agencies, women's groups and young female advocates. The following key issues and suggestions were raised during the stakeholder consultations.

1.7.2 SUMMARY OF THE CONSULTATION MEETINGS

COVID-19 Infection Prevention and Control

- All NGOs/CSOs have COVID-19-related leave. Depending on the seriousness of the illness, the number of days of leave can be increased, ranging from 7 days to 14 days. The arrangements for COVID-19-related leave days are circulated to staff members through an organizational memo.
- Generally, all participants agreed that in work environments/meetings, people do wear masks but not in public. It was also noted that maskwearing is practiced by women more than men. When asked about special leave for COVID-19, most

participants mentioned that they do have a policy of at least a week's leave, and some had sick leave until recovery.

Recommendation: Some NGOs have written memo's on COVID-19 leave, and some NGOs do not. Therefore, there is a need for all COVID-19 policies to be written into a memorandum to ensure that there is consistency in relation to COVID-19-related leave. There is a need for all COVID-19 policies to be written into a memorandum to ensure that there is consistency.

Code of Conduct (CoC):

- The ACBAR has 101 local NGOs in its network and has a comprehensive CoC (Annex 5), which all members have incorporated into their organizational human resources practice. During consultations with non-ACBAR member CSOs and NGOs, it has been found that, while some of the NGOs have their own CoC, they are willing to adopt the standard NGO CoC from ACBAR. To support that approach, it is important that we support the capacity building of NGOs/and CSOs that are not currently part of ACBAR.
- All participants indicated that they have CoCs within their organizations and that they are willing to sign a CoC under ACBAR to have a unified CoC.
- ACBAR network members abide by the Code of Conduct CoC. In cases where a CoC is currently lacking, ACBAR is willing to work with organizations to adopt a standard CoC (Annex 5) for NGOs and CSOs.

Recommendation: When there is no organizational Code of Conduct or if they are not part of the ACBAR network, it was recommended that the capacity of CSOs and NGOs be built to develop a code of conduct (COC) in order to maintain consistency in standards. To support that approach, it is important that the Project supports the capacity building of NGOs/CSOs that are currently not part of ACBAR.

Prohibition of Child Labour:

- All staff have contracts and sign a CoC when employed. All NGOs have included child labour-prevention policies in their contracts, and after checking candidates' ID cards and birth certificates, employees are being recruited. No organization accepts anyone below the age of 18. Some NGO participants have seen that some beneficiaries falling within the ages of 15-18 years are hired for light work as per the labour law in Afghanistan. All participating NGOs/CSOs understand that all UN and international organizations have incorporated provisions to prevent child labour into donor agreements.

Gender:

Eleven women participated at the consultation, six of whom represented NGOs and CSOs. The following issues were mentioned by the participants:

- Women not being allowed to go to de facto Authority buildings and offices by the DFA without a Maharam.
- The funding is drying up for women-led CSOs, and few organizations are supporting them. There is no financial support for women-led NGOs/CSOs, and their licenses are not being issued.
- Without Maharam, women cannot go to official meetings.

- There is no coordination between different *de facto* Authority structures, and multiple approvals are needed from different people.
- All consulted CSOs/NGOs have a Mahram policy, and they pay money to a Mahram when inviting women to workshops or events.
- Within the NGOs/CSOs that participated in the consultations, they all said that they have more than 25 percent representation by women among the staff. Some of the women-led NGOs stated that they have 80 percent women. However, the situation in terms of women-led CSOs has changed since the *de facto* Authority took over.
- It was determined that gender-based violence (GBV) is a pressing problem within communities, especially in the more rural areas of the country. A lack of support for women and girls is becoming more of an issue, and shelters for women have been closed. Girls are facing psychological problems from not going to school. This is also contributing to girls thinking they are useless to society. Child brides are still a big concern in the rural western region.
- The consultations show that most CSOs and NGOs have gender focal points. There is a significant need for capacity building for gender focal points.
- Currently, there are national CSOs in the ACBAR network. In the current political situation, many women-led CSOs have left the country. Currently, ACBAR is working with UN Women to identify and for vetting Women-led CSOs for the provision of small grants. At the same time, with the EU, ACBAR is working on the CSO road map. Through this process, the number of women-led CSOs now operating in Afghanistan will be made clear.

Prevention of Sexual Exploitation and Abuse (SEA), and Sexual Harassment (SH):

In preparation for the ESMP, preliminary consultations were carried out, and gender-related concerns and the risk of SEA/SH were discussed with women CSO leaders and advocates as well as by 51 participants. Feedback raised includes the following:

- Most CoCs have Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH) included.
- Based on the consultation, there is a need for Prevention of SEA (PSEA) training to support better implementation. Some organizations have indicated that they have policies and a focal point, but there are gaps and capacity building is needed. Most organizations have a SEA/SH Policy, and the implementation is the main issue. It is also recommended that SEA/SH training will be beneficial within the organizations.
- Awaaz Afghanistan, the country's first nationwide inter-agency humanitarian call centre, offers a single point of contact in the form of a toll-free assistance hotline (410) for all Afghans. CSOs/NGOs are also using this service to report cases of sexual harassment and to further the PSEA. They have expressed their confidence in the Awaaz network. (Annex 6)
- All UNDP contracts/grant agreements and responsible agreements have provisions related to PSEA, and upon signing an agreement, contractors/grant recipients abide by its provisions. As per the requirements of the grant, the sub-grant recipients will agree to submit existing Standing Operating Procedure (SOPs) or organizational codes of conduct on PSEA and SH. In cases where such policies are lacking, technical support will be provided in developing policies/SOPs.

- ACBAR has a PSEA policy (Annex 7) which has been adopted by ACBAR's partners. When asked, these NGOs/CSOs are willing to improve their PSEA policies according to international standards. Other NGOs who do not yet have one are willing to adopt ACBAR's PSEA policy. ACBAR is also willing to provide technical support to CSOs and NGOs to upgrade their PSEA policies for this project. It is important to standardize existing PSEA policies using standard definitions and to provide training to PSEA focal points and committees.

Recommendations:

- Identify PSEA focal points of sub-grant recipients and responsible parties (RPs) and establish a focal point system.
- Instead of having one PSEA focal point, everyone recommended that there should be a committee to handle PSEA, and at least two women should be on the committee.
- Develop or share IEC materials on PSEA for staff, contractors, partners and the affected community, as well as translate the materials.

Environmental, social, health and safety (ESHS) reporting:

- The consulted NGOs/CSOs mentioned that reporting monthly on environmental, social, health and safety (ESHS) would be difficult given the busy schedule involved in implementing the grant activities. Instead, the CSOs and NGOs proposed to send quarterly reports on ESHS performance. The NGOs and CSOs also requested that training on ESHS reporting be provided should they be selected as an LVG recipient.

Grievance Redress Mechanism (GRM):

- All NGO/CSO participants agreed to accept ACBAR as a focal for a GRM, especially since not all of them have a standard GRM mechanism.
- Some organizations have ad hoc GRM mechanisms; and most of the time they involve a single person as a focal point. At the same time, there is no consistency in terms of the procedures employed by GRMs according to international standards. In terms of budget reductions for the NGO sector, it has been challenging to maintain a hotline or longer-term qualified staff member to handle GRMs.
- An assessment will be completed in terms of organizational GRM mechanisms and strengthen the system as the first level of GRM system. Instead of having an ad-hoc person nominated as the GRM focal point, a committee will be established in each organization as a GRM mechanism. Further, after the first point of contact, the second level of GRM system will be directed to ACBAR. Towards this, a common WhatsApp group will be established along with a hotline number, so that NGOs/CSOs and beneficiaries can direct their grievances to ACBAR. The ACBAR will direct reports regarding GRM to UNDP and the World Bank.
- Some organizations have ad hoc GRM mechanism and most of the time, it is a single person as a focal point. At the same time, there is no consistency in terms of the procedure of GRM according to the international standards. In terms of budget reduction for the NGO sector, it has been difficult to maintain a hotline or longer term qualified staff member handle GRM.
- Within the communities, there are different reporting techniques, but the most common one is complaint boxes.

- Other grievance mechanisms include AWAAZ and a UN toll-free hotline (410), which are used as well.
- There is a need to educate the community on grievance mechanisms, especially in areas with low access and literacy. A suggestion was to have a Whatsapp line.
- The importance of a functioning GRM system was understood in the context of the SEP and ESMP by the participants, and the stakeholders showed a willingness to adopt the mechanism. It was further confirmed that during the orientation workshop, training on the use of GRM would be provided to all stakeholders and the GRM would be publicized at all levels for the stakeholders.
- There is an ad hoc CDC-based GRM mechanism for the community. However, they have not received women's issues due to social taboos. Because the literacy rate is low in Afghanistan, there should be someone to support illiterate beneficiaries in sending their complaints. Therefore, the community members suggested that there should be a What'sApp number where community members can send a voice record.
- From the consultation, it was clear that there should be an effective grievance mechanism for NGO/CSO workers and project beneficiaries to raise their concerns. Those who are members of ACBAR can make use of ACBAR's GRM mechanism, while many of those who are not part of ACBAR may use their own ad hoc internal GRM mechanisms. There is a need to carry out an analysis of all existing GRM mechanisms among the NGOs/CSOs and build their capacity to enhance the effectiveness of existing GRM mechanisms where necessary
- **Recommendation:** An assessment will be completed that will examine organizational GRM mechanisms and help point the way to strengthening the first level of the GRM system. Instead of having an ad-hoc person nominated as the GRM focal point, a committee will be established as a GRM mechanism within each organization. Further, after the first point of contact, the second level of the GRM system will be directed to ACBAR. Toward this end, a common whats app group will be established, along with a hotline number, so that NGOs/CSOs and beneficiaries can communicate their grievances directly to ACBAR. The ACBAR will direct reports regarding GRM to UNDP and the World Bank.

Labour Management Procedures:

- All the legal provisions related to local workers are governed by the national labour law 2007 formulated in Afghanistan (Annex 2). All the participating NGOs and CSOs have the same provisions in their labour contracts, stipulating a 40-hour work week for employees. These facts were revealed during the consultations carried out by UNDP with NGOs and CSOs.
- The NGOs follow the provisions of the Forty-Hour Week Convention, 1935 (No. 47), and CSOs/NGOs have a 40-hour/ five-day work week.
- There is no overtime pay for technical support. However, certain CSOs and NGO support workers receive a small amount of overtime payment depending on the discretion of the CSO's Executive Director.
- The NGO's/CSO's minimum salary ranges from a minimum of 12,000 Afghani to a maximum of 20,000 Afghani.

- Most of the NGO/CSO workers do not have health insurance. However, they receive an additional payment of 30-50 USD on top of their salaries to help cover health expenses.
- Within the organizations, they all have maternity leave of three months, and only some have paternity leave. Those that have paternity leave are anything between 3 days and three weeks.
- There is equal pay for all genders in line with the equal wages for equal value convention.

Occupational Health and Safety (OHS):

- There is a gap in OSH and a need for capacity building.
- A focal point needs to be established for most of the organizations but there is a budget issue.
- For incidents, although some agencies do have payments, for the most part they will not pay for a road traffic accident when on mission.

2. Legal and Regulatory Framework

The following outlines key environmental and social safeguards legal and regulatory requirements applicable to the Project. Further specifics on legal and regulatory requirements related to the components of this ESMP are outlined further in those sections.

2.1 World Bank ESF Framework

The World Bank Environmental and Social Framework (ESF) sets out the World Bank's commitment to sustainable development, through a Bank Policy and a set of ESS that are designed to support Borrowers' projects, with the aim of ending extreme poverty and promoting shared prosperity. There are ten ESS's; these are:

- ESS1: Assessment and Management of Environmental and Social Risks and Impacts.
- ESS2: Labour and Working Conditions.
- ESS3: Resource Efficiency and Pollution Prevention and Management.
- ESS4: Community Health and Safety.
- ESS5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement.
- ESS6: Biodiversity Conservation and Sustainable Management of Living Natural Resources.
- ESS7: Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities.
- ESS8: Cultural Heritage.
- ESS9: Financial Intermediaries.
- ESS10: Stakeholder Engagement and Information Disclosure.

Full list and details of World Bank environmental and social standards can be found in the following link:

<https://thedocs.worldbank.org/en/doc/837721522762050108-0290022018/original/ESFFramework.pdf> .

As per the World Bank Environmental and Social Risk Classification (ESRC), the overall Environmental and Social risks of the project are rated moderate. The environmental risks and impacts are rated low and social risks and impacts are rated moderate. Of the ten ESSs comprising the ESF, four are relevant to the Project. They establish the standards that the Project and its implementing agency (PIU) will meet through the Project life cycle are summarized in the table below with a brief description and relevancy explanation:

ESS1	Assessment and Management of Environmental and Social Risks and Impacts	Relevancy	YES
<u>Description:</u> The ESS 1 sets out the borrower's responsibilities for assessing, managing and monitoring environmental and social risks and impacts associated with each stage of a project supported by the Bank through Investment Project Financing in order to achieve environmental and social outcomes consistent with the ESSs.			
<u>Explanation:</u> The Project will enhance the capacity of non-governmental implementation partners in delivering quality basic services to the most vulnerable in the communities. Considering the Project's scope and activities, the Project will establish and maintain a PIU with qualified staff and resources to support the management of ESHS (environmental, social health, and safety) risks and impacts of the Project. In addition, the Project will prepare, consult, disclose, adopt, and implement an ESMP that includes Labour Management Procedures (LMP), SEA/SH action plan, COVID-19 infection prevention plan,			

negative list of activities, and security risk management measures, consistent with the relevant ESSs (ESS1, ESS2, ESS4, ESS10), UNDP's SES and acceptable to the association.

ESS2	Labour and Working Conditions	Relevancy	YES
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Description: The ESS 2 recognizes the importance of employment creation and income generation in the pursuit of poverty reduction and inclusive economic growth. Borrowers can promote sound worker-management relationships and enhance the development benefits of a project by treating workers in the project fairly and providing safe and healthy working conditions. ESS2 applies to project workers, including direct workers to be engaged by UNDP – PIU and third-party (contractual) workers to be engaged through consultancies, NGOs and CSOs to fulfil small grant activities.

Explanation: Project workers working conditions, management of workers' relationships, occupational health and safety (including personal protective equipment (PPE), and emergency preparedness and response), code of conduct (including relating to SEA and SH), grievance redress arrangements, COVID-19 infection prevention measures, and applicable requirements for grant recipients, responsible parties, implementing NGOs/CSOs and consultancies are under moderate risks which will require the Project to develop Labour Management Procedures (LMP).

ESS3	Resource Efficiency and Pollution Prevention and Management	Relevancy	NO
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ESS4	Community Health and Safety	Relevancy	YES
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Description: The ESS 4 recognizes that project activities, equipment, and infrastructure can increase community exposure to risks and impacts. In addition, communities that are already subjected to impacts from climate change may also experience acceleration or intensification of impacts due to project activities.

Explanation: Project activities, without efficient risk management and mitigation measures, may raise threats of Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH) and provision of security to Project workers, sites and/or assets to mitigate security risks to participating CSOs, NGOs and local communities.

ESS5	Land Acquisition, Restrictions on Land Use and Involuntary Resettlement	Relevancy	NO
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ESS6	Biodiversity Conservation and Sustainable Management of Living Natural Resources	Relevancy	NO
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ESS7	Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities	Relevancy	NO
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ESS8	Cultural Heritage	Relevancy	NO
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ESS9	Financial Intermediaries	Relevancy	NO
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ESS10	Stakeholder Engagement and Information Disclosure	Relevancy	YES
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Description: The ESS 10 recognizes the importance of open and transparent engagement between the borrower and project stakeholders as an essential element of good international practice. Effective stakeholder engagement can improve the environmental and social sustainability of projects, enhance project acceptance, and make a significant contribution to successful project design and implementation.

Explanation: The Project has a diverse set of stakeholders represented by NGOs, CSOs, NGO network, Project workers, CDCs, vulnerable communities, World Bank, UN Agencies, ACBAR (*Agency Coordinating Body for Afghan Relief & Development*), Interim Taliban Administration (ITA) etc. Disclosure of Project information and consultation with stakeholders will be required to maximize positive outcomes of the Project. Stakeholder

engagement might be challenged by the restrictions aimed at preventing the spread of COVID-19 infection and will require the use of alternative channels of communication and technologies.

2.2 UNDP Social and Environment Standards (SES)

The revised SES, which came into effect on 01 January 2021, underpin UNDP's commitment to mainstream social and environmental sustainability in the Programmes and Projects to support sustainable development. The SES are an integral component of UNDP's quality assurance and risk management approach to programming. The key elements of UNDP's SES include:

Part A: Programming Principles (applicable to all projects):

- Leave No One Behind (LNOB)
- Human Rights based approach (HRBA)
- Gender Equality and Women's Empowerment (GEWE)
- Sustainability and Resilience
- Accountability

Part B: Project-Level Standards (triggered when determined to be relevant):

- Standard 1: Biodiversity Conservation and Sustainable Natural Resource Management
- Standard 2: Climate Change and Disaster Risks
- Standard 3: Community Health, Safety and Security
- Standard 4: Cultural Heritage
- Standard 5: Displacement and Resettlement
- Standard 6: Indigenous Peoples
- Standard 7: Labour and Working Conditions
- Standard 8: Pollution Prevention and Resource Efficiency

Part C: Social and Environmental Management System Requirements (applicable to all projects):

- Quality Assurance and Risk Management
- Screening and Categorization
- Assessment and Management
- Stakeholder Engagement and Response Mechanism
- Access to Information
- Monitoring, Reporting and Compliance

The full list and details of UNDP SES can be found at the following link: www.undp.org/ses.

As per UNDP's Social and Environmental Screening Procedure (SESP), the Project has been categorized as **Moderate**. Of the eight project-level Standards of the SES, two are relevant to the Project (Standard 3 and 7), details of which are provided below:

Standard 1	Biodiversity Conservation and Sustainable Natural Resource Management	Relevancy	NO
Standard 2	Climate Change and Disaster Risks	Relevancy	NO

Standard 3	Community Health, Safety and Security	Relevancy	YES
<p><u>Description:</u> Standard 3 recognizes that project activities, equipment, and infrastructure can increase community exposure to risks and impacts. This Standard addresses the need to avoid or minimize the risks and impacts to community health, safety and security that may arise from project-related activities, with particular attention given to disadvantaged and marginalized groups.</p>			
<p><u>Explanation:</u> Project activities, without efficient risk management and mitigation measures, may raise threats of Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH) and provision of security to Project workers, sites and/or assets to mitigate security risks to participating CSOs, NGOs and local communities.</p>			
Standard 4	Cultural Heritage	Relevancy	NO
Standard 5	Displacement and Resettlement	Relevancy	NO
Standard 6	Indigenous Peoples	Relevancy	NO
Standard 7	Labour and Working Conditions	Relevancy	YES
<p><u>Description:</u> Standard 7 recognizes the importance of fundamental principles and the right to work, protect and promote the safety and health of workers, ensure applicable parties comply with employment and labour laws, applicable rules and regulations and international commitments and the principle of “leave no one behind” (LNOB) by protecting and supporting workers in disadvantaged and vulnerable situations, including a special focus, as appropriate, on women workers, young workers, migrant workers and workers with disabilities.</p>			
<p><u>Explanation:</u> Project workers working conditions, management of workers’ relationships, occupational health and safety (including personal protective equipment (PPE), and emergency preparedness and response), code of conduct (including relating to SEA and SH), grievance redress arrangements, COVID-19 infection prevention measures, and applicable requirements for grant recipients, responsible parties, implementing NGOs/CSOs and consultancies are under moderate risks which will require the Project to develop Labour Management Procedures.</p>			
Standard 8	Pollution Prevention and Resource Efficiency	Relevancy	NO

3. Labour Management Procedures

3.1 Overview of Labour Use in the Project

Project workers (including Project workers engaged by UNDP, contractors, responsible parties, and grantees) for implementing the Project. The details of the proposed Project Workers are presented below:

Types of Workers	Estimated Number	Characteristics	Timing and Experience	Location for Deployment	Types of Work
Direct Project Workers paid under UNDP World Bank funded Project (UNDP Staff)	4 (1 international and 3 national staff)	<ul style="list-style-type: none"> • Small Grants Management Specialist/Project Manager - International (P4): The post would be filled by an international expert. • NGO Capacity Building Specialist (NOC/NPSA11): The post would be filled by a national expert • M&E Specialist NOC/NPSA11): The post would be filled by a national expert • Social and Environmental Specialist /GRM Specialist NOC/NPSA11): The post would be filled by a national expert <p>It is anticipated that out of the 4 posts, 2 will be filled by women candidates</p>	Full Project Period (2 years) and will spend 100% time on the project	National Level	Office Work
Direct Project Workers partially paid under the World Bank funded project (Engaged by UNDP)	31 international & 16 national project workers+ 9 drivers	<ul style="list-style-type: none"> • Social and Environmental Specialist (International, P3)/GRM Specialist (NOC): The post would be filled by an international expert • National Project Officers (NPSA9-): The post would be filled by a national expert • Gender and GBV Specialist (international, P3): The post would be filled by an international expert • M&E and Reporting Specialist-International (P3): The post would be filled by an international expert • Administration/Finance Specialist-National (NPSA10-NOC): The post would be filled by a national expert • Database/ GIS Specialist-National (NPSA10- 	<ul style="list-style-type: none"> • Experienced Professionals • During the Project Implementation • During the Contract Period 	National and Regional Level	Office Work and Field Work

		<p>NOC): The post would be filled by a national expert</p> <ul style="list-style-type: none"> • Admin./Finance Associate-National (8 Area offices) (NPSA6-G6): The post would be filled by a national expert • Risk Management Specialist (P4): The post would be filled by an international expert • Drivers-National (NPSA2-G2) will be utilized • Country Office Operational Support: The post would be filled by a national expert • Country Office (International) - Security Specialist - P4: The post would be filled by an international expert • Country Office (International) - Human Resource Specialist - P4: The post would be filled by an international expert • Country Office (national) - Finance Specialist - NOB: The post would be filled by a national expert • Country Office (National) - Gender Specialist – NOC: The post would be filled by a national expert • Country Office (National) - Audit Analyst – NOB: The post would be filled by a national expert • Country Office (National) - ICT Analyst – NOA: The post would be filled by a national expert • Country Office (National) - Travel Assistant - G6: The post would be filled by a national expert <p>It is anticipated that out of the 16 posts, 5 will be filled by women candidates</p>			
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Third-party workers (not directly engaged by UNDP) but by LVG grant recipients and Responsible Parties	450 (local workers in NGOs/CSOs and ACBAR)	<ul style="list-style-type: none"> • Personnel of NGOs (ACBAR) networks responsible for implementing components of the project • Employees of NGOs and CSOs selected, service providers, consulting firms, and suppliers of materials (for capacity building programs etc.) which will include: <ul style="list-style-type: none"> ○ National Field Monitoring Officer field and base development workers in 8 regions (5 people team for each region) hired through third-party contracts or responsible party agreement ○ It is anticipated that out of the 450 third-party workers' positions, 20 percent will be filled by women candidates. 	<ul style="list-style-type: none"> • During the project implementation • Experienced Professionals • During the contract period 	National/Regional/Provincial Level Regional/Provincial Level	Office and Field Work
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3.2 Assessment of Key Potential Labour Risks- Terms and Conditions

3.2.1 SCOPE OF PROJECT ACTIVITIES

Activities that will be carried out by the Project Workers (led by the PIU) include:

- a. Project administration and technical tasks will be carried out in the project office in Kabul and targeted regions and provinces (direct Project workers and contracted workers in professional categories) by UNDP
- b. Participatory planning, eligibility and selection criteria in the selection of NGOs and CSOs at the regional, provincial, district, and community levels (direct project workers).
- c. Engage with stakeholders and partners with timely, relevant, understandable, and accessible information in a gender -sensitive and culturally appropriate manner, which is free of manipulation, interference, coercion, duress, discrimination, and intimidation.
- d. Undertake capacity -building and training for all relevant UNDP staff, NGO and CSO staff, grant recipients, contractors, and responsible parties.
- e. Ensure that the contractors, sub-grant recipients, implementing NGOs/CSOs, responsible parties, third- party monitoring agents comply and cause sub-contractors to comply with the ESHS (environmental, social, health and safety) specifications of their respective contracts.
- f. Notify the World Bank of any incident or accident related to the Project which has, or is likely to have, a significant adverse effect on the environment, the affected communities, the public or workers., including, inter alia, cases of sexual exploitation and abuse (SEA), sexual harassment (SH), and accidents that result in death, serious or multiple injuries, including injuries or fatalities to project workers that could result from armed conflict/ insurgency.
- g. Ensure that the grant recipients, contractors, implementing NGOs/CSOs and responsible parties to provide quarterly monitoring reports on ESHS performance in accordance with the metrics specified in the respective procurement documents and contracts.²
- h. Prepare and submit to the World Bank regular monitoring reports (quarterly) on the environmental, social, health and safety (ESHS) performance of the Project, including but not limited to the implementation of the Environmental, and Social Commitment Plan (ESCP), the status of preparation and implementation of E&S instruments required under the ESCP, stakeholder engagement activities, and functioning of the grievance redress mechanism.

3.2.2 Key Labour Risks and Mitigation Measures

The key labour risks that may be associated with the project are provided below:

- Exposure of Employees of Contractors/ participating NGOs/CSOs workers to COVID-19 and other infections
- Potential incidents of engagement of child labourers by the selected NGOs and CSOs
- Risks of SEA/SH and GBV

² UNDP and the World Bank agreed to update the ESCP to reflect these changes (changing reporting on environmental, social, health and safety (ESHS from monthly to quarterly) through an exchange of letters signed between the World Bank and UNDP representatives assigned to the Project.

- Risks of unfair or discriminatory hiring practices could occur in the hiring of project workers and in the hiring of workers by contractors/third parties.
- Travelling to and working at regional and provincial levels, which can be in remote areas, might expose workers to the risk of road traffic accidents (RTA)
- Security threats to project staff and participating NGOs/CSOs
- Risks to contracted workers in professional categories (e.g., staff of service providers) are similar to those applying to direct project workers. Service providers should be required to apply equivalent measures to ensure the safety of their staff.
- Lack of adequate and accessible GRM by workers.
- Lack of adequate Occupational Safety and Health (OSH) training and mitigation measures for third-party contractors/ participating NGOs/CSOs.

The following measures will be implemented to ensure the above will be adhered to:

Table 4: Anticipated Labour Risks and Mitigation Measures

Risk. No.	Anticipated Risk	Mitigation Measures
1	Exposure of Employees of Contractors/third-party consulting firms to COVID-19 and other infections	<ul style="list-style-type: none"> • The COVID-19 Infection Prevention Plan (see Section 5 of this ESMP) will be implemented and followed during the project cycle. • A detailed orientation will be prepared aimed at the prevention of COVID-19 and other infectious diseases will be provided to workers, and those beneficiaries engaged in their projects by the CSOs/NGOs. • Those Project Workers who haven't had training and sensitization will undergo sensitization on COVID-19 preventive measures and symptoms based on the WHO Guidelines for Rationale on the use of Personal Protective Equipment (PPE) for COVID-19, getting Workplace Ready for COVID-19, etc., as part of the OHS training. • Prior to any Project/stakeholder meetings, the Project Staff will include briefings on COVID-19 prevention measures and protocols to be followed by all stakeholders. • The Orientation Guidelines provided to CSOs, and NGOs will include components related to referral to local health facilities in case of infections and measures to be taken to avoid the spread of infection. • All workers will be made to sign the Organizational Code of Conduct (COC) or adaptation of the existing COC of ACBAR's (Annex 5), which includes health- related behavioral standards and precautionary measures related to COVID-19 and other infectious diseases. • All workers will report to HR in the event they get infected with the COVID-19 virus with immediate effects.

Risk. No.	Anticipated Risk	Mitigation Measures
		<ul style="list-style-type: none"> • All CSOs/NGOs have mandatory leave provisions for workers in case they get infected with COVID-19 and will issue organizational memos in writing for COVID-19 - related leave. • Posters and other education/illustrative materials on COVID-19 and other infections will be pasted at all select NGOs and CSOs' areas of work and given to all workers and stakeholders. • Relevant Personal Protective Equipment (PPE) will be provided to every worker at all working sites. (The cost for procuring PPE will be included in the project budget.)
2	Risks of SEA/SH and GBV	<ul style="list-style-type: none"> • All staff are subject to an Organizational Code of Conduct the adaptation of the existing NGO Code of Conduct on PSEA from ACBAR (Annex 5), including orientation regarding Sexually Transmitted Diseases (STD), and prevention of Workplace Sexual Harassment (WSH), Sexual Exploitation and Abuse (SEA), Gender-Based Violence (GBV) and shall receive orientation regarding GRM options. • Establishing a PSEA GRM through an organizational committee with a higher-level body for escalation. • Creating a GRM structure with ACBAR with a paid staff, a toll-free number and a feedback and reporting mechanism. In addition, project workers and community members will be informed of PSEA GRM. • The Prevention of SEA/SH Action Plan (Table 5) is to be implemented. • Implementation of the PSEA policy with mandatory orientation with a budget allocation. • Conducting awareness- raising sessions and orientation about local cultural norms, values, and customs to all Project Workers (third party and contractual). • Every organisation should have a trained GBV/PSEA focal point. • The recruitment process should consider gender diversity and social inclusion as a social affirmative method. • Awareness raising sessions to be held among all relevant stakeholders and workers regarding Acts of Violence, SEA/SH and other relevant GBV by PIU's ESS Unit.
3	Non-Discriminatory hiring practices	<ul style="list-style-type: none"> • All workers should be recruited through a transparent and non-discriminatory process. • The priority should always be given to local employment if they are able to fulfil the job requirements.

Risk. No.	Anticipated Risk	Mitigation Measures
		<ul style="list-style-type: none"> Files for every employed labour, which should include the personal details, Tazkira and a formal contract that summarizes his/her legal labour rights and the number of daily/monthly wages, must be available (with do-no-harm (DNH) principle in mind) for monitoring purpose. All employees and CSOs, and NGOs will sign a conflict-of-interest statement in terms of preventing nepotism and favoritism in recruitment and hiring.
4	Occupational Health and Safety (OHS) and Security Risks	<ul style="list-style-type: none"> Security Management Measures are to be implemented and followed by all Project Workers. Security-related training will be implemented by the selected CSOs/NGOs from this project. Security-related communication channels such as What's app groups, and messaging will be adapted by CSOs and NGOs. Occupational Health and Safety (OHS) related training for all staff.
5	Grievance Redressal Mechanism (GRM)	<ul style="list-style-type: none"> The GRM developed for the Project is to be implemented. GRM focal point (ACBAR)/committee should be appointed and trained (at CSOs/NGOs level). GRM awareness sessions should be delivered to all layers of employees of participating NGOs/CSOs through PIU's Environmental and Social Standards (ESS)/ Social and Environmental Standards (SES) Unit and ACBAR. Training in all related policies and standards such as whistleblowing, fraud, corruption, and GBV/SH should be conducted for all participating CSOs/NGOs. Complaint Box, GRM Hotline and other relevant GRM reporting, and feedback tools should be easily accessible to all workers and beneficiaries (in three languages). Innovating and user-friendly GRM approaches will need to be utilized for community beneficiaries especially targeting those who cannot read or write, using voice messages through WhatsApp, etc. Participating NGOs/CSOs should carry out awareness raising and information sharing on the available tools and the GRM mechanism for beneficiaries. Privacy, confidentiality, and do-no-harm (DNH) principles should be considered whilst reporting, filing, receiving and resolving complaints, in order to gain trust, and ensure accountability and the transparent implementation of the GRM by NGOs/CSOs and ACBAR. In cases when the nature of grievance is serious,

Risk. No.	Anticipated Risk	Mitigation Measures
		<p>immediate actions should be taken by the relevant Organizational GRM focal point/committee when facing such issues and the matter should be directed to ACBAR to escalate it to the next level.</p> <ul style="list-style-type: none"> Raising awareness of the existing Complaint Response Mechanism (CRM) / GRMs such as: Awaaz, the UNICEF, WFP, and the UN hotline https://awaazaf.org/ toll-free number 410, should be carried out by ACBAR and participating CSOs/NGOs (Annex 6)

3.3 Brief Overview of Labour Legislation: Terms and Conditions

3.3.1 UNDP Terms and Conditions for Contracted With UNDP

The UNDP has a standard Terms and Conditions, which is used for all workers directly engaged by UNDP and for this Project. UNDP will use this standard while engaging direct workers.

3.3.2 Terms and Conditions for Third-Party Contractors

Third-party contractors and Project workers will also be engaged by Low -Value Grant (LVG) recipients and Responsible Parties (RPs). UNDP's LVG Agreement and Responsible Party Agreements (RPA) will be applied and will include the relevant Code of Conduct (COC) of ACBAR's (Annex 5), labour standards and World Bank ESS and UNDP SES requirements. It is expected that some part of the grant would also be used by ACBAR/NGOs/CSOs in the engagement and payment of project workers directly engaged by them (and not by UNDP).

All workers engaged through ACBAR and locally operating CSOs and NGOs are to be governed by Labour Laws, 2007 which, states a forty (40) hour/five day work week. (Labour Law endorsement dated 04 February 2007).

In addition, relevant provisions included in the LVG Agreements and Responsible Party Agreements held with UNDP will need to be applied. As per the LVG Agreements and/or Responsible Party Agreement (RPAs), UNDP undertakes no responsibility in respect of life, health, accident, travel or any other insurance coverage for any person which may be necessary or desirable for the purpose of the Agreement or for any personnel undertaking Activities under the Agreement. Such responsibilities shall be borne by the NGOs/CSOs/Third Party Contractors. The clauses related to occupational health in LVGs, and RPAs are as follows:

RPA 13.2 Article: The CSO shall provide and thereafter maintain all appropriate workmen's compensation insurance, or the equivalent, with respect to the CSO Personnel to cover claims for personal injury or death in connection with this Agreement.

RPA 13.3 Article: The CSO shall also provide and thereafter maintain liability insurance in an adequate amount to cover third party claims for death or bodily injury, or loss of or damage to property, arising from or in connection with the Activities, as well as the use

of the Equipment owned or leased by the CSO or the CSO Personnel, or furnished or financed by UNDP pursuant to Article 8.0 above.

LVG 7.3 Article: UNDP undertakes no responsibility in respect of life, health, accident, travel or any other insurance coverage for any person which may be necessary or desirable for the purpose of this Agreement or for any personnel undertaking Activities under this Agreement. Such responsibilities shall be borne by the Recipient Institution.

LVG 7.4 Article: The rights and obligations of the Recipient Institution are limited to the terms and conditions of this Agreement. Accordingly, the Recipient Institution and personnel performing services on its behalf shall not be entitled to any benefit, payment, compensation or entitlement except as expressly provided in this Agreement.

Security and Anti-Terrorism: The responsibility for the safety and security of the NGOs/CSOs and the NGOs/CSOs personnel and property shall rest with the NGOs/CSO's. The NGOs/CSOs are to agree to undertake all reasonable efforts to ensure that none of the grants received is to provide support to individuals or entities associated with terrorism and that the recipients of any grants do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via <https://www.un.org/securitycouncil/content/un-sc-consolidated-list>. This provision must be included in all contractual agreements. The clauses related to Security and Anti-Terrorism in LVGs, and RPAs are as follows.

RPA 16.1 Article: The responsibility for the safety and security of the CSO and the CSO Personnel and property, as well as of the Equipment and other UNDP property in the CSO shall rest with the CSO.

RPA 16.2 Article: UNDP reserves the right to verify whether the necessary security arrangements are in place, and to suggest modifications thereto when necessary. 16.3 The CSO agrees to undertake all reasonable efforts to ensure that none of the UNDP funds received under this Agreement are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via <https://www.un.org/securitycouncil/content/un-sc-consolidated-list>. This provision must be included in all contracts entered into under this Agreement.

Conflict of Interest and Anti-Corruption: The NGOs/CSOs and people affiliated with them, including the workers under them, shall not engage in the following practices:

- a. Participating in the selection, award, or administration of a contract, grant or other benefits in which the person, members of the person's immediate family or his or her business partners, or organizations controlled by or substantially involving such person, has or have a financial interest.
- b. Participating in such transactions involving organizations or entities with which or whom that person is negotiating or has any arrangement concerning prospective employment.

- c. Offering, giving, soliciting or receiving gratuities, favors, gifts or anything else of value to influence the action of any personal involvement in contract execution.
- d. Misrepresenting or omitting facts in order to influence the execution of a contract;
- e. Participating in any other practice that is or could be construed as an illegal or corrupt practice under domestic law.

The clauses (26.1, 26.2) related to Conflict of Interest and Anti-Corruption in UNDP's RPA template are as follows:

26.1 The Parties agree that it is important that all necessary precautions are taken to avoid conflicts of interest and corrupt practices. To this end, the CSO shall maintain standards of conflict that govern the performance of the CSO Personnel, including the prohibition of conflicts of interest and corrupt practices in connection with the award and administration of contracts, grants, or other benefits.

26.2 The CSO and persons affiliated with it, including the CSO Personnel, shall not engage in the following practices:

- *participating in the selection, award, or administration of a contract, grant or other benefit family or his or her business partners, or organizations controlled by or substantially involving such person, has or have a financial interest.*
- *participating in such transactions involving organizations or entities with which or whom that person is negotiating or has any arrangement concerning prospective employment.*
- *offering, giving, soliciting or receiving gratuities, favors, gifts or anything else of value to influence the action of any personal involvement in a procurement process or contract execution; misrepresenting or omitting facts in order to influence the procurement process or the execution of a contract.*
- *misrepresenting or omitting facts in order to influence the procurement process or the execution of a contract.*
- *engaging in a scheme or arrangement between two or more bidders, with or without the knowledge of the CSP, designed to establish bid prices at artificial, non-competitive levels; or*
- *participating in any other practice that is or could be construed as an illegal or corrupt practice under domestic law.*

26.3 If the CSO has knowledge or becomes aware of any of the practices outlined in paragraph 2 of this Article 26 undertaken by anyone affiliated with the CSO, the CSO shall immediately disclose the existence of such practices to UNDP.

If ACBAR/NGOs/CSOs have knowledge or become aware of any of the practices outlined above undertaken by anyone affiliated with the NGOs/CSOs, the NGOs/CSOs shall immediately disclose the existence of such practices to the GRM mechanism established under this project as well to UNDP.

Dispute Settlement: ACBAR/NGOs/CSOs shall use their best efforts to settle amicably any dispute, controversy or claim arising out of the contractual agreements, or the breach,

termination or invalidity thereof. Where ACBAR/NGOs/CSOs wish to seek such an amicable settlement through conciliation, the conciliation shall take place in accordance with the national labour dispute resolution processes for such workers.³

In addition to the standard clauses, a code of conduct (Annex 5) will be included in each LVG Agreement and Responsible Party Agreement signed with UNDP under this project.

3.3.3 Core Labour Standards

The following legislations and standards provide the legal basis for safe and decent work conditions in Afghanistan. Key relevant provisions of the National Labour Law (2007 -Annex 2) provide guidance around non-discrimination in recruitment (Article. 9), compliance with international conventions (Article. 12), working hours (Article. 30), breaks (Article. 40), non-discrimination in payment (Article. 59) and special provision for female and youth workers (Article. 121,127-130). These further provide occupational health and safety (OSH) regulations that provide legislation around safety training, hygiene rules, protective equipment, and medical treatment when necessary. The law also addresses Work Standards, and Regulations (Article. 88) as well as how Labour disputes over terms and conditions of employment will be resolved in the public, private and joint sectors (Article. 89).

The above terms and conditions apply to national employees, workers, service workers, and contractual workers, including long-term consultants. However, some of these terms and conditions apply to community workers (in case of engagement) i. e. prohibition of child Labour, prohibition of forced Labour, prohibition of discrimination, ensuring equal remuneration and minimum hours of work. The legislation requirements conform to guidance provided in WB's Environmental Social Framework (ESF) and ESS2 (labour and working conditions) and UNDP Standard 7. Project workers will be provided with

³ 27.1 The Parties shall use their best efforts to settle amicably any dispute, controversy or claim arising out of this Agreement, or the breach, termination or invalidity thereof. Where the Parties wish to seek such an amicable settlement through conciliation, the conciliation shall take place in accordance with the Conciliation Rules then obtaining of the United Nations Commission on International Trade Law ("UNCITRAL"), or according to such other procedure as may be agreed between the Parties in writing.

27.2 If such dispute, controversy or claim between the Parties is not settled amicably under the preceding paragraph within sixty (60) days after receipt by one Party of the other Party's request for such amicable settlement, it shall be referred by either Party to arbitration in accordance with the UNCITRAL Arbitration Rules then obtaining.

The decisions of the arbitral tribunal shall be based on general principles of international commercial law. The arbitral tribunal shall be empowered to order the return or destruction of goods or any property, whether tangible or intangible, or of any confidential information provided under the Contract, order the termination of the Contract, or order that any other protective measures be taken with respect to the goods, services or any other property, whether tangible or intangible, or of any confidential information provided under the Contract, as appropriate, all in accordance with the authority of the arbitral tribunal pursuant to Article 26 ("Interim measures") and Article 34 ("Form and effect of the award") of the UNCITRAL Arbitration Rules. The arbitral tribunal shall have no authority to award punitive damages. In addition, unless otherwise expressly provided in the Contract, the arbitral tribunal shall have no authority to award interest in excess of the London Inter-Bank Offered Rate ("LIBOR") then prevailing, and any such interest shall be simple interest only. The Parties shall be bound by any arbitration award rendered as a result of such arbitration as the final adjudication of any such dispute, controversy, or claim.

information that is clear and understandable regarding their terms and conditions of employment upon signing labour contracts.

3.3.4 Occupational Health and Safety

Chapter 10 of Afghanistan's Labour Law (2007) states that "Ensuring Health and Occupational Safety Conditions" from Article 107-119 provides various OHS measures to be applied to ensure workers' health and safety. The Labour Law of Afghanistan further provides OHS legislation around safety training, hygiene rules, protective equipment, medical treatment, when necessary, health insurance compensation and reduced standard work weeks for pregnant and nursing mothers and minors. It further describes that the employer shall provide a safe and healthy workplace setting to prevent accidents and injury to health arising out of, linked with, or occurring during the work or as a result of the operation of the employer's facilities. Employers shall adopt responsible measures to mitigate the negative impacts that the workplace has on the environment.

Apart from the provisions listed above, Labour Law further describes mandatory assurance of health and safety conditions for the employer in Article 108, "The Administration shall be obliged to ensure reservation of health and labour safety, application of safety techniques to prevent work and production related accident, and to provide healthy conditions in order to prevent occupational diseases of employees". Based on the Labour Law, the employer shall take appropriate precautions to ensure that the workplace is safe and without risk of injury to the safety and health of workers. Mitigation measures will be adopted to protect the workers present at or in the vicinity of an Implementation Site from all risks which may arise from such site.

National Health Policy (2015-2020) and Public Health Law (2006)

The National Health Policy (2015-2020) and Public Health Law (2006) aim to provide free Preventive and Curatives health services and protect the people by developing health services and collaborating with the private sector. The Policy also ensures that Preventive and Curative health interventions Implementation, Promotion of Self and environment Sanitation and Prevention of the Spread of infectious diseases are undertaken for the people.

Other Guidelines

The Ministry of Public Health (MOPH) has developed guidelines to address the COVID-19 pandemic. All these guidelines are accessible on the MOPH website.

- Guidelines for Nutrition during COVID-19 Pandemic
- Guidelines for Government (currently meant by *de facto* Authority) and other NGOs staff
- Rational Use of PPE guidelines under COVID-19 pandemic
- Technical guides on prevention of Social and Institutional spread of COVID-19
- COVID-19 Infection prevention guidelines in Health Care Facilities
- COVID-19 ICU Management Guidelines
- Guidelines on disinfection
- Medical waste management guidelines for COVID-19

- Guidelines on quarantine, and social distancing and isolation

International Regulations (OHS)

Besides the national laws and policies, international regulations, and frameworks (WHO International Health Regulations 2005 and WHO Emergency Response Framework, (2017) were also adopted, to protect against, prevent, control and provide a response to the spread of diseases. The list of these regulations is provided below.

- ILO Occupational Safety and Health Convention, 1981 (No. 155)
- ILO Occupational Health Services Convention, 1985 (No. 161)
- ILO Safety and Health in Construction Convention, 1988 (No. 167)
- ILO convention No. 100 on Equal remuneration (ratified by Afghanistan on 22 Aug 1969)
- ILO convention No. 105 on the Abolition of Forced Labour (ratified by Afghanistan on 16 May 1963)
- ILO convention No 111 on Discrimination (Employment and Occupation- Ratified by Afghanistan on 01 October 1969)
- ILO convention No C182 - Worst Forms of Child Labour Convention, 1999 (No. 182) ratified by Afghanistan on 07 Apr 2010
- WHO International Health Regulations, 2005
- WHO Emergency Response Framework, 2017
- WHO SAGE Values Framework for the Allocation and Prioritization of COVID-19 Vaccination (Sept 2020)
- WHO SAGE Roadmap for Prioritizing Uses of COVID-19 Vaccines in the Context of Limited Supply (Nov 2020)
- WHO Target Product Profiles (TPP) for COVID-19 Vaccines (2020) EU OSH Framework Directive (Directive 89/391)

The World Bank Environmental and Social Standards: ESS 2: Labour and Working Conditions

The World Bank's stipulations related to labour conditions are outlined in its Environmental and Social Standard 2 on Labour and Working Conditions (ESS2). This helps the Borrowers in promoting sound worker-management relationships and enhances the development benefits of a project by treating workers in the project fairly and providing safe and healthy working conditions. The key objectives of the ESS 2 are to:

- Promote safety and health at work.
- Promote the fair treatment, non-discrimination, and equal opportunity of project workers
- Protect workers, including vulnerable workers such as women, persons with disabilities (PWDs), children (of working age, in accordance with this ESS) and migrant workers, contracted workers, community workers, and primary supply workers, as appropriate
- Prevent SEA/SH at workplace
- Prevent the use of all forms of forced labour and child labor
- Support the principles of freedom of association and collective bargaining of project workers; in a manner consistent with national law; and

- Provide project workers with accessible means to raise workplace concerns including GRM.

The ESS2 applies to project workers (direct and contracted), serving in full-time, part-time, temporary, and seasonal capacities. Where *de facto* Authority civil servants are working in connection with the project, whether full-time or part-time, they will remain subject to the terms and conditions of their existing public sector employment agreement or arrangement, unless there has been an effective legal transfer of their employment or engagement to the project. ESS2 will not apply to *de facto* Authority civil servants.

Working conditions and management of worker relationships

The Borrower will develop and implement written labour-management procedures applicable to the project. These procedures will set out the way in which project workers will be managed, in accordance with the requirements of national law and this ESS. The procedures will address the way in which this ESS will apply to different categories of project workers, including direct workers, and the way in which the Borrower will require third parties to manage their workers.

- Project workers will be provided with information and documentation that is clear and understandable regarding their terms and conditions of employment.
- The information and documentation will set out their rights under national labour and employment law (which will include any applicable collective agreements), including their rights related to hours of work, wages, overtime, compensation, and benefits, as well as those arising from the requirements of this ESS. This information and documentation will be provided at the beginning of the working relationship and when any material changes to the terms or conditions of employment occur.

UNDP Social and Environmental Standards, Labour and Working Conditions (Standard 7)

UNDP's SES Standard 7 requirements apply to the project and aim to fulfill the following key objectives:

- To promote, respect and realize fundamental principles and rights at work through:
 - Supporting freedom of association and the effective recognition of the right to collective bargaining;
 - Preventing the use of child labour and forced labour;
 - Preventing discrimination and promoting the equal opportunity of workers;
- To protect and promote the safety and health of workers;
- To ensure applicable parties comply with national employment and labour laws, applicable rules and regulations and international commitments; and
- To leave no one behind by protecting and supporting workers in disadvantaged and vulnerable situations, including a special focus, as appropriate, on women workers, young workers, migrant workers and workers with disabilities.

The requirements contained in Standard 7 seek to further these objectives and should be carefully reviewed in order to inform project development and implementation. The S7 requirements are to be addressed by the party or parties responsible for implementing the

project, including UNDP, direct contractors, responsible parties, LVG recipients, and third-party contractors. Further guidance is provided in UNDP's SES Standard 7 Guidance Note⁴.

⁴https://info.undp.org/sites/bpps/SES_Toolkit/SES%20Document%20Library/Learning%20Materials/UNDP_S7_Labour%20Guidance%20Note_June2021.pdf

Key Gaps Between National Legislation, World Bank ESS2 and UNDP SES Standard 7

Table 5. Summary of World Bank and UNDP Requirements and Key Gaps with Afghanistan Legal Requirements

Key Labour Related Provisions	Major WB and UNDP requirements	Key requirements/ gaps in Afghanistan legal framework	Principles to be followed by the Project
Working conditions and management of labor relations	<ul style="list-style-type: none"> • Written labour management procedures - Terms and conditions of employment • Non-discrimination and equal opportunity • Elaborate Labour Management Plans including Contractor's ESMP warranted • Management of workers relationships 	Article 13 and 15, Chapter 2 of Labour Law 2007 states the terms and conditions of employment of workers.	<p>The Project will follow the national regulations and WB ESS 2 and UNDP Standard 7 requirements.</p> <p>The PIU will also initiate training programmes for the project workers in terms of applicable working conditions and management of labor relations in line with national labour law.</p>
Grievance mechanism (GM)	<p>GRM should be in place for direct and contracted workers</p> <p>GRM will be responsive to SEA/SH complaints and linked with PSEA GRM.</p>	Decree No (94), dated January 17, Labour Law 2007	AGM to be established by ACBAR as the focal point in receiving grievances. An initial assessment of CSOs and NGOs to be engaged and whether they have GMs in place would be undertaken including their capacity to respond to SEA/SH will also be considered. Awareness training to be provided to build capacity for GM including escalation timelines, reporting and decision-making timelines, hotline etc to be included as part of training program.
Category of workers	Specifies these following categories of workers: direct, contracted, community and primary supply workers	The Labour Law recognizes direct (non-UN), contracted and service workers	The category of workers will be managed by LMP; the terms and conditions, training etc. would be implemented according to ILO standards, national regulation and WB ESS and

Key Labour Related Provisions	Major WB and UNDP requirements	Key requirements/ gaps in Afghanistan legal framework	Principles to be followed by the Project
			UNDP Standard requirement.
Minimum age of workers	Persons 14-18 are prohibited from work considered hazardous, that will interfere with their education or be harmful to their health or development (physical, mental, spiritual, moral, or social).	<p>Convention 138 on Minimum Age Convention (1973) has specified that all workers doing light types of work should complete age of 15 and those trying to learn a profession should complete the age of 14. (15 above)</p> <p>Recruiting young people less than 18 years of age for businesses that are injurious to their health and cause physical damage or disability is prohibited.</p>	UNDP will ensure that all project workers (direct and third-party) will be 18 years and above. Recruitment of below 18 years is prohibited.

3.4 Responsible Staff

The Project will set up and maintain a PIU with qualified staff and resources to support the management of ESHS risks and impacts on the Project. The PIU will include a dedicated National Social and Environmental/GRM Specialist (national), one Community Engagement (national), one Gender and GBV Specialist (international) and one social and environmental specialist (international), including E&S focal points from the NGOs/CSOs and ACBAR GRM mechanism selected.

3.5 Age of Employment

Afghanistan has ratified a key number of core international labour conventions including the prevention of Child Labour (Minimum Age Convention, 1973 (No. 138) and - Worst Forms of Child Labour Convention, 1999 (No. 182) on 07 April 2010.

Under Afghan law, the minimum age of employment is 18. Minors between the ages of 15 and 17 may work under certain conditions, provided that the work is not arduous, hazardous, requires less than 35 hours per week and constitutes a form of vocational training.

Children aged 14 and under are prohibited from working⁵. The PIU will adhere to the Afghan Labour Law and its definition of the minimum age, which will be verified through the national Identity card/the disclosure statement of age at the time of recruitment. All LVGs/RPs prohibit recruiting any person below the age of 18. Both components are implemented by *de facto* Authority entities, and any breach of Afghan Labour Law will be subject to the disciplinary measures specified by the law.

Child Labour: Based on the local legislation, workers between 15-18 years could be hired for office work, vocational training with shortened working hours, during out-of-school time, and with guardian permission as per national legislation. However, UNDP's both low-value grants and RPA's prohibit employing any person below the age of 18.

The Labour age has been verified by checking their National Identity Cards. Awareness-raising sessions would be conducted with selected NGOs and CSOs, and third-party contractors. Relevant project staff (UNDP staff) will be responsible for the overall assessment of child labour in the project.

If anyone below the prescribed age limits as per national legislation is discovered working on the project, measures will be taken to immediately terminate the employment or engage with the worker in a responsible manner, considering the best interest of the worker.

⁵ **Article Thirteen:** Labour Law 2007 (1) A person who meets the following qualifications can be recruited as worker: Holds the Afghan citizenship. Completes the age of 18 years. Workers doing light types of work should complete age of 15 and those trying to learn a profession should complete the age of 14.

UNDP's low-value grants agreements specify the following procedures in terms of the prevention of child labour⁶ (b) neither it, its parent entities (if any), nor any of the Recipient Institution's subsidiary or affiliated entities (if any) is engaged in any practice inconsistent with the rights set forth in the Convention on the Rights of the Child, including Article 32 thereof, which, inter alia, requires that a child shall be protected from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral, or social development.

A consultation was undertaken with stakeholders between 12 to 19 July 2022 confirmed that all staff in the NGOs have contracts and sign a CoC when employed. All NGOs have included child labour-prevention policies in their contracts, and after checking candidates' ID cards and birth certificates, the employees are being recruited. No organization accepts anyone below the age of 18 years. Some NGO participants have noted that some beneficiaries falling between the ages of 15-18 years are hired for light work as per the labour law in Afghanistan. However, all participating NGOs/CSOs understand and acknowledge that all UN and international organizations have incorporated provisions for the prevention of child labour into donor agreements.

3.6 Terms and Conditions

For Direct Workers, Consultants/ Specialists, and Contracted Workers engaged directly by UNDP; standard UNDP policies will be applicable, including terms and conditions of employment or contractual agreement.

The level of salaries for UN Professional staff is determined on the basis of the Noblemaire Principle, which states that the international civil service should be able to recruit staff from its Member States, including the highest-paid. Therefore, the salaries of Professional staff are set by reference to the highest-paying national civil service. Staff in these categories are paid on a local basis. The level of salaries is established in accordance with the Flemming Principle,⁷ which provides that the conditions of service for locally recruited staff should reflect the best prevailing conditions found locally for similar work. Consequently, the local salaries are established on the basis of salary surveys which facilitate the identification of the best prevailing conditions.⁸

For third-party workers engaged under ACBAR/ participating NGOs and CSOs, the national laws would be applicable, in addition to the specific provisions included in the LVG Agreement or Responsible Party Agreement with UNDP (e.g. Code of Conduct). The number of hours is governed by the labour standards specified in the Forty-Hour Week Convention,

⁶ RPA 23.1 Article on Child Labour: The CSO represents and warrants that neither it, its parent entities (if any), any of the CSO subsidiary or affiliated entities (if any) nor the CSO Personnel are engaged in any practice inconsistent with the rights set forth in the Convention on the Rights of the Child, including Article 32 thereof, which, inter alia, requires that a child shall be protected from performing any work that is likely to be

⁷ The basis used for the determination of conditions of service of the General Service and other locally recruited categories of staff. Under the application of the Flemming principle, General Service conditions of employment are based on the best prevailing local conditions.

⁸ https://www.un.org/Depts/OHRM/salaries_allowances/salary.htm

1935 (No. 47). The wages will be paid in accordance with the laws, ordinances, rules, and regulations in Afghanistan. The Article 30 (4) stipulates that “the organization by the agreement of the Ministry of Labour, Social Affairs, Martyrs and Disabled, considering the specifications of working hours, can increase or decrease the hours of work during the week, provided that the total working hours in a week do not exceed 40 hours.” All the participating NGOs and CSOs have the same provisions in their labour contracts stipulating 40- hour work week for employees. These facts were revealed during the consultations carried out by UNDP with NGOs and CSOs.

3.7 Grievance Redress Mechanism for Project Workers

The main objective of the Project’s Grievance Redress Mechanism (GRM) is to assist in resolving complaints and grievances from Project affected people, including Project workers, in a timely, effective, and efficient manner that satisfies all parties involved. Specifically, it provides a transparent, accountable and credible process for fair, effective, and lasting outcomes. Besides the project level GRM, the implementing partners may have a separate reporting system for grievance mechanism issues. This GRM may be extended to participating NGOs/CSOs and their contractual workers in the absence of GRM in any of the respective organisations.

All complaints and/or grievances regarding any employment terms, eligibility criteria and entitlements, disruption of services, PSEA etc., may be received either orally (to the field staff), by phone, WhatsApp, in the complaints box or in writing to the UNDP or any of the implementing organisation such as ACBAR, participating NGOs and CSOs will be handled in a culturally sensitive manner, will be discreet and objective and will allow for anonymous complaints to be raised and addressed. A key part of the grievance mechanism is the requirement for the Project Implementation Unit (PIU) and ACBAR/participating NGOs/CSOs to maintain a register of complaints and/or grievances for workers at the regional and national levels. The following information will be recorded:

- a. time, date and nature of enquiry, concern, complaints and/or grievances.
- b. type of communication (e.g. telephone (Landline/ Mobile/ What’s app, Viber or any other form, voice record) toll -free number, letter, personal contact,);
- c. names contact address and contact number.
- d. anonymous complaints are also registered, investigated and solved
- e. response and review undertaken as a result of the enquiry, concern, complaints and/or grievances; and
- f. actions taken and name of the person taking action.

The Project GRM is managed by UNDP, with ACBAR, which also has a grievance mechanism in place.

Redress the Grievances and Informing the Grievant Party

UNDP aims to redress the grievances of Project workers (direct and contractual) in a short period of time. If grievances come from Project workers hired directly by UNDP and in relation to the contractual arrangements they have with UNDP, these will be addressed through UNDP’s corporate mechanisms. For other grievances from Project workers (not directly hired by UNDP), these will be evaluated by the established Grievance Redressal Committee at ACBAR with a fair objective and approach, and referred to UNDP as relevant. In all circumstances, the grievances are followed until all appropriate remedies are tried. The person will be provided with information about the resolution and asked for feedback.

Also, anonymous grievances will be addressed as part of the GRM. The grievances related to sexual exploitation of female workers, including sexual harassment and abuse, GBV at the workplace and unfair treatment will be referred to the established Grievance Redressal Mechanism or the PSEA Task Force established under humanitarian cluster. A female representative is required to be present as part of the Grievance Redressal Committees at the CSO/NGOs level (level 1), and ACBAR level (level 2) and UNDP (level 3) .

In cases, where grievances are escalated to UNDP, the Project Manager, SES Specialist, SES/GRM Specialist and Gender and GBV Specialist should involve the next appropriate level and make referral pathway to the PSEA task force and established GRM for this Project. All grievances and feedbacks will be handled with a fair and objective approach in accordance with the standard operating procedure of the GRM. Transparency, confidentiality, accessibility and do no harm are to be part of the SOPs. In case of incident of serious nature, the grievance needs to be escalated to the next level within 72 hours. In addition, the number, frequency, topics of grievances and feedbacks will be analysed and reported periodically to the Project Implementation Unit (PIU) by ACBAR. Based on these detailed reports, the most frequently addressed issues would be identified, and improvement activities would be initiated.

3.8 Management of Contractors and Third Parties

UNDP will ascertain the legitimacy and reliability of any third party prior to contracting or establishment of a Responsible Party Agreement (RPA) or Low-Value Grant (LVG) Agreement. Information required will at a minimum include Business licenses, registrations, permits, and approvals; contractual provisions and non-compliance remedies; performance monitoring.

Documents relating to a labour management system, including OHS issues, labour management procedures; safety, and health personnel, their qualifications, and certifications; compliance record with regards to environmental, social and OHS issues, and monitoring system in place for these.

The following are the main responsibilities of contractors and third parties under this Project:

- Capacity Building Trainings and workshops
- Establishing formal contract with the workers
- Endorsement of Code of Conduct by Project workers
- Technical consultation and advise
- Ensuring all activities of the Project are implemented in a manner consistent with this ESMP/LMP

The Project requires that contractors and third parties monitor, keep records and report on terms and conditions related to labour management. The contractor or third party must provide workers with evidence of all payments made, including social security benefits, pension contributions or other entitlements regardless of whether the worker is being engaged on a fixed term contract, full-time, part-time, or temporarily. The application of this requirement will be proportionate to the activities and to the size of the contract, in a manner acceptable to the World Bank and UNDP:

- a. **Labour conditions:** records of workers engaged under the Project, including contracts, registry of induction of workers including Code of Conduct, hours worked, remuneration and deductions (including overtime), collective bargaining agreements
- b. **Safety:** recordable incidents and accidents
- c. **Workers:** number of workers, an indication of origin (expatriate, local, non-local nationals), gender, age with evidence that no child and forced Labour is involved, and skill level (unskilled, skilled, supervisory, professional, management).
- d. **Training/ induction:** dates, number of trainees, and topics.
- e. **Details of any security risks:** details of risks the contractor may be exposed to while performing its work—the threats may come from third parties external to the project.
- f. **Worker grievances:** details including occurrence date, grievance, and date submitted; actions taken and dates; resolution (if any) and date; and follow-up yet to be taken grievances listed should include those received since the preceding report and those that were unresolved at the time of that report. If the contractors do not have their own grievance redress system, the GRM which should be also responsive to SEA/SH related grievances developed under this Project will be adopted.

The contractual agreement will also require inclusion of measures required of contractors in light of the COVID-19 situation. They will include:

- Provision of adequate measures for the workers working under the COVID-19 situation including free PPEs and sanitization. Provision of workers needing to report COVID-19 symptoms and referral to health facilities and not forcing them to work.
- Appointing a COVID-19 focal point with responsibility for monitoring and reporting on COVID-19 issues, and liaising with other relevant parties

3.9 Primary Supply Workers

At present, no primary supply workers have been identified. If they are identified at a later stage, the PIU will make it mandatory for the Primary Suppliers to mitigate any risk of a child or forced labour or serious safety issues in relation to primary suppliers. Procedures and mitigation measures to remedy any occupational health and safety risks for their workers will also need to be implemented which will be periodically (half-yearly) reviewed by the PIU. If such measures and instructions are not adopted by the Primary Suppliers within given timeframe, the PIU will change the Primary Suppliers who can demonstrate that they meet the requirement of ESS2 and UNDP SES Standard 7.

4. Sexual Exploitation and Abuse and Sexual Harassment Action Plan

4.1 Overview of SEA/SH on the Project

Before 15 August 2021, UN Women, Afghanistan, estimated that nearly 87 percent of Afghan women had experienced violence during their lifetimes at the hands of their relatives, work colleagues or a male member of the family. Violence against women (physical, sexual, political, economic and psychological) has increased further in Afghanistan under the Taliban. While both men and women have been affected by the sudden political change, women and girls have faced difficulties on multiple fronts. The gender difference between man or woman, boy or girl in Afghanistan under the Taliban regime carries with it vast differences in terms of assigned roles, status, experiences and expectations within households, communities and cultures. Women face different situations in terms of accessing economic, social and political opportunities. Women and girls have lost their social and political rights and have not been able to enjoy the privileges they had before.

Afghanistan ranks among the least favourable nations on the Gender Inequality Index. The pre-existing gender gap inequalities have been exacerbated and further widened with the presence of the Taliban. The increasing restrictions being placed on women's social mobility by the *de facto* authority (DFA), and the inability to move freely outside the home without a Mahram, for instance, can confine women to their homes with abusive partners. The Ministry of Promotion of Virtue and Prevention of Vice (PVPV) has also issued a decree prohibiting women from making a journey of more than 72km (45 miles) should without being accompanied by a close male family member. Further, empowering women and promoting gender equality in the context of Sharia law and the level of power of the DFA members within the targeted communities may lead to systematic GBV or other risks. The DFA have announced that female students are not allowed to attend school beyond 6th grade, and women cannot attend higher education institutions without the necessary segregation arrangements in place. With such strict moral codes being imposed on women and the gradual erosion of women's rights, work related to women, gender, prevention of GBV (gender-based violence), and CSO capacity building has been planned carefully by UNDP, keeping the principle of Do No Harm (DNH) approach in mind.

Consultations with women representatives during 12-19 July 2022 reaffirms the fact that women are not being allowed to go to *de facto* Authority buildings, offices and official meetings by the DFA without a Maharam; there is no coordination between different *de facto* Authority structures and multiple approvals are needed from different levels.; funding is reduced for women led CSOs and their licenses are not being issues; and, all CSOs/NGOs have a Mahram policy and pay money to a mahram when inviting women to workshops or events.

4.2 SEA/SH Screening and Assessment

The screening tool of the World Bank comprises two sections; Section A, which provides an overview of the 'Country context' specifically related to the country's commitment to gender equality, national measures to address gender-based violence and national incidence of violence. Section B, on 'Project Context' can create new risks and vulnerabilities for SEA/SH that may not have existed before. There are 25 indicators of risk factors that are

associated with SEA/SH. Based on the questions in the tool, the following are particularly relevant to the Project.

- Does the mechanism for the selection of beneficiaries create opportunities for individual project actors to sexually exploit or abuse beneficiaries? (Similar to a question of the tool which refers to verification of beneficiary details)
- Does the mechanism for the transfer of benefits (cash, vouchers, in-kind goods, stipends, wages and scholarships) create opportunities for project actors to sexually exploit or abuse project beneficiaries?

Besides these, the World Bank through its SEA/SH Risk Assessment Tool has identified risks related to possible exposure of women when they attend public meetings or participate in civic activities as a potential risk that may get exacerbated by existing rigid segregation policies for women and girls. The tool provided the project with a score based on the responses provided to the questions. The SEA/SH risk score for the project was calculated between 12.5-16 which, fell in the category of 'Moderate' risk. SEA/SH risks were also generally screened through UNDP's Social and Environmental Screening Procedure (SESP), SEA/SH risks identified were also categorized as Moderate Risk.

4.3 Brief Overview of SEA/SH Legislation: Terms and Conditions

Pre-conditional Grant Approvals for SEA/SH: Request that the SEA/SH policy be included as part of the grant application and low-value grant agreements or responsible party agreements that have provisions mandating that the grant recipient abides by SEA/SH prevention policies.

Conditional Grant Agreements on Prevention of Sexual Exploitation and Abuse (PSEA):

- Tie mandatory training of CSO staff to the PSEA in order to release the next tranche of the grant.
- The prevention of PSEA and GBV has been integrated as part of the contractual agreements when a CSO/NGO, or private partner receives funds from UNDP.

ACBAR's Code of Conduct is to be included in the contracts and/or agreements with grant recipients, contractors, implementing NGOs/CSOs and responsible parties. The contract and/or agreements include the following:

- All employees bound by contract and/or agreements with a footprint of the ground in the project area are to sign a code of conduct
- Include the SEA/SH Prevention and Response Plan to the contract and/or agreements so that all workers can understand behaviour expectations and policies as well as the Grievance Mechanism in place
- On induction of the workers, training on the Grievance Mechanism, which defines accountability and response protocols, is to be imparted, which set out the procedures followed for holding individuals accountable and penalizing staff that have violated SEA/SH policies.

4.4 Responsible Staff

A dedicated Gender and GBV specialist at the international level (P3 level) and a national officer at the NOC level, to mainstream gender equality and take mitigation actions to

reduce the risk of GBV at all levels and in all projects. A Senior International Gender and GBV Specialist (IPSA) to guide Country Office actions on gender equality issues and implement risk mitigation measures for gender-related interventions will also be engaged in the Project. These individuals will guide the UNDP Country Office in mainstreaming gender. All UNDP regional offices will also have a trained SEA/SH focal point to monitor field-level CSO activities.

4.5 Policies and Procedures

4.5.1 UNDP's Global Policy on Harassment, Sexual Harassment, Discrimination, and Abuse of Authority

UNDP adheres to the Secretary-General Bulletin on sexual exploitation and abuse (ST/SGB/2003/13) which is applicable to all UN staff, including those working for UNDP. UNDP has a 'Zero Tolerance Policy' for the PSEA, which is also included in the UNDP Code of Ethics and the Policy on Harassment, Sexual Harassment, Discrimination, and Abuse of Authority. This policy implements UN Staff Rule 1.2 (f) which provides that "any form of discrimination or harassment, including sexual or gender harassment, as well as physical or verbal abuse at the workplace or in connection with work, is prohibited." UNDP personnel exhibiting such behaviour or conduct may be subject to administrative, disciplinary or contractual measures, up to and including dismissal, as appropriate.

All forms of SEA are unacceptable and are prohibited in UNDP, whether perpetrated against a recipient of assistance or a co-worker. Sexual harassment, exploitation and abuse violate human rights and are a betrayal of the core values of the United Nations. It is our collective priority to prevent such behaviours and to support those affected. We are also committed to ensuring that all allegations of sexual harassment and SEA are responded to swiftly, appropriately and effectively.

Sexual Exploitation and Abuse (SEA) refers to all forms of inappropriate conduct of a sexual nature committed by UN personnel against recipients of assistance and other members of local communities. Prohibited conduct includes, but is not limited to:

- Sexual activity with a child (a person under the age of 18) except in the case of pre-existing marriage. A mistaken belief that the child is over 18 is no defence. Even in a country where the age of majority or the age of consent is lower than 18, all UNDP staff and other personnel are forbidden to have sexual activity with anyone under the age of 18.
- Exchange of money, employment, goods or services for sex or sexual favours. This includes any exchange of money, food, employment, goods, assistance, or services for sex or sexual favours.
- Sexual activity with prostitutes, even when it is legal in the country.
- Using a child or adult to procure sex for others.

4.5.2 UN General Assembly on Sexual Exploitation and Abuse

The UN General Assembly on sexual exploitation and abuse: implementing a zero-tolerance policy (15 February 2021); its related General Assembly Resolutions 71/278, 71/297, 72/312 and 73/302 provide special measures for protection from sexual exploitation and abuse.

4.5.3 World Bank's Good Practice Note on addressing SEA/SH

World Bank Good Practice Note (GPN) in investment project financing major civil works (2020) to support establishing an approach to identify risks of gender-based violence (GBV), in particular SEA and SH, within major civil works contracts and to advise Borrowers and partners on how to best manage such risks. The GPN builds on World Bank experience and international industry good practices. The GPN is structured around three key steps that 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, whether related to the project or not. 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 and for monitoring case follow-up.

4.5.4 World Bank's Guidance on Procurement – SEA/SH

The Guidance on Procurement (Sexual Exploitation and Abuse/Sexual harassment Prevention and Response Mechanisms, 2020) provides new measures to create an incentive for Contractors and their Sub-contractors to strengthen their performance in preventing SEA/SH and improving how they respond to SEA/SH incidents in the event that they occur. The measures apply to the procurement of Works in Projects assessed as moderate risk for SEA/SH.

The new measures hold Contractors and Sub-contractors accountable for implementing the SEA/SH prevention and response obligations in their contracts. If the Contractor/Sub-contractor does not comply with their SEA/SH prevention and response obligations, they are disqualified from being awarded a Bank-financed contract for a period of two years. The Bank believes this will create an added incentive for better performance.

The Contractor disqualification mechanism builds on existing good practices in the current Bank financed project. It achieves this in Works projects by applying the FIDIC (International Federation of Consulting Engineers) General Conditions of Contract, including leveraging the role of the independent Dispute Avoidance/Adjudication Board (DAAB). The DAAB comprises independent expert(s) who visit the site quarterly to review any contractual issues or disputes between the Borrower and the Contractor and to assist them in resolving issues or disagreements before being elevated to costly disputes. The mechanism leverages the DAAB role by relying, in particular, on its reviews of, and decision/s on, the Contractor's compliance with its SEA/SH prevention and response obligations.

4.6 SEA/SH Action Plan

The following risk mitigation measures are proposed for the project in terms of Protection from Sexual Exploitation and Abuse (PSEA), Sexual Harassment (SH) and Gender-Based Violence (GBV) in the context of this project. These proposed mitigation measures are in line with UNDP's global policy on Harassment, Sexual Harassment, Discrimination, and Abuse of Authority and are also in line with the special measures for protection from the UN General

Assembly on sexual exploitation and abuse: implementing a zero-tolerance policy (15 February 2021).

As the evolving context in Afghanistan brings more rigid social norms against women, the project will approach such issues by introducing courses on protecting women's rights under sharia law with the support of the capacity -building firm (third party). This will be in addition to the measures listed below. The project will introduce innovative means to ensure that women feel protected and safe in Afghan society in line with Islamic values. This is by no means promoting the protectionist approach in which women's mobility will be restricted to a household or women's participation be restricted to sectors deemed appropriate for women.

The Table 4 below lists the actions and mechanisms already in place to:

- Minimize risk
- Raise awareness through training
- Provide safe spaces for victims to lodge complaints
- Institutionalize safeguarding measures
- Promote a zero-tolerance environment and messaging through a range of measures

Table 4: Gender Related Interventions

Areas of Interventions	Gender Related Intervention
Affirmative Actions	The Project will target about 400 NGOs/CSOs, throughout the country, with at least 25 women led CSO/NGOs. In this action plan, affirmative action will be taken to ensure that a minimum of 25 percent of women CSOs receive sub-grants and capacity building to improve their operational capacity.
Awareness Raising and Monitoring	<p>All recipients of grants, sub-recipients, contractors and consultants will receive training to be sensitive to the SEA and SH risks faced by workers and local communities, and their responsibilities under the relevant grant agreement or sub-agreement.</p> <p>Organise awareness-raising sessions for the Project beneficiaries on SEA/SH standards and reporting mechanisms, while remaining mindful of local sensitivities (do-no-harm principle in mind).</p>
CO Gender Action Plan (GAP)	The Human Resource Management within GAP for UNDP Afghanistan Country Office (CO) (2022-2023) contributes towards the overall goal of Gender Equality and Women's Empowerment (GEWE) in line with the UNDP 2030 Agenda on Sustainable Development. The GAP will be applied in the context of the Project.
CO SEA/SH Action Plan	The SEA/SH Action Plan of the UNDP Country Office, which provides guidance to its staff, partners and responsible parties on how to take responsibility collectively to prevent SH and SEA at the workplace, will be applied in the context of the Project. A separate Action Plan for the CSOs/NGOs capacity-building project is attached as Annex 1
CO Gender Focal Team (GFT) System	The Gender Focal Team (GFT) has been established in order to support CO's gender mainstreaming actions and also build the capacity of all staff, including their capacity to work on the prevention of sexual and gender-based violence at the project level.
Recruitment and Human Resource Management	A dedicated gender specialist at the international P 3 level and a national officer at the level of NOC, will be on board to mainstream gender equality and take mitigation actions to reduce SGBV at all levels, and in all projects. A Senior International gender specialist (IPSA) to guide Country Office actions on gender equality issues and implement risk mitigation measures for gender-related interventions. These individuals will guide the CO in mainstreaming gender. The Project will also partially fund Gender and GBV Specialist.
CO Capacity Building Plan	Under Output-2 of the CO Gender Action Plan, all CO Programmes and projects shall effectively mainstream gender across the project cycle. A number of projects have allocated gender capacity-building funds for implementing partners and for field staff on gender mainstreaming, PSEA and GBV risk mitigation/prevention. This Project was developed consistent with this approach and has mainstreamed gender and related capacity building in the design of the Project.
Mandatory Training on the Prevention of Sexual Exploitation Abuse (PSEA) and GBV risk.	<p>All UNDP staff and consultants go through mandatory training on the PSEA and GBV risk</p> <ul style="list-style-type: none"> • All project partners and IP's will receive mandatory training on PSEA and GBV in the context of Sharia law before projects are implemented. • Training of CSOs and Responsible parties (RPs) and low-value grant (LVG) recipients on Human rights due-diligence framework, UN Human rights checklists, PSEA and GBV.
SEA/SH Focal Points and Prevention Plans	All grantees and responsible parties will confirm an SEA/SH focal point. An SEA/SH Prevention Plan will be adopted by all low value grant recipients

Areas of Interventions	Gender Related Intervention
Reporting Mechanisms of SEA/SH	Specialized training on the prevention of SEA/SH, reporting methods as a standard part of human resource procedures and follow up measures on complaints will be provided to selected CSOs along with the capacity building plan.
Field Monitoring for SH/SEA	All UNDP Afghanistan regional offices will have a trained SEA/SH focal point to monitor field-level CSO activities
Screening and Vetting	Ensure that all SEA/SH perpetrators are included in the Clear Check database or UNDP proscribed list, and that screening is conducted before funds are released to any CSOs
Pre-conditional Grant Approvals for SH/SEA	Request that the SH/PSEA policy is included as part of the grant application within three months of grant release.
Conditional Grant Agreements on PSEA	Tie mandatory training of CSO staff to the PSEA in order to release the next tranche of the grant.
Additional Measures	<p>The prevention of PSEA and GBV has been integrated as part of the contractual agreements when a CSO/NGO, or private partner receives funds from UNDP.</p> <p>Under the current low-value grant agreements, Article 6.0 (d) on Representations and Warranties states that: “It shall take all appropriate measures to prevent sexual exploitation or abuse of anyone by its employees or any other persons engaged and controlled by the Recipient Institution to perform any services under the Agreement.</p> <p>For these purposes, sexual activity with any person less than eighteen years of age, regardless of any laws relating to consent, shall constitute the sexual exploitation and abuse of such persons.</p> <p>In addition, the Recipient Institution shall refrain from, and shall take all reasonable and appropriate measures to prohibit its employees or other persons engaged and controlled by it from exchanging any money, goods, services, or other things of value, for sexual favors or activities, or from engaging in any sexual activities that are exploitative or degrading to any person.</p> <p>UNDP shall not apply the foregoing standards relating to age in any case in which the Recipient Institution’s personnel, or any other person who may be engaged by the Recipient Institution to perform any services under the Agreement, is married to a person less than the age of eighteen years with whom sexual activity has occurred and in which such marriage is recognized as valid under the laws of the country of citizenship of such personnel or such other person who may be engaged by the Recipient Institution to perform any services under the Agreement.”</p>
ABADEI Special Measures towards PSEA, Women’s Human Rights	Community committees established under the ABADEI program, especially under the Social Cohesion window, will create an awareness of women’s human rights, GBV and PSEA (prevention of <i>sexual exploitation and abuse</i>) and how to respond to and report on such incidents with the do-no-harm principle in mind.

Areas of Interventions	Gender Related Intervention
Multi-Stakeholder Approach on the Prevention of GBV and PSEA	<ul style="list-style-type: none"> • UNDP's ABADeI program has adopted a multi-stakeholder approach towards the promotion of human rights/women's rights by building the capacity of CSO's to engage with the DFA and other duty bearers such as the Ministry of Hajj and Religious Affairs, Ministry of Justice, Culture and Education, the Ministry for Preaching and Guidance, Virtue and the Prevention of Vice (or religious police), the <i>de facto</i> Supreme Court and local judges, the Ministry of Information and Culture, Governors and District Governors, Ulema members, and elders. • The United Nations Assistance Mission in Afghanistan (UNAMA) has a human rights monitoring mechanism in place. UNDP is part of the Justice Sector Working Group, the mechanism through which the UN system engages in high-level discussions with the DFA to mitigate human rights risks including GBV risks. • There is a gender task force under the new transitional engagement framework (TEF) of the UN, which looks at PSEA in UN-wide interventions, and there is an Afghanistan inter-agency work plan on protection from sexual exploitation and abuse in place. These mechanisms will also indirectly contribute to minimizing risks in UN implemented projects.
ABADeI Advocacy Strategy for CSOs	UNDP's ABADeI advocacy strategy for CSOs is in place to encourage them to work with the gatekeepers of human rights as a primary strategy, as well as to work with those who oppose human rights, women's rights and with difficult gatekeepers. To this end, civil society partnerships with human rights organizations, human rights networks, defence lawyers, academics from Kabul University and progressive Islamic scholars will conduct awareness-raising on human rights and engage in advocacy and lobbying.
Innovation and Digital Methods for Risk Reduction	Mobile-based payment platforms will be set up and payment arrangements and other virtual meetings made for women-led CSOs to ensure that their activities can continue despite the imposed restrictions on women's social mobility. This will allow them to operate their CSO's in places where movements to deal with banks may be limited. At the same time, reaching out digitally to women-led CSO will continue in places where women cannot participate in meetings or in capacity building sessions due to the segregation policies of the DFA.
Mahram Systems in Place	Given the current context of Afghanistan, a Mahram (related male companion) system has been established to support women-led CSOs, female participants and work on women's engagement. Mahram incentives will be paid for female participants, CSO female staff so that they can participate in public activities, even if the women have to travel up to 72km from their residence.
Physically Segregating Spaces	In places where women have to participate in public events or training or in capacity-building efforts, the project will ensure that arrangements are made to physically separate men and women by segregating spaces through temporary architectural arrangements that create physical distance between men and women and design features such as curtains or screens. In this manner, women's participation in civic activities will be promoted with the do-no-harm principle in mind.

The Table 5 below details the priority areas, key actions, indicators, responsibility and timeline. (PSEA Action Plan)

Priority Areas	Key actions	Indicators and details	Responsibility	Timeline
Governance and responsibilities	Develop a PSEA Risk Assessment tool, monitoring and evaluation framework	PSEA risk assessment tool developed and adapted	UNDP	Within first three months
	Identify PSEA focal points from sub-grant recipients and responsible agreements (RPs) and establish a focal point system including establishing a Committee to handle PSEA (with at least two women representative as part of the committee)	PSEA focal point appointed in each CSOs	UNDP sub-grant Recipients/ responsible parties/third party recipient	Within first three months
Capacity building and training	Develop or share IEC materials on PSEA (including the policy) for staff, contractors, partners and affected Community as well as translation of the materials	awareness-raising events undertaken	UNDP along with sub-grant Recipients/ responsible parties	Within first three months
	Development of capacity building and training activities for SEA/SH prevention action plan	Training and information sessions on prevention of SEA/SH carried out	UNDP	July 2022
	Introducing courses on protecting women's rights /prevention of SGBV with the support in the capacity building process.	A course on prevention of SEA/SH included on the	UNDP	Within 6 months
Resource allocation, accessibility and budgeting	Allocate appropriate human, financial and material resources for PSEA/SH related activities	Budget already available in 2022 / Further budget is allocated from 2023 onwards	UNDP	July 2022
Knowledge generation and communications	Seek periodical feedback from stakeholders on the implementation of SEA/SH provisions and use of Tool	SEA/Safeguarding becomes an integral part of the WB project's communications plan.	UNDP	Biannually

4.7 Grievance Mechanism for SEA/SH related Grievances

Details of the project GRM are outlined in the project's Stakeholder Engagement Plan. The SEA/SH related grievances are handled through a survivor-centered approach by the GRM mechanism in their respective organizations, however, all NGO/CSOs have agreed to accept ACBAR as a focal GRM agency. All grievance uptake channels can be used to report on SEA/SH issues, including Awaaz Afghanistan toll-free assistance hotline (410) (Annex 6). No grievance uptake mechanism can reject such grievances, and all personnel directly receiving grievances will be trained in the handling and processing of SEA/SH-related grievances. Any recipients of the grievance should, with the survivor's informed consent, report the case to one of the Project's formal grievance recipients in a safe and confidential manner. A survivor can ask someone else to act as a survivor advocate and report on her/his behalf.

Absolute confidentiality would be maintained for all grievances related to SEA/SH issues. This means that no information shall be disclosed at any time to any party without the informed consent of the person concerned. The survivor's consent would also be sought for undertaking any action on the grievance. Under no circumstances should the survivor be pressured to consent to any conversation, assessment, investigation or other intervention with which they do not feel comfortable. A survivor can withdraw such consent at any time as well. If a survivor does not consent to share information, then only non-identifying information can be released or reported on. In the case of children, informed consent is normally requested from a parent or legal guardian and the children.

Data on GBV cases recorded will only include the nature of the complaint (what the complainant says in her/his own words), whether the complainant believes the perpetrator was related to the project and additional demographic data, such as age and gender, will be collected and reported, with informed consent from the survivor. The GRM provides for offering the survivor referral to pre-identified GBV Service Providers in the area. Services can include health, psycho-social, security and protection, legal/justice, and economic reintegration support. This would be offered even if the survivor does not wish to file a formal complaint or if the complaint is not related to the project before closing the case. The simplified Community Health, Safety and Security (CHSS) Plan will incorporate measures to assess and manage risks related to SEA and SH and will include a list of referral services in the different Project areas in collaboration with the PSEA task force for the humanitarian sector.

UNDP will consult UNFPA, the secretariat for GBV Sub-Cluster and introduce regional pathways for regional referral services. Where SEA/SH grievances have been allegedly committed by a Project worker, the grievance will also be reported to the respective employing agency. If the allegations relate to UN personnel, the Secretary General's bulletin on sexual exploitation and abuse (ST/SGB/2003/13) applies, including those working for UNDP and other separately administered organs and programmes of the United Nations. UNDP adheres to this policy. Information on sexual exploitation and abuse is also included in the UNDP Code of Ethics.

All reports of sexual exploitation and abuse related to UNDP personnel should be reported to UNDP's Office of Audit and Investigations at:

- Online referral form, click [here](#).

- By telephone:
 - [Click here for worldwide numbers](#) (Interpreters available 24 hours/day)
 - Call +1-844-595-5206 in the USA
- By e-mail at: reportmisconduct@undp.org
- By regular mail to: Deputy Director (Investigations), Office of Audit and Investigations, United Nations Development Programme, One UN Plaza, DC1, 4th Floor, New York, NY 10017 USA

The PIU will comprise a dedicated staff to ensure grievances will be processed, analysed, monitored, and resolved appropriately and in line with Bank standards. In addition, consultation with beneficiaries will take place during the entire stage of project implementation and beyond. Through the development of the above tools in the POM, the project will ensure that citizen engagement tools seek depth in engagement, are designed to target the beneficiaries and the vulnerable, are structured for the intended purpose, and frequently occur throughout the entrepreneurship cycle.

If a complaint related to GBV is received that does not relate to UN/UNDP personnel, the PIU designated GBV expert along with the Social and Environmental Safeguards/GRM Specialist-I will follow up and determine jointly with the GRM Focal Point of the respective partner organization the likelihood that the allegation is related to the Project. The Designated Gender/GBV expert will follow up and ensure that the violation of the Code of Conduct of the organization is handled appropriately. The responsibility to implement any disciplinary action lies with the employer of the perpetrator, in accordance with local Labour legislation, the employment contract, and the Code of Conduct of the Organization. The GRM focal point will report back to the survivor on any steps undertaken and the results.

All SEA/SH incidents are considered serious, and incidents of sexual violence are considered severe, would be reported to the World Bank in accordance with the Project ESCP. UNDP-PIU will notify the World Bank of any incident, including SEA/SH incidents, within 48 hours after taking notice of the project-related incident. They will provide an incident investigation report to the World Bank within 45 days from the time of incident was reported to the World Bank.

5. COVID-19 Infection Prevention Plan

The NGOs and CSOs Capacity Building Support Project in Afghanistan will enhance the capacity of non-governmental implementation partners in delivering quality basic services to the most vulnerable in the communities. The Project aims to target both operational NGOs to enhance basic service delivery, and CSOs, especially, those that are women-led and advocate for women's rights, as well as supporting and advocating for persons with disabilities. Capacity- building support will be provided in parallel to NGO/CSO implementation of agreed activities, which will also facilitate on-the-job learning. This project targets NGOs and CSOs who have operational and programmatic capacity to quickly establish outreach and engagement with vulnerable communities to design interventions based on community needs and implement them on time. Since the project will entail interaction with the various stakeholders in almost all activities, the chances that the stakeholders might be exposed to the COVID-19 infection.

5.1 Policy and Legal Framework

5.1.1 World Bank Environmental and Social Framework

World Bank's ESS(s) 2 under Occupational Health and Safety and 4 on Community Health and Safety address COVID-19 related issues. COVID-19 preparation and mitigation should be practiced following national and local guidelines and international best practices.

5.1.2 UNDP SES

UNDP's Social and Environmental Standards (SES) underpin the Organization's commitment to mainstream social and environmental sustainability in the Programmes and Projects to support sustainable development. The SES are an integral component of UNDP's quality assurance and risk management approach to programming. UNDP SES Standard 3 on Community Health, Safety and Security is relevant to the Project as it recognizes that Project activities may lead to community exposure to COVID-19 risks and impacts if COVID-19 rules are not followed. Therefore, the PIU will ensure that participating NGOs and CSOs and RPs will adopt prevention and mitigation measures to safeguard personnel and affected communities.

5.1.3 Relevant Technical Guidelines for Covid -19 Disease

The World Health Organisation (WHO), since the outbreak, has issued a number of guidelines to prevent and contain the spread of infections among the population as well as frontline workers. These guidelines, according to WHO will be updated as more information about the virus emerges. Relevant guidelines that relate to the project are discussed below:

The Rationale for the Use of Personal Protective Equipment (PPE)

This technical reference document is relevant for both PIU staff and project workers alike. The guidelines acknowledge disruption in the PPE supply chain as a result of the outbreak and spread of COVID 19 and outline measures to minimise the over-dependence on PPEs amidst the global shortage. This notwithstanding, the guideline underscores the importance of the proper use of PPEs as a measure against the spread of the disease. It also outlines activities and personnel requiring PPEs, the type of PPEs required and the settings within which the PPEs will be required. It also emphasises the need for hand and respiratory hygiene as complementary measures to the use of PPEs.

WHO Getting Your Workplace Ready for COVID-19

The document presents simple measures to be implemented within the workplace to prevent the spread of COVID- 19. These measures include activities to ensure that the workplace is clean and hygienic, things to consider during travel and when workers return from travel and getting your business ready in case COVID-19 arrives in the community (see <https://www.who.int/docs/default-source/coronaviruse/getting-workplace-ready-for-covid-19.pdf?ua=1> for details).

5.1.4 Relevant National Laws, Policies and Guidelines

MOPH Guidelines for COVID-19

The relevant MOPH guidelines for the Project are:

- Screening guideline
- Proper use of PPE

- Guidelines for the preparation and use of disinfectants
- Nutrition guidelines during the corona virus outbreak
- Guidelines for commuting in cities
- Guidelines for governmental (currently meant by *de facto* Authority) and non-governmental institutions
- Guidelines for individuals and charities institutions
- Guideline for bakers,
- Guidelines for Quid-19 Medical Waste Management MOPH guideline on COVID-19

5.2 Risks due to COVID-19

The first case of the Coronavirus Disease-2019 (COVID-19) in Afghanistan was detected on 22 February 2020. As of 30 May 2022, a total of 180,176 confirmed cases, including 7701 deaths, were reported to the World Health Organization (WHO). The recovery rate is reported to be around 90 percent and Case Fatality Rate is to be 4.29 percent. Meanwhile, a total of 6,118,557 doses of the COVID-19 vaccine have been administered to the residents in the country. Afghanistan is the lowest among many nations in terms of COVID-19 vaccine coverage. As per the official reports, around 10 percent of the total population are vaccinated thus far, which is way behind the proposed target for 2022, i.e. 60 percent.⁹

The lack of healthcare personnel to collect the samples of suspected individuals and the shortage of kits for laboratory diagnostic tests are still the major challenges in most districts of Afghanistan. High levels of financial insecurity in several parts of the country have had a large and direct negative effect on the provision and coverage of healthcare services for the general public. Reportedly, many people who have received their first shots of the COVID-19 vaccine have not received the next dose due to shortage or unavailability of the vaccine.

The Project will entail stakeholder engagement activities with stakeholders and selected NGOs and CSOs, which might lead to exposure of COVID-19 risks to the project workers, NGO network and PIU. The risks mentioned at the country level will also be applicable to the project workers. The identification of the risks will assist in designing appropriate mitigation measures to address those risks, which may include:

- Screening temperature for individuals attending stakeholder meetings (if the COVID-19 crisis increases in a particular area where the conference/meetings are happening) and mandatory wearing of masks
- Providing appropriate forms of PPE
- Maintaining social distance (a minimum of 1 metre)

All persons working on the Project will sign an organizational Code of Conduct or adaptation of the existing COC of ACBAR's (Annex 5) with a pledge adhering to health -related behavioral standards, including, COVID -19 precautionary measures. All Project workers will be trained and sensitized to refer all suspected cases of COVID- 19 and other infections to

⁹<https://www.dovepress.com/the-fourth-wave-of-the-covid-19-in-afghanistan-the-way-forward-peer-reviewed-fulltext-article-IDR>

the nearest health facility, symptoms of COVID- 19, social distancing and hygiene protocols associated with COVID-19 and other infections will be based on the WHO guidelines. Any updates to WHO Guidelines will be communicated to and followed by the Project workers.

5.3 Responsible Staff

The PIU has the overall responsibility to oversee all aspects of the implementation of the Project, in particular, to ensure contractor and third- party compliance. The PIU will address all the Project's aspects as part of procurement for works as well as during contractor and third party induction. The contractor or third-party is subsequently responsible for management in accordance with UNDP's implementation which will be supervised by UNDP on a regular basis through monitoring.

An SES/GRM Specialist will be hired by the PIU for monitoring and supervision of COVID-19 related issues and to coordinate the training of project workers in mitigating the spread of COVID-19. H/she will also act as the GRM focal point to provide real-time advice on how to deal with emerging issues and coordinate related activities, including COVID-19. In specific, the Community Engagement/NGO Specialist will be responsible for:

- Monitoring and reporting on health and safety issues relating to COVID-19
- Coordination and reporting arrangements between contractors, participating NGOs/CSO and PIU
- Arrange for raising awareness and training of workers in mitigating the spread of COVID-19

5.4 Action Plan

The PIU should engage with Project workers and their representatives to determine how to implement multi-layered interventions to protect individuals and mitigate the spread of COVID-19, including:

Provide workers with adequate PPEs. PIU is to provide PPEs (mask, gloves and sanitizer) to all project workers. All workers are to be mandated to wear PPEs (if the prevalence rate is high and if there is no social distancing) during interaction with stakeholders.

Educate and train workers on COVID-19 policies and procedures using accessible formats, and in local languages they understand. PIU is to train Project workers on how to implement COVID-19 policies. Communicate supportive workplace policies clearly, frequently, and via multiple methods to promote a safe and healthy workplace. Communications should be in plain local language and in a manner accessible to individuals with disabilities. Training should be directed at employees, contractors, and any other individuals on-site, as appropriate, and should include:

- Basic facts about COVID-19, including how it is spread and the importance of physical distancing (including remote work), ventilation, vaccination, use of face coverings, and hand hygiene.
- Workplace policies and procedures are implemented to protect workers from COVID-19 hazards. In addition, ensure that Project workers understand their rights to a safe and healthful work environment, whom to contact with questions or concerns about workplace safety and health, and their right to raise workplace safety and health concerns free from retaliation.

Record and report COVID-19 infections and deaths: PIU is required to record work-related cases of COVID-19 illness if the following requirements are met: (1) the case is a confirmed case of COVID-19; (2) the case is work-related; and (3) the case involves one or more relevant recording criteria (e.g., medical treatment, days away from work). In addition, a Grievance Mechanism wherein reprisal or discrimination against a worker for speaking out about unsafe working conditions or reporting an infection or exposure to COVID-19 to the PIU has been developed.

Implement protections from retaliation and set up an anonymous process for workers to voice concerns about COVID-19-related hazards: The Grievance Mechanism prohibits discharging or in any other way discriminating against an employee for engaging in various occupational safety and health activities. In addition to notifying workers of their rights to a safe and healthful work environment, the PIU is to ensure that workers know whom to contact with questions or concerns about workplace safety and health, and that there are prohibitions against retaliation for raising workplace safety and health concerns or engaging in other protected occupational safety and health activities; also consider using a hotline or other method for workers to voice concerns anonymously.

6. Security Management Measures

6.1 Objective and Approach

The Security Management Measures (SMM) have been designed to guide the PIU in protecting against and mitigating risks of a security (as well as a human rights) nature that could threaten Project-affected communities, assets, Project workers and their ability to operate.

The Security Management Measures provide direction, organisation, integration and continuity to the security and asset protection program. The measures outlined will be maintained throughout the lifetime of the Project.

The NGOs and CSOs Capacity Building Support Project in Afghanistan will enhance the capacity of non-governmental implementation partners in delivering quality basic services to the most vulnerable in the communities. This includes addressing the challenges that NGOs and CSOs are facing and simultaneously supporting them to carve their civil society space and participation in the medium to long term. Potential security threats to Project staff and participating NGOs/CSOs are a contextual risk to be considered for the Project.

To ensure a duty of care for the safety and security of all direct project workers, assets and project-affected communities, the PIU will be responsible for educating the participating CSOs/NGOs to ensure establishing minimum security protocols and standards in accordance with the World Bank ESF, United Nations Security Protocols and international best practice. Best practice includes but is not limited to: ISO 31000:2018 - Risk Management Guidelines (see para 14.); the United Nations Security Management System (UNSMS); international humanitarian and human rights law; and the Voluntary Principles on Security and Human Rights (VPSHR).

World Bank ESS1 and ESS4, and UNDP SES Standard 3 require the implementing agency to assess, and monitor potential social risks and impacts arising from Bank-funded operations based on regular field visits and quarterly GRM/progress monitoring reports.

These include threats to human security through personal, communal or interstate conflict, as well as more general crime or violence.

6.2 Policies and Standards

6.2.1 World Bank Good Practice Note on Assessing and Managing Risks

The World Bank's good practice note on assessing and managing risks and impacts of the use of security personnel, 2018 and ESF requires that Borrowers assess and manage potential environmental and social risks and impacts arising from projects that the World Bank supports through Investment Project Financing. It provides guidelines to the borrowers in assessing and managing risks to the human security of project-affected communities and project workers that could arise from the use or presence of security personnel that have been engaged to protect the project or related aspects.

6.2.2 United Nations Security Policy, 2021

The UNSMS seeks to establish and maintain operations for UNDP direct project workers in insecure and unstable environments and as such, adopts a security risk management approach. The UNDP Security Policy supports this tenet and is purposed to:

- a) Outline UNDP's Security Framework within the UNSMS;
- b) Provide UNDP actors and personnel with guidance and tools to manage day-to-day security-related matters;
- c) Outline the UNDP Security Office (SO) service delivery model to support security decisions and their implementation;
- d) Outline the established security mechanisms specific to UNDP, including the requirement to mainstream security into all aspects of UNDP programming and operations.

6.2.3 Voluntary Principles on Security and Human Rights Toolkit

The Voluntary Principles on security and human rights toolkit (Version 3, 2008) help companies to understand the environment they are operating in, identify security-related human rights risks, and take meaningful steps to address them.

6.2.4 Guidelines for Implementation of the UN Basic Principles

The guidelines have been based on the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (2016). The guidelines have become a fundamental reference and guide for those aiming to ensure human rights compliant use of force and firearms by law enforcement officials, in particular with due attention to the protection of the rights to life and security of person.

6.2.5 UNDP's Data Principles

UNDP Data Principles comprises eight principles,

- Safeguard personal data
- Uphold the highest ethical standards
- Manage data responsibly
- Make data open by default
- Plan for reusability and interoperability

- Empower people to work with data
- Expand frontiers of data
- Be aware of data limitations

Details of UNDP's Data Principles can be found at the following link: <https://data.undp.org/data-principles/>

6.2.6 UN's Personal Data Protection and Privacy Principles

UN's Personal Data Protection and Privacy Principles set out a basic framework for the processing of "personal data", which is defined as information relating to an identified or identifiable natural person ("data subject"), by, or on behalf of, the United Nations System Organizations in carrying out their mandated activities.

These Principles aim to:

- i. Harmonize standards for the protection of personal data across the United Nations System Organizations;
- ii. Facilitate the accountable processing of personal data for the purposes of implementing the mandates of the United Nations System Organizations; and
- iii. Ensure respect for the human rights and fundamental freedoms of individuals, in particular the right to privacy.

Details of UN's Personal Data Protection and Privacy Principles can be found in the following link: https://archives.un.org/sites/archives.un.org/files/_un-principles-on-personal-data-protection-privacy-hlcm-2018.pdf

6.3 Security Risk Assessment Methodology and Conclusions

The Security Risk Management (SRM) process is a key tool of the UNSMS which, when effectively applied, assists UN managers (at all levels) in:

- a) Assessing the security implications of UN activities, by identifying threats that may affect UN personnel, assets, and operations, and;
- b) Developing guidance related to the implementation of cost-effective solutions in the form of prevention and mitigation strategies and measures.

In the UNSMS, much of the guidance resulting from the application of the SRM model will be encapsulated in the SRM online tool – resulting in Security Risk Management Measures and Residential Security Measures. Such measures are approved by the Designated Official (DO) in consultations with the Security Management Team (SMT) at the country level and endorsed at the Headquarters level. As per the UNDP Security Framework of Accountability, the UNDP Resident Representative (RR) is a member of the Security Management Team (SMT) and should participate in its meetings.

Security Office (SO) personnel will assist UNDP Country Offices with the review of country-level policy documentation, including the SRM and Residential Security Measures. Offices are to ensure UNDP security professionals are involved in the review of this documentation. The SO ensures that matters relating to UNDP are reflected within the SRM process, and are properly assessed and that proposed measures are cost effective, reasonable and do not prejudice the Host Government's (currently meant by *de facto* Authority) responsibilities in relation to the security of UNDP personnel.

6.4 ESS Security Screening Checklist

As per World Bank's ESS, PIU is to assess risks posed by security arrangements for direct or contracted workers (UNDP staff) to provide security to safeguard its personnel and property to those within and outside the area of operations. In making such arrangements, the PIU is to be guided by the principles of proportionality and Good International Industry Practice (GIIP), and by applicable law in relation to hiring, rules of conduct, training, equipping, and monitoring of such security workers. The designated security unit will not sanction any use of force in providing security except when used for preventive and defensive purposes in proportion to the nature and extent of the threat. Decisions on the appropriate scope of the project's security arrangements are guided by an assessment of:

- a. Potential risks to the project's personnel and property, which may require a security response.
- b. Appropriate responses to the identified security risks.
- c. Potential impacts of a security incident on the project, local communities, and other parties.
- d. Potential mitigation measures.

It is important to design and implement security arrangements that are proportional to the nature and significance of identified security risks and the project's operating environment and take into account both GIIP and national law.

Periodic assessment of security risks during the life of the project allows security arrangements to be updated to reflect any new risks or changes in the operating environment. It is good practice for security arrangements to be reviewed annually, or when a major event occurs that could affect the security of the project or the project's operating environment.

The security arrangements for a project may themselves pose risks to, and impacts on project workers and local communities. It is important to take these risks and impact into consideration and to determine measures to address them, and this should be part of the ongoing stakeholder engagement on the project as defined in the Stakeholder Engagement Plan. Project-level grievance mechanisms that are available to project workers, local communities, and other stakeholders allow them to provide feedback on the project's security arrangements and personnel.

Appropriate conduct is expected of any security units employed by the project. Contractual arrangements provide clear instructions on the limited circumstances in which force may be used to protect the project's personnel or property. Adequate protocols should also be in place and implemented for security services provided by other entities.

The PIU through UNDSS will,

- Make reasonable inquiries to verify that the direct or contracted workers retained by the Borrower to provide security are not implicated in past abuses.
- Train them adequately (or determine that they are properly trained) in the use of force (and where applicable, firearms) and appropriate conduct toward workers and affected communities; and

- Require them to act within the applicable law, and any requirements set out in the ESCP.

The PIU will review all allegations of unlawful or abusive acts of security personnel, take action (or urge appropriate parties to take action) to prevent a recurrence, and where necessary, report unlawful and abusive acts to the relevant authorities.

6.5 Risks Due to Security Concerns

Since the taking over of DFA, Afghanistan has seen changes relating to restrictions on fundamental rights, extrajudicial killings, enforced disappearances, arbitrary detention, including data infringement of its citizens. The following risks might be faced by NGOs, and CSOs selected, project workers and other stakeholders associated with the Project:

- Unawareness of the country's protocols in terms of movement of personnel
- Accidents that result in death, serious or multiple injuries, including injuries or fatalities to project workers that could result from armed conflict
- Personal Data infringement of personnel working with the Project
- Cases of sexual exploitation and abuse (SEA) and sexual harassment (SH)
- Travelling to and working at regional and provincial levels, which can be in remote areas, may expose direct project workers to Occupational Health and Safety risks. These risks include (a) risk of road traffic accidents (RTA); (b) security risks including kidnapping; (c) risk of landmines; and (d) risk of contracting COVID-19 infection or infectious diseases.

6.6 Risk Management Measures

Measures to be put in place to manage potential security risks rely on UN and UNDP existing protocols and procedures, which will be followed in the context of the project. The following will be applied to mitigate the risks identified.

6.6.1 PIU Security Training and Capacity Development Statement

To fulfil respective security-related responsibilities as detailed in the Framework of Accountability for the United Nations Security Management System, United Nations personnel at all levels require proper training. Security-related training offers one of the most cost-effective ways to lower risks to United Nations personnel, premises and assets. The Framework of Accountability clearly states that "all actors of the UNSMS are empowered by providing them with the necessary resources, training and a clear understanding of their responsibilities".

The responsibility of the United Nations Department of Safety and Security (UNDSS) for security training across the whole United Nations Security Management System (UNSMS) is mandated by the General Assembly. The UNSMS must have sustainable, coherent and targeted security learning programmes, including harmonized and regulated content for all security-related courses. Security training raises security awareness, promotes security culture and consciousness, improves security preparedness and creates the capacity to respond effectively to emerging threats towards the United Nations.

The goal of security training within the UNSMS is to enhance Security Risk Management effectiveness and cooperation between security personnel, managers with security

responsibilities and all other personnel. Standardized training systems are an important tool in reaching this goal. At the same time, training must be delivered in a timely, cost-effective manner using the most appropriate means of delivery.

As per Guidance on SSAFE Requirements for Afghanistan (Approved by the DO/SMT 12 July 2018 (Update) 07 October 2019) Safe and Secure Approaches in Field Environments (SSAFE) is a mandatory five-day UNDSS training for all UN personnel assigned to Afghanistan for more than 90 consecutive days. UN Personnel should attend SSAFE within 30 days of arrival in Afghanistan and joining the UN. UN Personnel with SSAFE certification deployed to Afghanistan (who are certified in any other country outside of Afghanistan) are required attending one -day Afghanistan Specific Training.

UN personnel assigned to, deployed to, or visiting Afghanistan for less than 90 consecutive days may travel to field locations between two operational boundaries or radii by air movement only. This includes locations outside Kabul city to and between the following locations: Mazar-e-Sharif, Maimana, Kunduz, Faizabad, Pul-i-Khumri, Jalalabad, Gardez, Kandahar, Herat, Qala-i-Naw, Chaghcharan and Bamyan. Road missions and travel outside any operational boundary or radius by UN personnel assigned to, deployed to, or visiting Afghanistan for less than 90 consecutive days, is an exceptional situation and is subject to the approval of a SSAFE Waiver by the DO. The DO has delegated the approving authority to the Principal Security Adviser (PSA).

As well as SSAFE, all UN personnel, including staff, interns and consultants, are required to complete the mandatory UNDSS online security awareness training BSAFE. International UN personnel deploying to or visiting Afghanistan must complete BSAFE before entry to the country. Security clearance requests will not be approved unless this requirement is met. National UN personnel must complete BSAFE within seven days of joining the UN system as part of their check-in process. No official travel outside their assigned duty station is to be approved unless this requirement is met. Security clearance requests will not be approved unless this requirement is met.

6.6.2 Security Audit Process

UNSMS Policies are issued following the endorsement of the IASMN and approval by the HLCM. They are compiled in the Security Policy Manual (SPM). As per SPM, Official Travel is covered by Security Clearance Procedures and the Travel Request Information Process (TRIP). It is mandatory for United Nations system personnel and eligible family members to obtain security clearance regardless of location, and they cannot commence official travel without obtaining it. Organizations of the UNSMS shall make all necessary efforts so that their personnel (and eligible family members) receive security clearance prior to all official travel. Organizations must also make all necessary effort so that all their travellers are well acquainted with existing or potential security problems in the areas that they intend to visit. The DO is responsible and accountable for his/her decision when providing security clearance for official travel to, through and within his/her area of responsibility, including when security clearances are issued automatically. The DO has the authority to grant, deny or ask for more information on a security clearance request where delegation exists. Personnel who refuse to comply with the security-related instructions of the DO may be informed by the DO, in writing and with a copy provided to the Security Focal Point at the

headquarters of their employing organization, that their security clearance has been revoked.

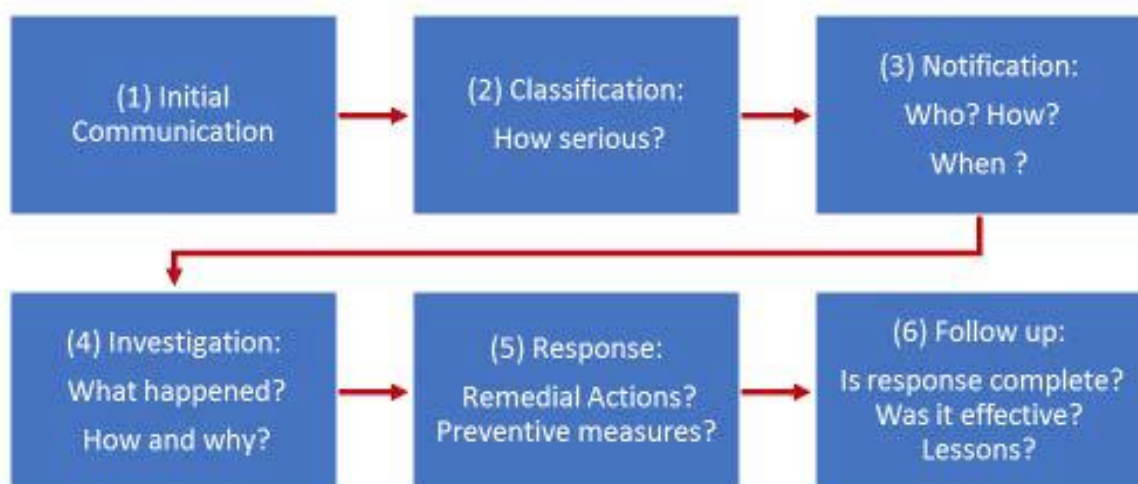
The Safety and Security Incident Recording System (SSIRS) is also covered under the Security Policy Manual (SPM). The diversity and multitude of threat environments in which the United Nations Security Management System (UNSMS) operates require mechanisms to help understand those threats and to allow senior managers the requisite information to assess and mitigate them. Knowledge of the type, location and impact of incidents that intentionally or accidentally harm United Nations personnel, programmes, premises and assets provides the foundation of this understanding and guide appropriate responses. The Safety and Security Incident Recording System (SSIRS) is a tool intended to collect information on incidents that affect the UNSMS in order to inform of threats and incidents to contribute to situational awareness that supports effective response, including mitigation requirements and the review of operating modalities in accordance with security risk management practices.

6.6.3 Security Incident Reporting Templates

The PIU will promptly notify the Bank of any incident or accident - including security incidents - related to or having an impact on the Project which has, or is likely to have, a significant adverse effect on the environment, the affected communities, the public or workers without limitation any potential Project-related occupational health and safety accidents and incidents or Project-related allegations of GBV/SEA/SH or Project-related child Labour, in accordance with LMP and ESMP, the instruments referenced therein, the ESSs and the SES.

The incident/ accident reporting will follow the management and reporting process shown in the table below.

Flow Chart 1: Incident Reporting Matrix



Incidents will be categorized into 'indicative', 'serious' and 'severe'. Indicative incidents are minor, small or localized that negatively impact a small geographical area or a small number of people and do not result in irreparable harm to people or the environment. A 'significant' incident is one that causes significant harm to the environment, workers, communities, or natural resources and is complex or costly to reverse. All GBV/SEA/SH cases are treated as severe. A 'severe' incident causes great harm to individuals, the affected communities, the public workers (e. g. fatality, GBV/SEA/SH, forced or child Labour) or the environment, or

presents significant reputational risks to the World Bank. These incidents will be reported promptly or within 24 hours as a maximum, to the PIU and the World Bank.

Incident reporting concerning Occupational Health and Safety (OHS) will have the following suggested minimum level of content.

Table 6: Key Elements of an Incident Report

Section	Description
I. Who, Where, When	Who: Injured party, witnesses Where: Location of Incident When: Date, time, and shift
II. Description of the Incident – What Happened	<ul style="list-style-type: none"> - Description of the task that was being performed - Description of the instruments, tools and machines - Description of the location - Weather conditions - What happened prior to the incident? - What happened during the incident? - What happened after the incident?
III. Findings	<ul style="list-style-type: none"> - Direct Cause -The act that directly caused the incident (e. g. the grinding wheel on the bench grinder exploded) - Indirect Cause -The root cause of the incident (e. g. improper training on using a bench grinder)
IV. Corrective Actions and Improvements	<p><u>Corrective actions:</u> How the hazardous conditions that directly caused the incident will be eliminated and the target date these actions will be completed</p> <p><u>System Improvements:</u> Improvements to procedures and policies that indirectly caused the incident and the target date for these improvements to be implemented</p>
V. Conclusion	Lessons learned and areas for improvement
VI. Annex	<ul style="list-style-type: none"> - Printouts of all the photographs taken - Sketch of the scene - Witness statements - Investigation notes

6.6.4 Security and Crisis Management

Integrated with the UN Crisis Management Plan, UNDP has an established system for managing crisis situations at Headquarters in New York, which prioritizes the security of UNDP personnel, operations and assets, while maintaining the continuity of essential and time -critical business services.

To ensure effective and efficient coordination of UNDP's response to a crisis situation at Headquarters, the Security Management Group (SMG) has been established and is charged with providing oversight to UNDP's security mechanism during normal operations and acts as the decision -making and leadership body during emergencies or crisis events at headquarters.

At the country level, UNDP's response to security issues follows the UNSMS process. UNDP crisis response does not supersede decisions taken by Designated Official (DO)/SMT and should support the implementation of UNDSS communiqués where applicable.

The UNDP RR will provide advice and support to the DO in the discharge of their responsibilities regarding the management of security crises, within established inter-agency operational coordination bodies.

Depending on the scale, complexity and specific circumstances of the crisis, the DO may establish, a Crisis Management Team (CMT) – comprising representatives of UNSMS organizations. In this regard, SO personnel will support crisis management efforts, follow up on the implementation of UNSMS measures within UNDP and offer technical guidance and policy advisory in crisis situations.

In preparation for a crisis, and to elevate the level of crisis preparedness, offices and units will ensure:

- a) Personnel lists and warden system(s) are updated and functional
- b) UNDP -specific inputs are provided to the development and maintenance of the Security Plan
- c) Personnel are aware of key aspects of the Security Plan
- d) Personnel are integrated into secure communication systems
- e) Attendance at crisis and security management training
- f) Participation in crisis tabletop exercises, drills, and warden system activation

6.6.5 Critical Incident Management

Critical Incidents are often unforeseen, require urgent attention and have a serious and negative impact on the security of UNDP personnel, assets or operations. Examples of critical incidents include but are not limited to: hostage taking/abduction incidents, medical emergencies, natural hazards, bomb threats or explosions, serious fire incidents and demonstrations affecting UNDP.

Security Office (SO) personnel will provide advice/guidance to senior management on policies and procedures relevant to the incident, provide coordination capabilities to the critical incident team and liaise with UNDSS and host government (currently meant by *de facto* Authority) security actors.

In the event that a UNDP Security professional is not appointed, or is unavailable, UNDSS will be requested to provide support. The Agency Country Security Focal Point will liaise with UNDSS and ensure the senior most UNDP Official and the UNDP SO are apprised.

In the event of incident reporting, an understanding of the World Bank's Environmental and Social Incident Reporting Toolkit (ESIRT) provisions is required to be provided as part of the ESMP capacity -building activities under the Project. The PIU is to ensure that the incident reporting is in line with the ESIRT during the Project Implementation phase.

6.6.6 Data Security Measures

The following mitigation measures would be adopted to safeguard data:

- Minimize the type of personal data collected.
- Ensure that there is an agreed approach to the governance of the platform (who has access, how is access granted, under what circumstances and to whom information on the platform may be shared, etc.).
- Ensure the platform has robust technical features to ensure the security of information collected and stored there;
- Ensure that the contracting firm also adheres to the Data Privacy requirements (including UNDP Policy) under the Project and that personal data about NGO-CSO staff attending the training sessions is also protected [stipulated in the contract]. This will also be monitored under the Project.
- Ensure that the personal data/information collected is used only for the purpose of the Project.

7. Negative List of Activities

The following is not an exhaustive negative menu, and the World Bank and UNDP both reserve the right to include further items in the negative list of activities where warranted. The list below is merely indicative of things that cannot be financed under the Project's low-value grant component:

- Private sector and commercial entities, and *de facto* Authority organizations (e. g. regional *de facto* Authority governments, municipalities, etc.) are currently not eligible to receive the Low-Value Grants.
- Any organization that has proven financial mismanagement (or corruption) or a legacy of racism/exclusion and gender-based violence.
- Any activities that involve specific activities or outputs that could significantly endanger staff/ beneficiary safety and security.
- Any activities that could create negative social impacts and/or disrupt social cohesion within the targeted community/ beneficiary groups.
- Any activities that include the purchase of weapons, ammunition, narcotics drugs or any form of security-related equipment
- Any activities that may impact protected historical, cultural heritage areas designated by the UN or *de facto* Authority.
- Any activities that could create negative environmental impacts including (but are not limited to) tree cutting, habitat destruction, significant generation of hazardous/non-hazardous pollutants and significant noise pollution.
- Any activities involving the employment of children under the age of 18.
- Any activities that cannot reasonably be expected to be completed within 8 months. (Applicable to low-value grants only)
- Any activities that could involve hiring staff recommended by or making payments in any form to the de-facto authorities and/or their personnel.
- Any activities that would involve land acquisition (including voluntary donations) of any kind.
- Any vocational training/ literacy activities that do not include equitable distribution of the project assets to the beneficiaries.

The final set of selection criteria will be proposed by the Grants Review and Selection Committee under the Project and signed off by the Project Steering Committee. Grant

selection criteria will be stated in the project document and included in grant solicitation documents and/or outreach to encourage CSOs to apply for a grant.

8. Public Consultation, Communication, and Information Disclosure

8.1. Public Consultation

The Stakeholder Engagement Plan (SEP) defines a structured, purposeful, and culturally appropriate approach to consultation and disclosure of information in accordance with ESS 10 and UNDP's social and environmental standards (SES). The SEP developed for the Project spells out the overall consultative processes of the Project with its different stakeholders, including the plan for disclosure, communicative method to be adopted and project grievance redressal mechanism.

8.2 Communication

Communication with the stakeholders will rely on key methods such as email, internet, radio, mobile phone, social media and individual meetings. In consideration of COVID-19 restrictions, the project will follow World Bank guidelines on community consultation under COVID-19. This means effective and meaningful consultations to meet project and stakeholder needs and adhere to the restrictions put in place by the Interim Taliban Administration (ITA) to contain virus spread. Representatives of particular community groups will be consulted. Strategies will be employed to include smaller meetings, and small focus group discussions to be conducted as appropriate taking full precautions on staff and community safety. Where meetings are not permitted, traditional channels of communication such as radios and public announcements will be implemented. Other strategies will include one on one meetings through phones for community representatives, CDC members, NGOs, CSOs and other interest groups.

8.3 Disclosure Plan

Information disclosure to the NGOs and CSOs (beneficiaries) was effectuated via the following key methods: email, internet, focus group discussions, mobile phone, social media (Facebook, Twitter), and individual virtual and physical meetings. In ESMP consultations support from CDCs, religious leaders, community members and community leaders were also explored in the effort to reach out to the broader community concerning the information dissemination. At the national level, information was disclosed mainly by email and website and social media. Information was disclosed in English and in local languages of Pashtu/Dari in local languages. The ESMP was prepared, disclosed and adopted within 30 days of the Project Effective Date (28th June 2022) and, thereafter, implemented throughout the Project implementation. During the disclosure period, consultations on the ESMP were undertaken with some of the stakeholders identified in the SEP and comments/feedback/outcomes from the consultation activities were incorporated into the final ESMP prior to its implementation. The ESMP once finalised, will be disclosed again on the UNDP and the World Bank websites along with the ESCP and SEP.

The Stakeholder Engagement Plan (SEP) developed for the Project has been provided in the following link: <https://www.undp.org/afghanistan/ngos-and-csos-capacity-support-project-afghanistan>.

9. Implementation Arrangements

This Project will be directly implemented by UNDP Afghanistan through its Direct Implementation Modality (DIM) in close collaboration with relevant partners, including NGOs and CSOs, relevant NGO/CSO networks (including ACBAR), community-based stakeholders, and World Bank. UNDP assumes full programmatic and financial accountability for the activities implemented under the Project in line with UNDP policies and procedures for its standard of operations.

A Project Steering Committee (PSC) will be established as an oversight and advisory body, serving to provide strategic guidance and ensure oversight, coordination and quality assurance for the Project. The PSC will facilitate collaboration between UNDP (implementing agency), the World Bank (donor), and NGOs/CSOs (beneficiary) for the implementation of the Project. The PSC will review and endorse the Annual Work Plans (AWPs), will provide strategic direction and oversight, will review implementation progress, and will review narrative and financial progress reports.

The Project Steering Committee will be convened by UNDP and formally meet at least on a –three months basis. UNDP will ensure the Project Steering Committee meetings can coincide with the timing of World Bank technical review missions.

The Project Steering Committee will include senior programme managers from UNDP. The World Bank will attend as an observer. UNDP will also consult other interested stakeholders in conjunction with Project Steering Committee meetings, including NGOs/CSOs (networks). This may also include private sector institutions and a number of international development actors who are working on support to NGO/CSOs in Afghanistan, including EU, USAID, and others. The Project Steering Committee will be chaired by the UNDP Resident Representative or Senior Deputy Resident Representative (SDRR) . Specific details of UNDP's role throughout the Project have been detailed below:

UNDP will lead project implementation. UNDP will be responsible for overall coordination, procurement arrangements with local organizations and contractors, engagement with potential beneficiary NGOs/ CSOs, fiduciary and environment and social management; quality assurance; monitoring and reporting; and managing technical assistance activities. UNDP would leverage its team in Kabul and in the eight regional offices and also implement through the selected firms and network of NGOs.

UNDP will be responsible for monitoring the activities implemented by the consultancy firms and contractors and reporting upon progress. UNDP will ensure that consultants and contractors are properly trained on implementation arrangements. The Project Operations Manual (POM), agreed by UNDP and the World Bank, will set the operating principles and procedures to be monitored and reported upon.

A PIU will be established. The PIU will include staff supporting several key functions: program and contract management, financial management, procurement, social mobilization and training, engineering, reporting, monitoring and evaluation, regional coordination, gender, GRM, security, and environmental and social risk management. The PIU will be established with qualified staff and resources to support the management of

ESHS risks and impacts on the Project. The PIU will include a dedicated National Social and Environmental Specialist and GRM specialist (national), one NGO Capacity Building Specialist (national), M&E Specialist-National, one Gender and GBV Specialist (international), and one social and environmental safeguard specialist (international), including E&S focal points from the NGOs/CSOs selected.

UNDP will engage Consulting Firms to deliver assistance to select NGOs and CSOs. Responsibilities of consultancy firms contracted by the UNDP under this Project will include conducting mapping, needs assessment, preparing and delivery of training activities.

UNDP will support in verifying the delivery of project outputs and monitor whether funds reach the intended beneficiaries of the LVGs through Project M&E capacity and third-party contractors responsible for the day-to-day monitoring at the regional level. In addition, the project will also leverage the independent ARTF-financed Third-Party Monitoring Agent (TPMA) to verify a sample of project activities implemented by UNDP's implementing partners and cross-reference verifications made by the Monitoring Agent. UNDP's monitoring team will conduct periodic spot checks of the selected NGOs and CSOs, to review compliance with the eligibility and selection criteria. UNDP will perform verification of the selected NGOs and CSOs on a sample basis to review compliance with the eligibility and selection criteria.

ARTF-funded TPMA. The ARTF-funded TPMA will provide independent assurance on compliance with the project's control framework. The TPMA will conduct periodic verification exercises to review a sample of the monitored activities (e.g., selection of NGOs/CSOs; use of LGVs for intended purposes) and report the results in the semi-annual TPMA reports to UNDP and the Bank. The Terms of References (TORs) of the TPMA will be developed jointly with UNDP to ensure complementarities.

ACBAR, along with other NGO/CSP networks, will support the project through its close partnership and engagement with UNDP. ACBAR will provide a GRM mechanism related to capacity- building support to the NGOs and CSOs and will help them to integrate SEA/SH risk mitigation and prevention in project cycles strategically, which will be cascaded from national to local provinces. The ACBAR will work as a GRM mechanism. Thus, they will establish a system for reporting on, recording and providing feedback on the handling of GRM.

The PIU will be responsible for implementing the ESMP throughout the Project Implementation. The PIU through the engagement of SES/GRM Specialist, Gender and GBV Specialist, including E&S focal points from the NGOs/CSOs selected will ensure implementation of the management plans and mitigation measures provided in the ESMP.

9.1 Capacity to implement the ESMP

The PIU will engage Social and Environmental Safeguards Specialist (SES) -International and Social and Environmental Safeguards/GRM Specialist (National) who will be responsible in capacity- building activities in the requirements of the ESF and SES standards as may be applicable to the project for implementing and monitoring of this ESMP. All capacity building activities and training will be further detailed in a Capacity Building and Training

Plan (Annex1) which has been developed prior to the Project Implementation phase. Training will be required for relevant UNDP staff, NGO and CSO staff, grant recipients, contractors, and responsible parties and will include:

- ESF and SES training (on relevant E&S Standards)
- COVID-19 Infection Prevention and Control 2 recommendations
- Stakeholder mapping and engagement
- GRM and citizen engagement
- Gender, SEA/SH, and GBV training
- Labour Management Procedures
- ESMP
- Community health and safety measures
- UN security protocols and any measures necessary to ensure consistency between the Protocol and the ESF requirements in the Security Plan
- Data security
- Incident reporting and understanding of ESIRT (Environmental and Social Incident Reporting Toolkit) provision

9.2 ESMP Budget

It is estimated that a total amount of USD 100,000 will be required to implement activities mentioned in the ESMP, the details of which are summarized in the table below:

Table 7: ESMP Budget

S. No.	Activities	Cost (USD)
1	ESMP Related Capacity Building	50,000 (integral to overall capacity building of the Project)
2	Translation of ESMP in Dari and Pastho	CO will provide
3	PPE Equipment	Distribution of existing stock from UNDP projects
4	SEA/SH action plan training and capacity building	10,000
5	Social and Environmental Safeguards Specialist-International (P3)	Included in PIU staff costs
6	Social and Environmental Safeguards/GRM Specialist-International (NOC)	Included in PIU staff costs
7	Workers Grievance Handling Mechanism	40,000
8	Stakeholder Engagement Activities/Implementation	Included in SEP budget
TOTAL		100,000

10. Monitoring and Reporting

UNDP PIU is to prepare and submit to the World Bank quarterly monitoring reports on the environmental, social, health and safety (ESHS) performance of the Project, including but not limited to the implementation of the Environment and Social Commitment Plan (ESCP), status of preparation and implementation of this ESMP, stakeholder engagement activities, and functioning of the grievance redress mechanism.

In case of incidents and accidents, UNDP is to promptly notify the World Bank no later than 48 hours after learning of the incident or accident using reporting formats that are used by the World Bank. A subsequent detailed report of the incident to be provided is to the World Bank within (45) days of making the initial report of the incident or accident.

The PIU is required to inform grant recipients, contractors, implementing NGOs/CSOs and responsible parties to provide quarterly monitoring reports on ESHS performance in accordance with the metrics specified in the respective procurement documents and contracts and submit such reports to the UNDP.

The provision of third-party monitoring agent (TPMA) services to the NGOs/CSOs project is considered as part of the UNDP quality assurance and core monitoring activities required for the project management and results in delivery which include: data collection, creating field-level validation of the implemented activities at their different stages, Environmental and Social assessments, the functioning of GRM (Grievance Redressal Mechanism), assessing the financial aspects of the implemented activities, interviews and surveys with the beneficiaries of the project and reporting on the work on the targeted NGOs/CSOs.

To address these areas and strengthen the monitoring of the project, UNDP will contract a TPMA to assist with accurately capturing, verifying, and cataloguing data on the activities being implemented under this project. In particular, the TPMA will strengthen UNDP's management tasks of the project activities being implemented in the field where UNDP's reach is limited due to security constraints or to the limited number of monitors available in the project. The TPMA will support the UNDP project management team in providing the Project Steering Committee and other stakeholders with better means for learning from field experience, improving service delivery to the community, planning and allocating resources, and demonstrating results.

In some critical areas such as Occupational Health and Safety (OHS), Grievance Redress Mechanism (GRM), Environmental and Social Management (ESM), and Gender and GBV prevention, the TPMA should follow the standards applicable in this project.. It is expected that the reports provided by the TPMA will adhere to the agreed-upon templates, and the data privacy policy will be adhered to by the TPMA with the do-no-harm (DNH) principle in mind. For all remaining tasks, general approaches will be developed and agreed upon between UNDP and the TPMA upon signing of the contract. Besides the regular field monitoring visits, and spot checks, the TPMA may be asked to conduct *ad hoc* visits to specific sites whenever needed by UNDP, for example, to investigate OHS-related incidents; to verify compliance with the Project's Environmental and Social Management Plan (ESMP), to carry out stakeholder consultations or conduct rapid assessments; *inter alia*.

Annex 1: Capacity Building and Training Plan

Responsible Parties (UNDP, ACBAR) have the responsibility for ensuring systems are in place so that relevant project workers, NGO and CSO staff, grant recipients, contractors, and other workers are aware of the environmental and social requirements for project implementation, including the ESMP.

All Project personnel will attend an initial induction training (inception workshop) of relevant ESMP requirements, ESF and SES training (on relevant E&S Standards), COVID-19 Infection Prevention and Control Recommendations. Stakeholder mapping and engagement, GRM and citizen engagement, Gender, SEA/SH, and GBV training, Labour Management Procedures, Community health and safety measures, UN security protocols and any measures necessary to ensure consistency between the Protocol and the ESF requirements in the Security Plan, Data security and Incident reporting and understanding of ESIRT (Environmental and Social Incident Reporting Toolkit) provision. The following capacity building and training programmes will be in place:

Training	Target Stakeholders	Suggested Method	Frequency	Indicators and Verification	Responsibilities
ESF and SES training (on relevant E&S Standards)	<ul style="list-style-type: none"> UNDP Staff Project Workers Contractual Workers ACBAR/ NGO and CSO staff of LVG grants 	<ul style="list-style-type: none"> Separate Meeting for male and female participants Guidance Notes and links via Email 	Inception Workshops	No. of capacity building/ training/ workshops/ seminars conducted by UNDP. No. of participants per gender disaggregated data (attendance sheet.) No. of capacity building activities at regional and provincial levels conducted by RPs	PIU and Responsible Parties
COVID-19 Infection Prevention and Control Recommendations	<ul style="list-style-type: none"> UNDP Staff Project Workers Contractual Workers ACBAR/ NGO and CSO staff of LVG grants 	<ul style="list-style-type: none"> Separate Meeting for male and female participants Guidance Notes (Code of Conduct) and links via Email 	Inception Workshops RPs train their workers once every quarter		PIU and Responsible Parties
Stakeholder mapping and engagement	<ul style="list-style-type: none"> UNDP Staff Project Workers Contractual Workers ACBAR/ NGO and CSO staff of LVG grants 	<ul style="list-style-type: none"> Separate Meeting for male and female participants Guidance Notes and links via Email 	Inception Workshops		PIU and Responsible Parties
GRM and citizen engagement	<ul style="list-style-type: none"> UNDP Staff Project Workers Contractual Workers 	<ul style="list-style-type: none"> Separate Meeting for male and female participants 	Inception Workshops RPs train their		PIU and Responsible Parties

Training	Target Stakeholders	Suggested Method	Frequency	Indicators and Verification	Responsibilities
	<ul style="list-style-type: none"> ACBAR/ NGO and CSO staff of LVG grants 	<ul style="list-style-type: none"> Guidance Notes (including workflow) and links via Email Website, hotline, community meetings/notice boards 	workers once every quarter		
SEA/SH, and GBV training	<ul style="list-style-type: none"> UNDP Staff Project Workers Contractual Workers ACBAR/ NGO and CSO staff of LVG grants 	<ul style="list-style-type: none"> Separate Meeting for male and female participants Guidance Notes (Code of Conduct) and links via Email 	<p>Inception Workshops</p> <p>RP train their workers once every quarter</p>		PIU and Responsible Parties
Labour Management Procedures	<ul style="list-style-type: none"> UNDP Staff Project Workers Contractual Workers ACBAR/ NGO and CSO staff of LVG grants 	<ul style="list-style-type: none"> Separate Meeting for male and female participants Guidance Notes (Code of Conduct) and links via Email 	<p>Inception Workshops</p> <p>RP train their workers once every quarter</p>		PIU and Responsible Parties
Community health and safety measures	<ul style="list-style-type: none"> Project Workers Contractual Workers ACBAR/ NGO and CSO staff of LVG grants 	<ul style="list-style-type: none"> Separate Meeting for male and female participants Guidance Notes (Code of Conduct) and links via Email 	<p>Inception Workshops</p> <p>RP train their workers once every quarter</p>		PIU and Responsible Parties
UN security protocols and any measures necessary to ensure consistency between the Protocol and the ESF requirements in the Security Plan	<ul style="list-style-type: none"> UNDP Staff Project Workers Contractual Workers ACBAR/ NGO and CSO staff of LVG grants 	<ul style="list-style-type: none"> Separate Meeting for male and female participants Guidance Notes and links via Email 	<p>Inception Workshops</p> <p>RP train their workers once every quarter</p>		PIU and Responsible Parties
Data security	<ul style="list-style-type: none"> UNDP Staff Project Workers Contractual 	<ul style="list-style-type: none"> Separate Meeting for male and female 	<p>Inception Workshops</p> <p>RP train</p>		PIU and Responsible Parties

Training	Target Stakeholders	Suggested Method	Frequency	Indicators and Verification	Responsibilities
	Workers • ACBAR/ NGO and CSO staff of LVG grants	participants • Guidance Notes and links via Email	their workers once every quarter		
Incident reporting and understanding of ESIRT (Environmental and Social Incident Reporting Toolkit)	• UNDP Staff • Project Workers • Contractual Workers • ACBAR/ NGO and CSO staff of LVG grants	• Separate Meeting for male and female participants • Guidance Notes and links via Email	Inception Workshops RPs train their workers once every quarter		PIU and Responsible Parties

Annex 2: Relevant Provisions on the Labour Law /2007 Afghanistan (GRM, OSH related)

Non-discrimination in Recruitment

Article Nine:

- 1) All kind of discrimination is prohibited in recruitment, payment of salary and allowances, selection of occupation, profession, skill and specialty, right to education and social securities.
- 2) The women in work field are entitled to specific allowances of pregnancy, maternity and other instances that are determined in this law and the relevant legislative documents.
- 3) Selection of occupation, profession, specialty, skill and kind of occupation according to educational field, interest, talent and preparation in the Islamic Republic of Afghanistan shall be open in accordance with the legislation.

Compliance with International Conventions

Article Twelve: The Islamic Republic of Afghanistan, taking into account special conditions of the country, observes International Labour Organization's Conventions, decisions and recommendations to which it has adhered or will adhere, as well as other Conventions and standards of international organizations related to labour and administration

Hours of Work Article

Article Thirty:

- 1) Hours of work are the time when the worker uses his/her physical and mental power to serve for the organization.
- 2) The normal working period, on average, during one year, cannot be more than 40 hours per week.
- 3) Annual balance of working period, general measure of utilization of working time, starting and ending of the working period of the workers, preparing shift schedule (shift graph) and other affairs related to the work discipline would be determined and organized by the Ministry of Labour, Social Affairs, Martyrs and Disabled.
- 4) The organization by the agreement of the Ministry of Labour, Social Affairs, Martyrs and Disabled, considering the specifications of working hours, can increase or decrease the hours of work during the week, provided that the total working hours in a week do not exceed 40 hours.

Work Break

Article Forty: Work break for prayer and lunch is one hour that is not included in the official work hours and it is regulated by the internal work procedures of the organization.

Payment of Salary

Article Fifty-Nine:

- 1) The salary is counted and paid to the employee according to the quantity and quality of work, post, rank, grade or profession, period of training and practical work and other conditions included in work related legislative documents.

- 2) The employee whose grade and degree is low but he/she is recruited in a higher post based on his/ her merit and qualifications, his/her salary and other allowances is paid based on the post.
- 3) The employee whose grade and degree is higher but due to a reason he/she is appointed in a lower post, his/ her salary and other allowances is paid based on his/her original post.
- 4) Discrimination is not permitted in payment of salary.
- 5) The minimum amount of salary cannot be less than the amount fixed by the Government (currently meant by *de facto* Authority).

Annex 3: ESMP Consultation's Participant lists (12, 14,17, 18 & 19 July 2022)

Consultation 12 July 2022

ILO
OHCHR

Consultation 14 July 2022

ACBAR -Director, Lisa K. Piper

No	Name	Organization
1	Nisar Ahmad	Human Rights Research and Advocacy Consortium (HRRAC)
2	Zalmei Hameedi, Abdul Zahoor Mudaber	Afghan Women Skills Development Center (AWSDC)
3	Asmat Yaree	Asia Green Hut Organization (AGHO)
4	Wakil sadat and Wahab Hemat	Afghanistan Independent Rehabilitation Organization (AIRO,
5	Ehsanullah Abrar	Search for Common Ground (SFCG)

NGO/CSO consultation 17 July 2022

No	Name	Organization	Email
1	Ms. Ruqiaia Tabasum/Zalm ai Hameedi	EQUALITY for Peace and Development Organization (EPDO)	Epd.communication@epd-afg.org; ruqiaia.tabasum86@gmail.com; ruqiaia.tabasum@epd-afg.org; director@epd-afg.org.af;director@epd-afg.org.af; director@epd-afg.org;_n.farid@epd-afg.org;_epd.communication@epd-afg.org;_saghar@epd-afg.org
2	Ms. Shabnam	AGENDA Gender Equality & National Development Act Organization	AgendaAfghanistan@gmail.com ;
3	Ms. Fatima Mumand	Organization for Human Relief (OHR)	ohr.org@gmail.com; program@ohr.org.af;
4	Ms. Razia Ikram	Organization for Peace and Development (OPD)	Opd.org2@gmail.com ;
5	Muhib Ur Rehman Nasri	Movement for Protection Organization (MPO)	mpo.org.af@gmail.com; muhibrehman.nasri@gmail.com;
6	Mohammad Shoaib Gharwal	Kunar province youth civil society (KPYCS)	shoaib.gharwal@gmail.com; waheed.zaheer12@gmail.com; kpycs.civil.society2017@gmail.com;
7	Dr. Mohammad Asif Shegiwal	Health Care and Social Development Organization (HSDO)	Ceco.afg@gmail.com ; ceco.programme@gmail.com ; pm.abadi.ceco@gmail.com ;

			ceco.financemgt@gmail.com ;
8	Dr. Asadullah Khaliz	Humanitarian Assistance Empowerment Organization (HAEO)	haeo.af@gmail.com ; haeo.af@gmail.com ; payanda.afg@gmail.com ; sanaullah.ghorzang2013@gmail.com ; shahbazn@hotmail.com ;
9	Riaz Ahmad	Organization for Social Development and Legal Rights (oSDLR)	riaz@sdlr.net ; osdlrafghanistan@gmail.com ;
10	Niaz Mohammad Safi	Technical Education and Skill Training Organization (TESTO)	md@test.org.af ; testafg@gmail.com ;

Women Participants for Consultation Meeting Virtual Workshop in Herat (18 July 2022)

No	Name	Organization	Email
1	Fatima	AHDAA/SME	N/A
2	Zahra Karimi	AHDAA/SME	N/A
3	Omida Amini	WISE	amini@wise.org.af
4	Fahima	GWSC	Gwspi.org@gmail.com
5	Fariba Sadiqi	Women Association	N/A
6	Farzana Mirzaye	Women SME Owner	N/A
7	Esmat Saeedi	Afghan Women Chamber of Commerce & Industries (AWCCI)	Sadf.suhel11@gmail.com
8	Sohaila Vahidy	WASSA	Sohaila.vahidy@wassa.org.af
9	Behnaz Saljuqi	AWCCI	Behnaz.saljughi@gmail.com
10	Zakia Yousufi	AWEC	Zakiayousuf637@gmail.com
11	Anita Safa	GWO	Anitasafa171@gmail.com
12	Zahra	VWO	Zahra2012@gmail.com

Community Participants for Consultation Meeting Virtual Workshop in Herat (18 July 2022)

No	Name	Organization	Email
1	Mohammad Sadeq	Religious Shura	robabayosofi@gmail.com
2	Hussain Sadeqi	CDC Member	
3	Gulabodin Hashmat	WOPPA	Eng_heshmat@yahoo.com
4	Atta Mohammad	Lecturer/Instructor	N/A
5	Hassamuddin Baburi	Educational supervisor	baburihasam@gmail.com
6	Temor Shah Radan	Deputy of the Private School Association	N/A

7	Nooruddin Haqyar	VWO	Nooruddin_haqyar@yahoo.com
8	Dr. Zobair Arshad	APHO	Zobair.arshad@yahoo.com
9	Amin Rahimi	Head of NEKPA SME	Amin.bookstore@gmail.com

Consultation with NGOs/CSOs at ACBAR office (19 July 2022)

No.	Name	Organization	Email
1	Kochay Hassan	Afghan Women's Educational Center (AWEC)	kochay@awec.info
2	Khatera Alizaye	Noor Educational & Capacity Development Organization (NECDO)	pc@necdo.org.af
3	Dr. Abdulhaq Niazi	Today's Afghanistan Conciliation Trust (TACT)	director@tact.org.af
4	M. Shapour Qayyumi	Medica Afghanistan (M.A)	sqayyumi@medicaafghanistan.org
5	M. Hashim Amiri	Afghanistan Institution for Civil Society (AICS)	Hasim.amiri@aicsafg.org
6	Ahmad Massi Rahimi	Afghanistan Institute for Civil Society (AICS)	Ahmadmassi.yahimi@aicsafg.org
7	Hussain Rahimi	Citizens Organization for Advocacy and Resilience (COAR)	agriculture@coar.org.af
8	M. Hassan Takhi	Afghan Development Association (ADA)	Mohammed.hassa@ada.org.af
9	Dr. Juma Khan	Solidarity for Afghan Families (SAF)	Deputy_gd@saf.org
10	Alka Ahmadi	Tashabose Educaiton Organization (TEO)	Teo.passistant@gmail.com
11	Shafiq Shirani	People Action For Change organization (PACO)	Shafiq.shirani@paco.org.af
12	Baryalai Omarzai	Afghan NGOs Coordination Bureau (ANCB)	ancb@ancb.org
13	Faisal Ghafori	NAWA	m.faisal.ghafori8@gmail.com
14	Jan Mohammad	South Western Afghanistan and Balochistan Association (SWABAC)	swabac.kbl@yahoo.com
15	Taiba Rahim	Nai Qala Association (NQA)	info@nai-qala.org
16	Reshma Azmi	Action Against Hunger (AAH)	dcd@af-actionagainsthunger.org
17	Niamatullah Rahi	Agency Coordinating Body for Afghan Relief (ACBAR)	deputy.director@acbar.org

Annex 4: Questions Used for the ESMP Focus Group Discussions

Grievance redress mechanisms (GRM)

1. Are you willing to accept ACBAR as the GRM higher body?
2. Can ACBAR be the referral focal point or a place to handle the GRM mechanism?
3. Do you have a complaint box in your organization?
4. Do you have a Grievance Redress Mechanism in the ACBAR network?
Do you have a Grievance Redress Mechanism for the prevention of sexual exploitation and abuse?
5. Do you have GRM focal point?
6. Is there a grievance redress mechanism (GRM) for workers or the community at the community level?
7. What types of grievance redress mechanisms (GRM) exist at the community level?

Leaving- No-one Behind (LNOB)

8. Are your facilities fully accessible to people with special needs and disabilities?
9. Do you have childcare facilities at work?
10. Do you think that ethnic minorities, persons with disabilities (PWDs), and women and girls are treated normally in terms of the quality-of-service delivery?
11. Which groups are the most vulnerable and marginalized in your community?

COVID-19 Prevention

12. Do you ask people to wear masks in meetings?
13. Do you have a COVID-19 leave policy?
14. Do you have COVID-19 leave in writing?
15. Do you have posters and other education/illustrative materials on COVID-19 and other infections?
16. Do you recommend that your workers wear masks/PPEs when performing their jobs?
17. Do you think all workers will be able to sign the Organizational Code of Conduct with a pledge to submit to COVID-19 and other infectious disease-precautionary measures and sanctions for breaching the measures?
18. Do you think COVID-19 is a big problem in your community?
19. Do you think COVID-19 is still a big issue in the country?
20. Do you think that, in carrying out the interventions, Employees or Contractors may be at risk of exposure to COVID-19 and other infections?
21. How many sick days/ leave are available to workers if they get COVID -19?

Labour Management Procedures

22. Are you governed by the 2007 labor law?
23. Do employees have health insurance?
24. Do you get any fringe benefits required by law or contract?
25. Do you have a contract/written agreement with the CSO stipulating work hours?
26. Do you have an official procedure for reporting sickness at work?
27. Do you have childcare facilities?
28. Do you have maternity/paternity leave?
29. Do you have minimum wage law in Afghanistan?

30. Do you have overtime payment?
31. Do you issue written contracts to your workers? / Do you have written contracts for all staff?
32. How many hours are your workers expected to work per week?
33. If a woman gets pregnant, do you pay maternity leave and three months' salary?
34. What are the minimum wages for NGOs'/CSOs' workers in Afghanistan?
35. What are the regular hours of work for CSO/NGO workers?
36. What kinds of risks of unfair or discriminatory hiring practices could exist in the course of hiring direct project workers and when workers are hired by contractors.
37. Will there be potential incidents of the improper employment of child labourers by the selected NGOs and CSOs?

Prevention of Sexual Exploitation and Abuse (PSEA)

38. Are you willing to accept SH training?
39. Can a non-member CSO of the HIC group directs a PSEA issue to ACBAR or PSEA task force?
40. Do you have a higher level outside organization to escalate the case?
41. Do you have a hotline for reporting sexual abuse in case any CSO workers have complaints?
42. Do you have a PSEA focal policy?
43. Do you have a policy on prevention of sexual harassment and Sexual Exploitation in your organization
44. Do you have a Sexual Exploitation and Abuse (SEA), Sexual Harassment (SH) Policy?
45. Do you know about the PSEA task force under the humanitarian cluster?
46. Have you received SH training?
47. To whom do you report sexual harassment?
48. What is the referral pathway for reporting sexual exploitation and abuse?

ESMP Performance and Reporting

49. Are you willing to provide monthly monitoring reports on ESMP performance?
50. Do you have a yearly capacity building/training plan in the organization? (ESMP related) ?
51. What types of on-the-job learning should NGOs experience (ESMP related)?

Security Management and Reporting

52. If there is a security incident, do you have a mechanism for calling your staff members to check on their safety?
53. Do you have an incident report format?
54. Do you carry out Security Training and Capacity Development to improve security standards?
55. Do you carry out security assessments before you go on a field mission and also on your own premises?
56. What kinds of risks might project workers face when they travel to regional or provincial areas?
57. What kinds of safety measures do you apply when carrying out your CSO activities?
58. Do you pay staff if they get in a road accident on duty?
59. Do you have insurance coverage for workers who are exposed to the risk of road traffic accidents (RTA)?

ACBAR /CODE of Conduct

- 60. Are you a member of ACBAR?
- 61. Are you willing to be a platform member in a bigger network?
- 62. Are you willing to adopt a code of conduct in ESMP areas through ABCAR?
- 63. How many of you are a member of the ACBAR network?
- 64. Any you a member of any other networks?
- 65. What are those networks?
- 66. Do you have a conflict-of-interest policy?
- 67. Do you have a code of conduct?
- 68. Are you willing to sign the ACBAR code of conduct?
- 69. Do you have a data privacy policy

Gender and Women's Participation

- 70. Are women participating in NGO's activities in your organization?
- 71. How many women are working in your organizations?
- 72. What is the level of women's participation? (Technical, Support, Finance and Cleaning)
- 73. What is the percentage of women in your CSOs/NGOs in your network?
- 74. Do you have a Mahram Policy?
- 75. Do you have a gender focal point?
Occupational Health and Safety (OHS)
- 76. Do you have training in Occupational Health and Safety (OHS)
- 77. Do you have a PHS focal point?
- 78. Who checks safety standards regularly?

NGO sand CSOs Operational Issues

- 79. Are there particular barriers for women led CSOs/NGOs and those organizations that advocate for women's rights?
- 80. Do you think CSOs/NGOs have opportunities to voice their opinions and concerns at the community-level forums?
- 81. What are the priority areas in which NGOs are needed to operate in your community?
- 82. What barriers in the community do you see in terms of expanding the civic space?
- 83. What kinds of issues are you currently facing due to the change in the political situation



Annex 5: ACBAR -NGO Code of Conduct (CoC)

Introduction

ACBAR, ANCB, AWN, SWABAC, ACSFo, and their member organizations created the original NGO Code of Conduct (CoC). To ensure compliance with the current needs of NGOs operating within Afghanistan, the CoC presented within this document has been revised and updated; including the addition of a Code Observance mechanism which has been specifically designed to ensure better CoC implementation. To ensure the CoC remains impartial and representative of the spectrum of organizations within the sector, the revision was completed by a committee consisting of national and international NGOs; the CoC was also shared between organizations across Afghanistan for further input. The Code Observance mechanism will be monitored by an 'Observance Committee' – democratically elected by the representatives responsible for the formulation of this document. More details on the Observance mechanism are detailed in the 'Code Observance' section of this document.¹⁰

Preamble

The Code of Conduct is a set of shared norms, principles and values that aims to guide the conduct of NGOs in Afghanistan. Any NGO operating in Afghanistan and registered with the Ministry of Economy is eligible to sign the Code of Conduct. We, the registered representatives of NGOs in Afghanistan, hereby commit our organizations to upholding the Principles outlined in this Code of Conduct.

General Principles

1. We are committed to comply strictly with international humanitarian principles and human rights law.
2. Our work is based on the principle of DO NO HARM and it focuses on responding to emergencies, to chronic needs, reducing the impact of disasters and climate change, and dealing with the root causes of poverty, meeting basic needs, and enabling communities to become resilient and self-sufficient.
3. We are accountable to those whom we seek to assist, to those providing the resources, and to legal authorities.
4. We are transparent in our dealings with the government ((currently meant by *de facto* Authority) and community partners, the public, donors and other interested parties.
5. We are independent and we strive to maintain our autonomy according to Afghan and international law, and to resist the imposition of conditionality or corrupt practices that may compromise our missions and principles.

¹⁰ <https://www.acbar.org/site-page/4?=Code%20of%20Conduct>

6. We will not discriminate against any individual or group on the grounds of gender, political affiliation, ethnic origin, religious belief, physical disability or sexual orientation.

Operating principles

1. The focus of our work is to contribute to the empowerment of communities for the improvement in the quality of life of the people of Afghanistan.
2. We respect the Constitution and laws of Afghanistan and work within them.
3. We will not engage in any partisan political activities within Afghanistan.
4. We respect the dignity of the people of Afghanistan: their cultures, religions and customs.
5. We work with the poor and marginalized people of Afghanistan based on need alone, and not on any political, ethnic and tribal, or religious basis.
6. We ensure that our assistance is transparent and strive to involve beneficiaries and their communities in the planning, implementation, monitoring, and evaluation of programmes.
7. We recruit staff on the basis of suitability and qualification for the job according to the law, not on the basis of political, ethnic, religious, gender or personal interests.
8. We are performance-oriented to achieve the best possible results based on targets and achievements agreed with those we work for/with and those we mobilize resources from; we welcome objective evaluation of our work.
9. We seek to assist people and communities to solve their own problems. We encourage and enable the development of self-reliance and advance the right of people to fully participate in decisions that affect their lives.
10. We are committed to effectiveness and to maximizing the positive impact of our programs. We avoid duplication of services and coordinate with all stakeholders.
11. We exercise to the best of our capacity a responsible and responsive approach to the care of the physical and natural environment and to the proper management of Afghanistan's eco-systems in all our activities.
12. We monitor and evaluate the impact of our programs and clearly communicate findings with affected stakeholders.
13. We develop and maintain sound procurement and financial policies, audits, and systems in order to manage our accounts.
14. We maintain and make available public reports on governance, finance and activities upon request by relevant and interested parties.
15. We carry out our activities consistent with our stated missions.

Code Observance

The Code Observance Committee

The Code Observance Committee (hereafter called "the Committee") shall be the body ultimately responsible for promoting and monitoring observance of the code.

A. Composition of the Committee

The Committee shall consist of five member networks. Each member network organization shall nominate one representative to the committee. The member networks are:

- The Agency Coordination Body for Afghan Relief ("ACBAR")
- The Afghan NGOs' Coordinating Bureau (ANCB),
- The South-West Afghanistan, Balochistan Association for Coordination (SWABAC),

- The Afghanistan Civil Society Forum Organization (ACSFo)
- The Afghan Women's Network (AWN).

B. Terms:

The term of office of a representative of the Committee shall be one year, but shall not be more than three consecutive years.

C. Leadership Selection:

The Committee shall select a Chair and a Secretary from the representatives.

II. Composition and Function of the Appeals Board

- The Appeal Board shall consist of Chair/Head of the five member networks.
- The Appeal Board shall be responsible to hear appeals and make recommendations for action by the committee.
- The recommendation will be made by a majority vote
- Members of the Appeal Board shall not be the same individuals currently serving on the Observance Committee

III. Functions of the Committee and committee meetings

The Committee shall have its ordinary meetings every three months.

Extraordinary meetings will be held if there are any complaints that need immediate action.

Functions:

- Assess complaints within 30 working days after receiving the complaints from the Secretariat.
- Adjudicate and audit cases and make decisions on complaints.
- Receive appeals and convey them to the appeal board within one month.
- Make decisions with full consultation of all committee members.
- Consult with members on any changes needed to the Code of Conduct.

Decisions:

- Notice
- Warnings
- Suspension
- Ultimate sanctions is removal from the list of signatories from the Code of Conduct
- The decision will be made by a majority vote

IV. Secretariat and its role: a. The Role of Secretariat: The Secretariat will be one of the five member networks. The Secretariat will change each 3 years.

The Secretariat will have the following duties:

- 1) Receive and verify a copy of legal registration with the government of Afghanistan (currently meant by *de facto* Authority)
- 2) Organize Committee meetings
- 3) Prepare and set agenda, minutes and other relevant documents of meetings
- 4) Coordinate among Committee members

- 5) Receive complaints for the Committee
- 6) Receive submissions and applications
- 7) Refer complaints to the Committee
- 8) Assess complaints with proper documents if reasonable or not
- 9) Promote the Code of Conduct
- 10) Maintain the Code of Conduct website
- 11) Prepare and maintain list of signatories
- 12) Maintain the records
- 13) Maintain a confidential complaints log

V. The process of receiving complaints

a. The following parties can make complaints:

- 1) Beneficiaries, community members, partners and members of a signatory NGO
- 2) Signatories of this Code of Conduct
- 3) Network organizations
- 4) Staff members of the signatory NGO
- 5) Any other stakeholders

The Secretariat may follow up on complaints published in the media or from any other stakeholders.

b. Processing complaints:

- 1) The Secretariat will receive complaints from relevant groups and individuals- by any possible channel.
- 2) The Secretariat is responsible to assess the complaints to determine if the complaints are reasonable and shall refer reasonable complaints to the Committee no later than 10 working days.
- 3) The Committee will investigate the complaints and will make a decision within 30 working days.
- 4) The NGO, subject to complaint, will be invited to address the Committee.

Annex to Code of Conduct

1. Code of Conduct revision Purpose:

This Code of Conduct is modified to be more inclusive of all NGOs involved in Afghanistan and to ensure its compliance with the current environment and needs of NGOs.

2. Definitions:

NGO: a domestic or foreign non- governmental, non- political and not-for-profit organization.

Not-for-profit: an NGO cannot distribute its assets, earnings or profits as such to any person rather than beneficiaries. However, there may be paid employees or activities generating revenue which will be used solely for the stated purposes of the organization.

Impartiality: we offer assistance to people based on need and irrespective of race, religion, gender or political affiliation.

Transparency: a lack of hidden agendas and conditions, accompanied by the availability of full information required for collaboration, cooperation, and collective decision making or minimum degree of disclosure to which agreements, dealings, practices, and transactions are open to all for verification.

Accountability: we are committed to regularly evaluating the effects of our activities. We assume the responsibility of accounting for our actions to our beneficiaries, donors and other interested stakeholders.

Neutral: we do not take sides in armed conflicts, we provide care on the basis of need, and we push for independent access to victims of conflict as required under international humanitarian law.

Independence: We conduct our own evaluations on the ground to determine peoples' needs. Our programs are designed based on identified needs and not on political rhetoric or fads.

Complaint: a statement, expression of pain, dissatisfaction, or resentment from beneficiaries, community members, partners and members of a signatory NGO, network organizations, staff members of the signatory NGO, or any other stakeholders against a signatory of the code of conduct.

International humanitarian law and international human rights law:

two distinct but complementary bodies of law. They are both concerned with the protection of the life, health and dignity of individuals. (ICRC)

Annex 6: PSEA Available Hotlines

<p>وصل، سهیم، آگاه اړیکه، ګډون، پوهاوی Connected Engaged Informed</p>	<p>آواز افغانستان د افغانستان آواز Awaaz Afghanistan</p> 	<p>وصل، سهیم، آگاه اړیکه، ګډون، پوهاوی Connected Engaged Informed</p> <p>آواز افغانستان د افغانستان آواز Awaaz Afghanistan</p> 
<p>A humanitarian helpline connecting you with information on the assistance you need Toll-free and confidential 410 Open seven days a week Female and male operators are available www.awaazaf.org</p>		<p>410 www.awaazaf.org</p>



for every child

Stop Sexual Exploitation and Abuse by UN Staff, Partners and Contractors



د جنسي غلطکارۍ اوکتی اخیستې
ادعا او لښکرې په اړه همدا اوس خبرې
وګرځې!
په ټولګډه ټیپه +۹۳۷۹۹۸۷۱۱۴
یا
لښکرې ته په aco_psea@unicef.org

REPORT NOW!
Call +9379998 7114
or
Email aco_psea@unicef.org

سړه ظنې ادعا ټیپه مربردارۍ وسړه
لښکرې ته را ټیپه ګډونګزار شریډی!
په مشماره +۹۳۷۹۹۸۷۱۱۴ تڼامس
بګی ټیپه ویله آدرس فور ټیپه لښکرې ته:
aco_psea@unicef.org

پروګرام غذای جهان (WFP)

برای شکایات و نظریات به شماره ۰۷۹۰۵۵۵۴۴ تماس بگیرید و یا
به آدرس wfp.afg@wfp.org نامه ارسال نمایید! تماس به این
شماره از طریق تمامی شرکت های مخابراتی در افغانستان رایگان میباشد.

079055544




این شماره از یکشنبه الی
پنجشنبه از ساعت ۸ صبح
الی ۴ عصر فعال میباشد

Annex 7: (ACBAR) : Policies and Guidelines on Protection from Sexual Exploitation and Abuse (PSEA)

AGENCY COORDINATING BODY FOR AFGHAN RELIEF AND DEVELOPMENT (ACBAR) Policies and Guidelines on Protection from Sexual Exploitation and Abuse (PSEA) Updated and Finalized: November 2020

INTRODUCTION

The Agency Coordinating Body for Afghan Relief and Development (ACBAR) is a national, independent, Non- Government Organization (NGO) that provides a platform for information sharing and coordination, capacity sharing, and advocacy for national and international NGOs in Afghanistan. ACBAR brings together more than 150 national and international NGOs working in Afghanistan, abiding by the humanitarian principles of independence, neutrality, impartiality, and humanity.

ACBAR does not tolerate sexual exploitation and abuse (SEA) misconduct in any form. Such behaviour constitutes an egregious breach of trust and goes against core organisational values. ACBAR is committed to non- discrimination, respect for human dignity, and to accountability and transparency in all activities. All ACBAR representatives have a duty to act as role models for the values of the organisation, and to protect those it serves. This policy compels all those who represent ACBAR to act in a manner that actively seeks to prevent SEA.

PURPOSE

ACBAR is committed to maintaining its operations and workplace free from sexual exploitation and abuse. This policy is part of ACBAR's overall approach to fostering an inclusive work and operational environment. This PSEA policy covers the topics of Sexual Harassment, Sexual Exploitation, Abuse of Authority, and Discrimination – referred to throughout this policy as “prohibited conduct”, and is part of the employment contract signed by each ACBAR representative. (Please refer to Annex 1 for detailed definitions) ACBAR representatives have the responsibility to read, understand, and hold themselves accountable to this policy's content. This policy sets out:

- The behaviour expected of all individuals who are ACBAR representatives.
- The principles upon which ACBAR responds when prohibited misconduct is suspected or has occurred.
- ACBAR's commitment to preventing prohibited misconduct.

ACBAR recognizes the right of all ACBAR employees, visitors, partners, and community members to protection, regardless of gender, race, culture, and disability. ACBAR is committed to creating and maintaining an environment that promotes its core values and maintains a zero-tolerance policy for any SEA-related violation. ACBAR employees must uphold the dignity of all people with whom they come into contact by ensuring that their personal and professional conduct is of the highest standards at all times.

Scope:

This policy applies to all ACBAR employees and representatives regardless of location, including:

- ACBAR full and part-time employees.
- ACBAR Steering Committee members.
- Interns and volunteers.
- Non-employees hired for services. Examples include vendors, contractors, and consultants.

Application of Policy:

ACBAR representatives shall refrain from any abuse, exploitation, discrimination, or harassing behaviour toward any ACBAR members, beneficiaries, training participants, partners, clients, contractors and suppliers, and consultants – the same as if such individuals were ACBAR employees. Such individuals can report to ACBAR any inappropriate behaviour toward them by an ACBAR staff member. Details for how to make a complaint are in the section **How to Raise a Complaint or Report an Incident**, on page 3 of this document.

ACBAR expects its customers, vendors, contractors/consultants and member/partner organizations to refrain from any form of abuse, exploitation, discrimination, and harassing behaviour when engaging with ACBAR. These individuals must meet the same standards as ACBAR personnel. Reports of prohibited conduct must be through the established reporting mechanisms.

PRINCIPLES

All people have the right to dignity, fairness, and respect. ACBAR therefore abides by the following principles:

- ACBAR is committed to a **rights-based and preventative approach** by providing a workplace that is free from abuse, exploitation, discrimination, and harassment.
- ACBAR has **zero tolerance** of any prohibited conduct of employees and volunteers while at work, at ACBAR- related events, or while carrying out ACBAR business. Additionally, ACBAR will not tolerate any prohibited conduct from ACBAR members, employees, beneficiaries, training participants, and non-employees. Prohibited SEA conduct is a gross act of misconduct and grounds for immediate termination of employment. Detailed disciplinary action for such offenses is on page 4, **Investigation Findings and Disciplinary Action**.
- Sexual activity with children (persons under the age of 18) is prohibited regardless of the local age of majority or age of consent. Mistake in age is not a defence.
- Exchange of money, employment, goods, or services for sex – including sexual favours or other forms of humiliating or exploitative behaviour are grounds for immediate termination of employment.
- Sexual relationships between ACBAR representatives and beneficiaries and line managers and supervisees are prohibited because they fundamentally have an imbalance of power.
- To ensure accountability, any allegation will be investigated and determined in a **confidential, fair, and timely manner** with due regard for all parties. Complainants will be treated with respect and have full confidence in their safety. Additionally, there will

be no repercussions or negative consequences for any person who steps forward in good faith to report prohibited conduct.

- ACBAR staffs and representatives have a **responsibility to report** through established reporting mechanisms any concern or suspicion of prohibited conduct. Failure to report may put the concerned individual(s) at risk.
- ACBAR maintains a deep understanding and respect for **cultural sensitivities** around prohibited conduct within the context of Afghanistan, particularly regarding gender. This policy intends to ensure that Afghan culture is respected, but also with the understanding that there are challenging dynamics to navigate and support women in the workplace.
- Within civil society, policies and coordination efforts for PSEA are continuing to develop and evolve. ACBAR is committed to ensuring **continued engagement with various coordination efforts** to improve its efforts in managing these situations, including but not limited to the Inter-Agency Task Force on PSEA, the Afghanistan Protection Cluster (APC), the Gender-Based Violence (GBV) Working Group, and the Gender in Humanitarian Action Working Group (GiHAC). This engagement will further ensure that all ACBAR staffs and representatives **access** information on how to report concerns or complaints of prohibited conduct.
- ACBAR takes all reported concerns or complaints seriously regardless of when they are alleged to have occurred, and responds to them using a **survivor-centred approach** that respects and promotes the dignity of survivors and provides adequate support to all those affected.

Management Responsibilities:

ACBAR is committed to sensitizing senior staffs, managers, and supervisors on how to identify and deal with cases of prohibited conduct. ACBAR expects these staffs to act as role models by upholding the highest standards of conduct and to treat any prohibited conduct-related complaints with confidentiality and sensitivity. Complainants must have trust in ACBAR's reporting and investigation system and a sense of safety so that they can feel confident to come forward without risk of repercussions. Managers have a particular responsibility to prevent abuse, exploitation, discrimination, and harassment and to take appropriate action against it by:

- **Vetting and soliciting references** for job applicants to ensure they have an impeccable track record with no known history of violations of Codes of Conduct with their previous organizations.
- **Thorough training** for all new staffs, volunteers, and contractors on ACBAR's Code of Conduct, policies, reporting, and procedures for investigating complaints.
- Identifying, recognizing, and correcting conduct or behaviour that could be perceived as offensive and reminding individuals of ACBAR's policy when appropriate. It is especially important for ACBAR representatives to respect cultural sensitivities for women in the workplace. This includes ensuring that staffs are not commenting on women's dress or hair, and avoiding unnecessary phone calls/contact with women representatives outside of working hours.
- Providing a supportive framework for any individual who complains of prohibited conduct, for witnesses, and for those accused of prohibited conduct by ensuring that the complaint is treated as a sensitive and highly confidential matter.

- Ensuring that complaints are timely investigated to determine the facts and whether formal action is required.

Policies for Managing Complaints:

If ACBAR representatives believe that they are experiencing prohibited conduct, they may seek resolution through informal or formal processes. The following list is not in priority order. Any unsuccessful attempt to resolve the matter informally does not preclude a formal report.

Informal Resolution

Complainant(s) may try to approach the Respondent if comfortable doing so to explain that the behaviour is not welcome, that it offends or upsets, and request the behaviour stop. If this is not possible, they may talk with their line manager or the PSEA focal point. It may be helpful to set out the details in writing.

The line manager/PSEA focal point should provide advice, information, and/or assistance in a timely, sensitive, and impartial manner regarding availability of assistance and other options. Line managers should enact any protective measures available. If the Complainant(s) agrees, the line manager should meet with the Respondent as soon as possible (and within 24 hours) to discuss the complaint's specific details while also respecting the confidentiality of the Complainant. The line manager should also talk to the PSEA focal point or Director, depending on the severity of the complaint and if the Respondent has a repeated history of offences.

If appropriate, the line manager may attempt to resolve matters by working with both the Respondent and the Complainant(s) to fairly and sensitively resolve the complaint. Any agreed actions must be in writing and set reviews in place if the Complainant agrees to participate in this process. Confidentiality must be respected at all times.

If the matter cannot be informally resolved, the Complainant may use the formal complaints mechanism procedure. While informal resolution methods may be appropriate for minor workplace harassment, any accusation related to sexual exploitation and abuse must be determined by formal resolution.

Formal Resolution through Complaints and Feedback Mechanisms

ACBAR must ensure that safe, accessible, responsive, transparent, and independent complaints and feedback mechanisms (CFM) are in place so that the people it serves and the wider community may safely raise complaints and feedback. ACBAR must widely publicise its CFM to the communities it serves, recognising that complaints of sexual prohibited misconduct raised against ACBAR staffs are particularly sensitive.

How to Raise a Formal Complaint or Report an Incident

All ACBAR representatives who become aware of possible breaches of this policy by ACBAR staffs must report alleged prohibited conduct (including child sexual abuse) immediately through one of ACBAR's reporting channels:

- ACBAR's PSEA Focal Point: gs.rm3twinning@acbar.org
- ACBAR's complaint mechanism email address: reporting@acbar.org
- ACBAR's complaint hotline number: +937 06 602 570

- ACBAR's Director at: director@acbar.org
- ACBAR must respond to formal complaints within 24 hours of receipt, not including weekend days or public holidays.

What if the Complaint is about the Line Manager?

Unless the behaviour is sexual abuse/exploitation, the Complainant may attempt to talk to his/her line manager that the behaviour is causing a problem. If this is too awkward, he/she can talk to the next level manager and/or seek support from the PSEA focal point according to informal resolution guidance. If the Complainant wishes to raise a formal complaint, he/she should follow the formal reporting procedures.

What if the Respondent is with a Different Organisation?

The Complainant may still try to resolve matters using informal resolution procedures. If this is not successful, the line manager should contact the PSEA focal point and/or Director. The Director will notify the Respondent's manager for formal resolution.

What if a Criminal Offense is Committed?

ACBAR must adhere to the Government of Afghanistan's (currently meant by *de facto* Authority) Anti-Harassment Law and Criminal Law, along with all relevant regulations associated with criminal offenses (including SEA). ACBAR is required to follow any relevant SEA policies that are part of donor grant agreements. In the event of alleged criminal SEA offenses, the Complainant or ACBAR will report the incident to appropriate local authorities, local law enforcement and/or diplomatic authorities. ACBAR will provide any of its representatives who experience such offenses in connection to their employment with appropriate and timely physical, medical, and psychological support. When necessary, ACBAR will consult with legal counsel. Any investigation will:

- Determine if the staff member breached the SEA policies
- Protect individuals from being abused or exploited
- Highlight issues relating to poor practice/performance
- Identify aspects of program delivery or performance that increase risks of abuse or exploitation by staffs

ACBAR will investigate all SEA complaints based on the following:

- Thoroughness: ACBAR will conduct investigations in a diligent, complete, and focused manner.
- Confidentiality: Complainants, witnesses, and Respondents have a right to confidentiality other than in certain, exceptional circumstances. This will be decided with sensitivity and care at the discretion of the PSEA Focal Point and appointed investigator(s).
- Safety: the Complainant's safety and welfare are paramount.
- Competence, responsibility and independence nature of investigators: ACBAR will make every effort to appoint competent, responsible, and independent investigators.
- Impartiality: investigations must be conducted in a fair and equitable way. ACBAR will ensure that investigators are free of any influence that could impair their judgment.

- Objectivity: evidence to support and refute the allegation must be gathered and reported in an unbiased manner. The Respondent must have the opportunity answer allegations against him/her in writing and to provide any existing evidence.
- Timelines: investigations must be conducted and reported in a timely way.
- Accuracy and documentation: investigation reports and their conclusions must have adequate documentation.

Investigation Findings and Disciplinary Action:

The Complainant and alleged perpetrator will be timely informed of investigation findings and determination. If there is evidence that clears the Respondent, s/he should be informed with no permanent record of the incident in the personnel file. However, the investigation report will be maintained in Human Resources.

Managers are encouraged to inform staffs involved in the investigation, or aware of the allegations, that the person is cleared. If the investigation determines that the allegations are unsubstantiated, the case will be closed.

Appropriate counselling may be provided to both the Complainant and Respondent.

If there is a reasonable basis to believe that prohibited SEA occurred, appropriate corrective action according to ACBAR's disciplinary procedures will be kept on record.

If, after proper investigation, there is evidence to support SEA allegations, ACBAR may, upon consultation with legal counsel, refer cases to national authorities for criminal prosecution.

If it is determined that false allegations were intentional, full documentation will be kept and appropriate corrective action taken against the Complainant.

Any concerns of potential reprisals against anyone involved in the investigation should be noted. A Director- designated senior staff member must establish concrete monitoring plans.

Available Resources for Support:

- Support is available to those who feel they experienced abuse, exploitation, discrimination, or harassment, and also to Respondents:
- Internal human resources for support include the Complainant's line manager, a Human Resources representative, a Steering Committee representative.
- Support for Those Who are Affected: Based on needs expressed by survivors themselves, whether they work for or receive ACBAR assistance, ACBAR will offer support as required – including medical care, specialist psychosocial counselling, or access to legal assistance. With the exception of legal assistance, ACBAR will offer the same support Respondents and witnesses.

If anyone involved in a complaint believes that ACBAR's established formal resolution procedures are compromised, he/she should raise the concern with the ACBAR Director.

ACBAR will provide PSEA training to all staffs, including at minimum annual refresher training so that all staffs are aware of their rights, responsibilities, and consequences regarding SEA.

In exceptional circumstances, an SEA complaint can and should be through an external reporting mechanism in the country. The AWAAZ hotline (410) is the most widespread option available in Afghanistan, and it assures complete confidentiality for the Complainant. An outside reporting mechanism should be used only if the Complainant feels ACBAR is ignoring or not investigating his/her complaint.

Any investigation that is undertaken must be completed. In the event that a complaint does not warrant a full investigation, the Director may take a number of steps to address concerns in other ways (e.g., training to address poor practices, change in working arrangements, or revised procedures).

DEFINITIONS

Sexual Harassment:

The definition for sexual harassment is *"unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature."* It includes situations where a person is asked to engage in a sexual activity in the work environment and/or related to work as well as situations which create an environment which is unfriendly, frightening or embarrassing for the recipient. Harassment also means less favourable treatment of a person because he or she has rejected or submitted to the type of conduct described below. It is not the intention of the perpetrator that determines whether bullying or harassment has occurred,¹ but whether the behaviour is acceptable by reasonable standards and is disadvantageous or unwelcome to the person subjected to or witnessing it.

Harassment means verbal, non-verbal or physical conduct which meets the following criteria:

Is of a sexual nature or related to a person's actual or perceived sex, race, colour, ethnic origin, gender reassignment, disability, marital status, size, religion, belief system, age, life style, sexual orientation or other personal characteristic.

Is unwanted or unwelcome.

Has the purpose or effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive work environment for that person.

Anyone can be a victim of harassment.

Harassment may be an isolated incident or repeated actions.

Harassment can take many forms and may involve written documents, the use of IT including email, text messaging or images.

Sexual harassment is often deliberate, unsolicited, and coercive.

Both male and female colleagues can either be the victim or offender.

Sexual harassment may also occur outside the workplace and/or outside working hours.

Examples of harassment may include:

- Any "jokes", banter, insults, taunts or gibes that focus on personal or physical characteristics as defined above.
- Display or circulation of any offensive or pornographic material, graffiti or racist literature; or sexually suggestive pictures, objects or written materials.

- The general use of racist language or racist terminology, sexually explicit or provocative language or homophobic language.
- Excluding people because of a personal characteristic and/or gender.
- Insulting or inappropriately commenting on the way someone dresses, speaks or behaves. In Afghanistan, there is a need to respect cultural sensitivities, particularly for women in the workplace, which includes not commenting on women's dress or establishing inappropriate forms of even verbal contact.
- Persistent or unwanted attention or physical contact or similar.
- The exercise of undue influence to obtain consent to a sexual relationship, e.g. insinuating or stating that another person's employment opportunities could be adversely affected by a refusal to submit to sexual advances.

The above is not exhaustive and can only be used as a guide for examples of harassment.

Sexual Exploitation:

Sexual Exploitation is any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Both male and female persons can either be the victim or offender. ¹ Further detail (e.g., definitions and corrective measures) on bullying and harassment are in ACBAR's Code of Conduct. ⁶

Sexual Abuse:

Sexual abuse is the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. All sexual activity with a minor is considered sexual abuse. Both male and female persons can either be the victim or offender.

Reciprocal relationships that involve choice and consent do not constitute sexual harassment, although there are numerous cultural sensitivities within the Afghanistan context that need to be navigated around reciprocal relationships that are developed and then exist within the workplace.