

TANZANIA RAILWAYS CORPORATION



POLICY FOR PREVENTION AND RESPONSE TO GENDER BASED VIOLENCE

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Abbreviation and Acronyms

ACHPR		African Charter for Human and Peoples Right
AIDS	–	Acquired Immune Deficiency Syndrome
BPfA	–	Beijing Platform for Action
BSR	–	Baseline Survey Report
CDF	-	Children’s Dignity Forum
CEDAW	–	Convention on the Elimination of All Forms of Discrimination Against Women
CRC	–	Convention on the Rights of Children
FYDP		Five-Year Development Plans
GBV	–	Gender-Based Violence
GFD		Gender Focal Desk
GOT	–	Government of Tanzania
ICESCR	–	International Convention on Economic, Social and Cultural Rights
ILO	–	International Labor Organization
IWC		International Women Conference
LGAs	–	Local Government Authorities
MEAL		Monitoring, Evaluation, Accountability and Learning
MCDGC		Ministry of Community Development, Gender and Children
MDA	–	Ministries, Development Units, and Agencies
MDG	–	Millennium Development Goal
NGO	–	Non-Governmental Organization
NSGD	-	National Strategies for Gender and Development
SADC	-	Southern African Development Community
SDGE	-	Solemn Declaration on Gender Equality
SDG	-	Sustainable Development Goals
SEA	–	Sexual Exploitation
SH	–	Sexual Harassment
SOSPA		Sexual Offenses Special Provision Act
TRC	–	Tanzania Railway Corporation
UN		United Nations
UDHR	–	Universal Declaration on Human Rights
USAID	–	United States of America Development Agency
URT	–	United Republic of Tanzania
VAM	–	Violence Against Men
VAW	-	Violence Against Women
UNGASS	–	United Nations General Assembly
WGP		Women and Gender Policy
WHO	–	World Health Organization

Glossary

Sex

It refers to the condition of being male or female on the basis of biological, genetic and physiological characteristics including both internal and external sexual organs related to reproduction, chromosomes and hormonal profiles as portrayed in terms of behavioural and brain differences.

Gender

Refers to the socially constructed and cultural defined roles, responsibilities, attributes, and entitlements assigned to people based on the basis of the sex assigned to them at birth in a given setting along with the power relations between them.

Gender Roles

Refers to a set of socially and culturally accepted activities, behaviors and attitudes deemed appropriate or desirable for individuals based on their sex. In most cases, gender roles vary across and within cultures with regard to time as well as scientific and technological advancements.

Gender division of labor (GDOL)

It refers to the different types of work that men and women do in their diversity as a consequence of their socialization and socially accepted patterns of division of responsibilities within a given cultural context. Gender roles are reflected in activities ascribed to men and women on the basis of perceived differences which are reinforced through the gender division of labor.

Sexual division of labor (SDOL)

This refers to allocation of activities on the basis of sex. The concept of “gender roles and responsibilities” is used synonymously with sexual division of labor

Gender relations

It refers to social relationships between men and women that explain the differences in power relations among them in their diversity within a specified time and place. Gender relations are also defined in terms of masculine and feminine identity.

Gender equity

Refers to the process of being fair to women and men in their diversity. To ensure fairness, measures must often be available to compensate for historical and social disadvantages that prevent women and men from otherwise operating on a “leveled playing field”. Some of these include women quotas/special seats in politics or lower cut off points for women enrolling for university education.

Gender equality

Refers to the absence of discrimination on the basis of a person's sex in access to power and authority, opportunities, allocation of resources or benefits and access to services and it does not mean sameness of everything. It implies equal valuing by organizations /society of both the similarities and differences between men and women, as well as valuing roles their specific sex specific and gender roles which they play both in the private (household) and public space.

Substantive equality

It is a concept expressed in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). It recognizes that because of historic discrimination, women do not start on an equal footing to men.

It focuses on the outcomes and impacts of laws and policies. Substantive equality goes far beyond creating formal legal equality for women (where all are equal under the law) and means that governments are responsible for the impact of laws. This requires governments to tailor legislation to respond to the realities of women's lives. Striving for substantive equality also places a responsibility on governments to implement laws, through gender-responsive governance and functioning justice systems that meet women's needs. Substantive equality

Gender Norms

Refer to accepted attributes and characteristics of male and female gendered identity at a particular point in time for a specific society or community. They are the standards and expectations to which gender identity generally conforms, within a range that defines a particular society, culture and community at that point in time. Gender norms are ideas about how men and women should be and act. Internalized early in life, gender norms can establish a life cycle of gender socialization and stereotyping.

Gender Bias

It refers to the tendency to make decisions or taking actions based on preconceived gender norms or gender myth and stereotypes

Gender analysis

This is the process of examining roles and responsibilities or any other situation in regard to women and men; boys and girls, in a systematic manner, with a view to identifying main gender issues such as gender gaps, raising concern and addressing them; investigating and identifying specific needs of girls and boys, women and men for policy and programme development and implementation

Gender issues

Refer to issues that arise when there is inequality, inequity or differentiated treatment of an individual or a group of people purely on the basis of social expectations and other attributes of gender such as gaps, oppression and discrimination.

Sexual Discrimination

“Any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field” (United Nations, 1979).

Structural discrimination

It refers to a form of discrimination resulting from policies, despite apparently being neutral, that have disproportionately negative effects on certain societal groups such as minority groups.

Gender-stereotyping

Ascribing certain attributes, characteristics and roles to people based on their gender. Gender stereotypes can be negative (i.e., women are bad drivers, men can't change diapers) and benign (i.e., women are better caregivers, men are stronger). Gender stereotyping becomes harmful when it limits a person's life choices, such as training and professional path, and life plans. Compounded gender stereotypes occur when layered with stereotypes about other characteristics of the person, such as disability, ethnicity or social status.

Gender stereotypes

Refers to structured sets of beliefs about the personal attributes, behaviors and roles of a specific social group. Gender stereotypes are biased and often exaggerated images of women and men which are used repeatedly in everyday life.

Gender Based Violence

Refers to diverse forms of harmful activities directed against a person or a group of persons because of certain perceived gender identity such as sex, age, disability, status and other gendered identities. The UN provides a more elaborate definition which defines GBV as “any harmful act of GBV that result in, or is likely to result in. physical, sexual or psychological suffering to women and men including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

Sexual Violence

Refer to any sexual act; attempt to obtain a sexual act, or other acts directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting. It includes rape, defined as the physically forced or otherwise coerced penetration of the vulvae r anus with a penis; other body parts or object, attempted rape, unwanted sexual touching and other non-contact forms.

Gender Mainstreaming

Gender mainstreaming is defined by the United Nations as the process of assessing the implications for women and men of any planned action in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all

political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal of mainstreaming is to achieve gender equality.

Gender sensitivity

Refers to the ability to perceive causes and effects of gender differences between men and women in their diversity and commit to incorporate these into positive strategies and actions.

Gender responsiveness

This means the process of planning and implementing activities that meet identified gender issues/concerns that promote gender equity, equality and empowerment.

Gender transformation

It describes a situation where women and men change their way of thinking from patriarchal towards a gender equality perspective.

Gender Blindness/Neutral

The inability to perceive the different gender roles, needs and responsibilities, and consequently, the failure to identify analyses policies and projects in terms of the differences in their gendered effects on women and men in their diversity.

Cyber Sexual Harassment

Involves the use of communication technologies such as the Internet, social networking sites, websites, email, text messaging that can make a person feel threatened, exploited, coerced, humiliated, upset, sexualised or discriminated against.

Acknowledgement

This Policy provides a framework for effective Prevention and Response to Gender Based Violence. The principal objective of the Policy is to accelerate efforts towards the prevention, response and elimination of GBV and SEA in TRC undertakings.

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CHAPTER ONE: INTRODUCTION

1.1 Background Information and Context

Gender-based Violence (GBV) refers to diverse forms of violence directed at an individual or groups of people either on the basis of their biological sex, gender identity, or socially defined norms of masculinity and femininity. For the Government of Tanzania, GBV is defined as “an umbrella term for any act, omission, or conduct that is perpetuated against a person’s will and that is based on socially, ascribed differences between men/boys and girls/women” (GOT, Guidelines for the Health Sector, 2015). In addition, the concept has been stretched to incorporate economic deprivation and isolation, both of which can have serious consequences for safety, health, and well-being. Sexual Exploitation and Abuse (SEA) is defined as acts of taking advantage of another person through non-consensual or abusive sexual control. This may include practices such as the digital or electronic images (pornography), distributing, recording, and or photographing of people involved in sexual acts without their consent.

GBV and Sexual Exploitation and Abuse (SEA) are mainly caused by gender inequities and power imbalances between men and women in their diversity. It transcends location, race, culture, class, and religion. Further, practically, GBV and SEA practices and incidences affect every community on the planet whether living in developed and developing countries.

GBV and SEA is based on socially imposed (gender) disparities between men and women. Gender can be defined as the social construction of roles, attitudes, and values that are thought fitting for each individual by the community. As a result, these roles create power dynamics between men and women in terms of who makes choices and who controls resources. Generally, in most countries and communities’ world over, Tanzania inclusive, GBV and SEA incidences are frequently tolerated and perpetuated by systems that thrive on impunity.

Generally, GBV and SEA is a human rights issue that has been happening both in the private (household), public space including the transport sector since time immemorial. To a large extent, although GBV and SEA affects both men and women in their diversity, the latter comprise the majority of the victims as being disproportionately affected by GBV and SEA both at home and at work place. Most countries have taken both legal and policy measures to address various forms of GBV and SEA including Violence against Women (VAW), Violence Against Men (VAM), and Violence against Children (VAC). However, the GBV and SEA concept is mostly preferred because most of its causes and forms are caused by unequal power relations between men and women.

However, women and girls are more vulnerable to different forms of GBV and SEA in conflict and humanitarian and disaster situations, as well as in transport and employment sectors where there is a high level of human interactions, where acts such as rape, confinement, and sexual slavery that result in sextortion, economic exploitation, emotional, psychological and mental and physical violence are used as weapons of abuse. Gender-Based Violence (GBV) is a major concern for global health, human rights, and development because it results in physical,

psychological sexual or sexual harm or suffering, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private (USAID, 2020).

At global level, the World Health Organization (WHO) defines Gender-based Violence (GBV and SEA) as “any harmful act that is perpetrated against a person’s will and that is based on socially and culturally ascribed differences between males and females WHO (2005). The United Nations established various legal instruments for articulating globally recognized norms and standards aimed at addressing GBV and SEA practices facing men and women in their diversity. Likewise, the Government of Tanzania (GOT) has made substantial efforts in ratifying and subscribing to many of global and regional legal measures as well as developing and operationalizing its home grown frameworks for addressing GBV and SEA.

The Government of Tanzania (GOT) has ratified, among others international instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), the United Nations Convention on the Rights of the Child (CRC, 1989), the Beijing Platform for Action (BPfA,1995), UN Resolution 1325 (2000), and the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons as well as realization of Sustainable Development (SGDs) Goal Number 5, on gender equality with the target to eliminate all forms of violence against all women and girls in the public and private spheres including trafficking, sexual and other types of sexual exploitations globally.

Tanzania Railways Corporation (TRC) being a public owned corporate organization is responsible for providing and managing railway transport services in Tanzania in collaboration with managing diverse stakeholders including primary and secondary. Findings from the Baseline Survey Report (2022) confirmed existence of diverse forms of GBV and SEA related practices both within and outside the organization including its projects. More specifically, findings revealed that almost two thirds of respondents reported that they have heard or witnessed various forms of GBV and SEA practises among TRC staff, projects users, suppliers and other beneficiaries including passengers. On the contrary the remaining one third confessed to be ignorant on these issues. Further, the report highlight some of the most common forms of GBV and SEA in TRC as well as main causes, perpetrators, magnitude, prevalence, and consequences to the organization and beyond. However, due to lack of an explicit gender policy and/or GBV and SEA policy within TRC, most of these unwanted sexual and gender based violence practices are expected to continue. Further, findings revealed high level of ignorance about GBV and SEA concepts, including meanings and actual practices. Furthermore, the findings revealed strong culture of silence when it comes to reporting about GBV and SEA practices.

In view of the above, TRC designed this policy to provide guidance on how to deal with GBV/SEA and SH issues happening both within and outside the organization. This implies is committed to the elimination of all forms of Gender Based Violence (GBV) and Sexual Exploitation and Abuse (SEA) and to the effective provision of quality and accessible services to all its stakeholders during its construction, operation and maintenance works. TRC with its

robust legal framework is complimenting other country specific laws and policies prohibiting various forms of GBV and SEA in the public space and employment sector. Nevertheless, GBV and SEA remains a negative phenomenon in our society and presents serious multi-faceted challenges.

1.2 Vision

To be an efficient and reliable Rail Transport service provider in East and Central Africa

1.3 Mission

To manage rail transport in cost effective manner through development, and maintenance of railways infrastructure and provision of safe and reliable rail transport services for sustainable social economic development

1.4 Core Values

In day-to-day operations, Tanzania Railways Corporation staff will be guided by the following core values: -

1.4.1 Customer First

A customer is regarded as a business partner; hence Tanzania Railways Corporation will work hard to provide quality services to its Customer in their diversity.

1.4.2 Safety

Improving rail transportation safety remains TRC's top priority, hence an organizational wide focus on reducing rail – related fatalities and injuries is essential.

1.4.3 Integrity

Being fair and honest in the corner stone of all TRC's dealings with its customers and other stakeholders

1.4.4 Results focus

The Corporation will be result oriented and gender sensitive in the discharge of its mandate to achieve appropriate results in all its activities, and it will be guided by this Strategic Plan and Business Plans.

1.5 Statement of the Problem

Gender-Based Violence (GBV) Sexual Exploitation and Abuse (SEA), and Sexual Harassment have been increasingly observed in the public transport sector, including railway transport. To date, both mild and serious forms of GBV and SEA -related incidents have been found to be a common issue of concern both in public and private sectors, in particular railway transport in Tanzania under the Tanzania Railways Corporation. In attaining its goal and objectives, Tanzania Railways Cooperation with its diversified stakeholders and roles in the construction, operation, and maintenance of railway transport in almost all parts of Tanzania, incidents of GBV and SEA are inevitable.

The Baseline Survey Report identified several causes of GBV and SEA that are happening both within TRC and its projects. Some of these include; misuse of power, discrimination in the workplace, lust for money, poverty, low income, lack of knowledge on GBV, SEA and SH issues and personal behaviour. Further, mentioned various consequences of GBV and SEA to the organization such as job loss, decreasing of work performance, psychological and emotional abuse. Likewise, victims and community at large experience the following consequences: death, risks of contracting infection diseases such as Sexually Transmitted Diseases (STI's) and HIV/AIDS, lack of self-confidence and low self-esteem especially employees, use of abusive language to employers (particularly at project level) and unwanted pregnancy and poor mental health.

Overall, baseline survey findings revealed that neglect of these consequences can have far reaching effects both to respective organizations and community members. On the one hand, existence of GBV and SEA incidents leads to violations of human rights (rape, sodomy, group sex, sexual harassment and sextortion) in the workplace, including in the transport sector. On the other hand, such practices are contradictory to some of the specific provisions in the Universal Declaration of Human Rights (UDHR) that explicitly promote equality in dignity, rights, and freedoms and equal protection against any discrimination include Articles 1, 2, 5, 7, and 22, as well as the realization of SDG Goal No. 5, on gender equality.

Further, GBV and SEA practices in the railway transport tend to contravene other global and regional initiatives geared towards promoting gender equality and women's emancipation both in the public and private sector. Some of these include the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the ILO Conventions Nos.110 and 189 respectively. The former aims at promoting non-discrimination and equality in the world of work whereas the latter promotes Decent Work for Domestic Workers. Article 5 for instance, in particular, requires Member State to take measures that will enable domestic workers to enjoy effective protection against all forms of abuse, harassment, and violence, as well as extend social protection to women and men in their diversity, in relation to reproductive hazards and sexual harassment. Other global measures include the Sustainable Development Goals (SDGs) specifically Goal Number 5 and the Convention on the Rights of the Child (CRC). Article 11 of the latter forbids discrimination against women in the workplace and pushes for equal pay, health care, and working conditions for men and women. Similarly, Article 15 of the same constitution demands for equality before the law, including the freedom to own property and select one's place of abode. Although the Government of Tanzania has ratified most of these global and regional measures but it is still struggling with the issues of GBV and SEA in the public space including the transport and communication.

1.6 Scope of the Policy

Tanzania Railways Corporation's policy on Gender-based Violence and Sexual Exploitation and Abuse applies to all TRC employees and non-employees, service providers, service consumers, communities along and adjacent to railways, national and international partners, government and private sectors that have direct and indirect interaction with TRC's undertakings, which are

divided into five major categories: construction, operation, maintenance, service providers and beneficiaries.

This policy aligns with Tanzania's Women and Gender Development Policy, which was adopted in 2000 and directly supports commitments made by countries bound by the Universal Declaration of Human Rights and the United Nations Convention for the Elimination of All Forms of Discrimination against Women (CEDAW). While implementing this policy, TRC will adhere to Tanzania's Vision 2025, Five-Year Development Plans III (FYDP-III) and other national and international frameworks such as Vision 2030 and the principle of "Leave no one behind".

1.7 Overall Objective

The overall objective of this GBV and SEA Policy is to accelerate efforts towards the prevention, response and elimination of GBV and SEA in TRC undertakings.

1.7.1 Specific Objectives

- i) To facilitate a coordinated strategy towards addressing GBV and SEA, and thus to create a secure and safe environment for appropriate development.
- ii) Improving the enforcement of laws and policies pertaining to GBV and SEA prevention and response within TRC undertakings.
- iii) Increasing access to high-quality, all-inclusive GBV and SEA support services both within and outside of the corporate environment.
- iv) Enhancing the sustainability of corporate GBV and SEA prevention and response interventions.
- v) Compliances with respective international, regional and national conventions and legislations if not agreements.

1.8 Rationale

It takes time to establish a GBV, SEA policy that will guide TRC on how to recognize and manage GBV and SEA, acts occurring within and outside the organization. Furthermore, it entails identifying key gender concerns to be addressed in GBV and SEA policy at various levels, such as design, implementation, monitoring and evaluation.

The reviewed literature revealed that GBV and SEA take place daily in public transport systems worldwide and railways transport in particular. For example, in a survey of 5,010 commuters in Delhi, India, including 3,816 women, 50% of women said they were sexually harassed on public transport, while 42% reported being sexually harassed while waiting for public transport. The majority of women surveyed in Karachi, Pakistan 78% and Baku, Azerbaijan 81% has also reported experiencing sexual harassment while using public transportation.

In addition, a survey involving 1,010 women in three Egyptian cities showed that approximately 92% of these women report facing sexual harassment on the street and in public transport, whereas, 60.5% reported being sexually harassed both during the day and at night. In

Kathmandu, Nepal 97% of women surveyed reported that they had experienced at least one or more incidents of sexual harassment on public transport including catcalling or other forms of unwanted communication.

To date, occurrences of mild and very serious forms of GBV and SEA related incidents are increasingly becoming an issue of concern to both nation states and public organizations including the Tanzania Railway Corporation (TRC). However, most of these go unnoticed due to either ignorance or the culture of silence when it comes to issues of reporting GBV and SEA incidences. Most GBV and SEA actions both in the public and private spheres are perpetrated by individuals or groups of individuals known to the victims including intimate partners, colleagues/peers as well as strangers. To some extent, factors responsible for causing GBV and SEA practices in TRC and the railway transport have been identified as well as responses and consequences on TRC, its partners as well as community and individual levels. For that reason, TRC is committed to designing its Gender-Based Violence (GBV) and Sexual Exploitation (SEA) (SH) policy as part of its efforts to create a safe, secure free working place for all its employees, contractors, service providers and beneficiaries including men and women in their diversity.

1.9 Key Guiding Policy Aspects

1.9.1 Women and *Gender Policy*

Tanzania has a number of policies and strategies some of which are quite specific and comprehensive on GBV and SEA. Tanzania recognizes GBV and SEA as a violation of human rights. It is also aware of the fact that women and girls suffer disproportionately against GBV and SEA as compared to men. As such, Tanzania's is committed to equality, equity, and empowerment of women and all disadvantaged populations because they are crucial human resources for social and economic development. Thus, Government of Tanzania is committed to use its powers and resources to fight, prevent and create a clear conducive environment to respond to all forms of GBV and SEA in the formal sectors and society in a harmonized and coordinated approach.

1.9.2 Legislatives Frameworks Against GBV and SEA Which Promote Human Rights and Development

The legislative framework is comprised of laws that govern conduct in their country and public institutions. Policies spell out the national strategic direction from which sectorial implementers usually derive legitimacy and mandate including laws. The law provides a set of enforceable rules and guidelines that compel or prohibit certain types of behaviour.

Policies protect government commitments and priorities and provide the framework and guidelines for achieving these goals. Laws and policies must therefore work hand in hand to achieve development goals, advance human rights and create a just and equitable public institution/agencies and society in general.

1.9.3 Consideration of Cultural Issues.

Gender-based violence is manifested as a result of misinterpretation, misunderstanding and misguided cultural values in society and organizations. All stakeholders are to join hands in fighting the negative attitudes and perceptions on gender, gender stereotypes and myths, oppressive cultures, and human rights in order to eliminate the culture of silence on GBV and SEA in working place, public spaces such as railway transportation sector.

On the other hand, positive cultural values that promote non-violence, respect, and, solidarity with victims can be reinforced to achieve a society/institution that does not tolerate sexual and gender-based violence (SGBV).

1.9.4 Involvement of the Masculine Gender

In terms of statistics, women and girls comprise of the majority of the victims of GBV and SEA in areas with the major civil construction project, public places including railway transportation worldwide, and the same is true in Tanzania. However, GBV and SEA can include men, women, and children as victims, and both men and women as perpetrators. Additionally, both sexes are directly and indirectly affected by the impacts of GBV and SEA either as part of society, institution and the country.

Therefore, while GBV and SEA issues are often mistakenly seen as impacting the feminine gender than the male gender in work places, public transportation sector. However, the reverse is true. Thus, both short and long-term gender aware solutions are required to prevent and respond to GBV and SEA. Such measures call for participation of male employees from all professional backgrounds. Strategies to prevent and respond to GBV and SEA must therefore, include dialogue between male and female employees, aimed at changing the organizational cultural, social, economic, and other systems and structures that prohibit human rights and equality between women and men. In public organizations such as TRC, efforts to engage all employees from all professionals and management (men and females) in fighting GBV and SEA should be encouraged and be taken into account in prevention and response activities.

1.9.5 Importance of devolution and responsibility of employees, service providers, service users, communities, and individuals

Permanent and short-term TRC employees, service providers (contractors), service users (passengers), host communities along the railway alignment have a key role to play in preventing GBV and SEA and in providing support to victims. Moreover, individuals must recognize and respect their responsibility to report GBV and SEA cases, to support victims, and to demonstrate to perpetrators that GBV and SEA will not be tolerated in the TRC community.

1.10 Approaches

This TRC-GBV and SEA policy will be guided by the following approaches in preventing, responding and eliminating all forms of GBV and SEA within and beyond TRC undertakings from the construction, operation, as well as maintenance phases with respect to TRC's diverse

stakeholders, to whom this policy aims to provide a secure and safe environment while pursuing their roles and responsibilities:

- i). The Human Rights Based Approach, which identifies rights holders and duty bearers and their respective entitlements and obligations.
- ii). The gender-responsive approach, which takes into account the gender dynamics, implications, and consequences of GBV and SEA.
- iii). The preventative approach, in which actors focus on measures that reduce the occurrence of GBV and SEA.
- iv). The survivor and perpetrator-centered approach prioritizes the survivor's rights, needs, and desires while ensure effective justice measures.
- v). The evidence-based approach, which focuses on using factual and timely data to influence policy implementation.
- vi). An integrative and collaborative approach that recognizes the complexity and multidimensionality of GBV and SEA and strives to establish linkages and logical chains of collaboration among actors in many sectors.

CHAPTER TWO: LEGISLATIVE AND POLICY FRAMEWORK

2.1 Introduction

This chapter presents information on legal, policy, and institutional measures taken to promote gender equity, equality, and women empowerment at global, regional, and national levels. In particular, it includes specific measures, plans, and interventions taken to address Gender Based Violence/Sexual Exploitation Abuse and Sexual Harassment in the public sector. In addition, it presents information showing problems and challenges for addressing GBV and SEA and SH.

2.2 Legal and Policy Measures Prohibiting GBV and SEA and SH in the World of Work

Globally, both men and women have experienced different forms of GBV and SEA and SH in the workplace since time immemorial. However, since the mid-1940s, the United Nations introduced various legal and policy measures to address this problem. However, the main causes, patterns, severity, impacts, and consequences of GBV, SEA and SH in the workplace, have not to uniform either evenly spread, and felt both within and across affected countries, or organizations and employment sectors both in developing and developed countries.

The international community has been putting much efforts in combating the problem by enactment of different conventions, treaties and declarations that includes United Nations Declaration on Human Rights (UDHR) (1948) that advocate for human dignity, rights, freedoms, and equal protection against any form of discrimination, as provided under Articles 1, 2, 5, 7 and, 22 respectively.

In addressing this, the United Nations (UN) through its international organizations introduced International Covenant on Economic, Social, and Cultural Rights (ICESCR). This is a multilateral treaty that was adopted by the United Nations General Assembly (UNGASS) on 16 December 1966. It requires all states to guarantee rights enunciated in it without discrimination of any kind and In particular, the right to fair conditions of work is enshrined under Article 7, Which requires respective national governments to grant economic, social, and cultural rights to the Non-Self-Governing and Trust Territories and individuals, including labor rights and the right to health, the right to education, and the right to an adequate standard of living.

The United Nations General Assembly (UNGA) endorsed the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in the year 1981, where Article 11 urges nation-states to eliminate discrimination against women in the field of employment and to ensure equality of men and women. However, by then, the issue of sexual harassment was not yet covered by any specific international instrument. It was the UN CEDAW Committee that endorsed this issue in its General Recommendation No. 19 of the year 1992.that aims to protect all persons against discrimination at work. In this respect, it requires nation-States to ensure protection against discrimination in employment and occupation on seven grounds, namely race, color, sex, religion, political opinion, national extraction, and social origin, as well as other grounds prohibited in national legislations by governments after consultation with the representative employers' and workers' organizations.

Similarly, the ILO Convention No.111 of 1958 is one of the most comprehensive international instruments dedicated to guiding national legislations on how to promote non-discrimination and equality in the world of work. The principles of non-discrimination and equality in workplaces were widely endorsed by 172 member States, Tanzania inclusive. This acceptance implies that respective governments are committed to upholding the human rights of workers and progressively incorporate equality and non-discrimination principles in the world of work. However, there is ILO Convention 190 is more specific and the first international treaty to recognize the right of everyone at world of work free from violence and harassment including gender-based violence and harassment, Tanzania has not ratified it yet, there is a need to.

In light to that Millennium Development Goals (MDGs) and SGD's which were adopted in September 2000 and, September 2016 respectively. The two global policy measures were endorsed by global leaders, at an interval of 16 years. In brief, these policy measures require respective national governments to adopt a new global partnership to reduce extreme poverty and other development challenges by setting a conducive environment at the working place. However, due to inadequate outcomes of the MDGs by the year 2015, the UN women introduced the Sustainable Development Goals (SDG's (2016-2030) and expanded its priorities to 17. Goal Number 5 and 10 specifically focus on Gender Equality and Inequality in all development areas including the workplace. Inequality issues were not adequately well-articulated under objective number 5 that focused on issues concerning gender inequality and GBV and SEA in particular.

The Beijing Platform for Action (BPfA) was adopted at the end of the fourth International Women Conference (IWC) that was held in Beijing, China in the year 1995. It is during this meeting where Gender Mainstreaming was endorsed as a global strategy and policy for addressing twelve critical areas of concern affecting men and women the world over. The commitment to advance women's rights and to eliminate violence against women including sexual harassment at work was also re-affirmed.

All these initiatives at the global level indicate that the international community is much concerned with a safety and GBV and SEA free community.

2.3 Regional Policy Measures Prohibiting GBV, SEA and SH in African Countries

To ensure that African governments are committed to addressing the gender dimension in programs and policies in the workplace, legal and policy measures for promoting gender equality were introduced to oversee the implementation of the international commitments as follows:

First, the establishment of African Charter on Human and Peoples Rights (ACHPR), in the year 1981. The Charter requires national state governments to promote and protect the human rights and basic freedoms of the people in the region. The Charter further recognizes most of what is regarded as universally accepted civil and political rights. The civil and political rights recognized in the Charter include the right to freedom from discrimination (Article 2 and 18(3)), equality (Article 3), life and personal integrity (Article 4), dignity (Article 5), freedom from slavery (Article 5), freedom from cruel, inhuman or degrading treatment or punishment (Article

5. The Charter also recognizes the right to work (Article 15), the right to health (Article 16), and (Article 17) among others.

Second, the Southern African region, enacted the Southern African Development Community (SADC) to promote the development of durable peace, freedom and social justice, equitable development, and sustained economic prosperity, for the people of Southern Africa. In particular, the SADC Gender Equality Protocol was established in the year 1997, to empower women, eliminate gender discrimination, and achieve gender equity, equality through the development and implementation of gender-sensitive legislation, policies in policies, and programs.

Third, is the Solemn Declaration on Gender Equality (SDGE) which was adopted by Heads of States and Governments of member states of the African Union (AU) in the year 2002. It is committed at ensuring first, active promotion and protection of all human rights for women and girls; and second, to actively promote the implementation of legislation that guarantees women's land, property ownership, and inheritance rights, as well as rights to employment and housing.

Despite having all of the initiatives mentioned above there have been still incidents of GBV, SEA and SH especially at working place.

2.4 National Legislative and Policy Framework, GBV, SEA and SH in the Workplace

The Government of United Republic of Tanzania has enacted various laws and policy measures for promoting gender equality in all sectors including economy whereby the laws and policies have been protecting interests. Some of the legal frameworks include the following;

2.4.1 The Constitution of the United Republic of Tanzania of 1977

Under Article 12(1) the Constitution of the United Republic of Tanzania of 1977 (as amended from time to time) states that, *“All human beings are born free and are all equal”* whereas Article (2) states that, *“Every person is entitled to recognition and respect for his dignity”*. Likewise, Article 13 - (1) state that, *“All persons are equal before the law and are entitled, without any discrimination, to protection and equal treatment before the law”*. Further, Article 13(5) enunciates that no person shall be discriminated among others, on the basis of their gender.

In summary, the constitution put emphasis on respect for human rights and in particular, the rights and equality of men and women. It also prohibits any form of discrimination based on sex and gender. In attaining this, the Constitution further requires all Government Ministries, Development Units and Agencies (MDA's), Non-Governmental Organizations (NGO's), and the Private Sector to mainstream gender in their respective programs and projects. This implies that all these actors are required to provide equal opportunities to men and women regardless of their gender identity and each actor is required to promote the full participation of women and men in their diversity in all aspects of political, economic, and social processes both in the formal and informal sectors.

2.4.2 Employment and Labour Relations Act 2007

2.4.2.1 Prohibition of Child Labor

Children have been found to be victims of GBV and SEA in working places including TRC. To protect them the law under Section 5, prohibits employment of children under the age of 18 years. Such children shall not be employed in a mine, factory, or a crew on a ship or in any other worksite including non-formal sectors where working conditions may be considered hazardous and to the detriment of the best interest of the child.

2.4.2.2 Prohibition of Discrimination in the Workplace

In relation to Gender Based Violence and Sexual Exploitation and Abuse in the workplace, gender equity and equality are also enshrined in the Employment and Labor Relations Act of 2004. Section 7(1) requires employers to ensure the promotion of equal opportunities in employment and to eliminate discrimination in any employment policy or practice. Under section 7(4), the law provides for the requirement of the employer not to discriminate any employee on the basis of factors that are provided under section 7(4) that include among others sex, gender, pregnancy, marital status or family responsibility, disability, HIV/AIDS, age or station of life.

2.4.3 The Cybercrimes Act No.14 of 2015

Under section 14(1)(2) respectively, the law provides for prohibition of pornography or lascivious pornography whereby a person shall not publish or cause to be published through a computer system or any other information and communication technology. Whoever contravenes this provision shall be punishable at the law. This is a justification for protection against victims of GBV and SEA who are in one occasion or the other recorded or whose pictures and images are used to defile them.

2.4.4 The Public Service Act of 2009 and Form of Ethics and Conduct for the Public Service Standing Order

This contains specific sections dealing with particular types of misconduct; some of these include contravention of the Code of Ethics (CE) and Conduct for the Public Service(CPS). In particular, the three codes, namely, Code of Ethics and Conduct for the Public Service, Professional Code of Ethics and Conduct, and the Public Leadership Code of Ethics emphasize the following issues related to the assignment:

Under the Ethical Conduct and Behavior in the Public Service, Rule 6 requires Public Servants to behave and conduct their responsibilities by adhering to the following; not to discriminate, harass or discriminate a member of the public or a fellow employee on grounds of sex, tribe, religion, nationality, ethnicity, marital status, or disability. A Public servant is also required to respect other employees, their rights, as well as their right to privacy, especially when handling private and personal information. Furthermore, a Public Servant shall refrain from having sexual relationships at the workplace. In other words, he /she are required to shun away from all types of misconduct that may constitute sexual harassment which includes among others: -

- i) Pressure for sexual activity or sexual favours with a fellow employee;
- ii) Rape, sexual battery and molestation or any sexual assault;
- iii) Intentional physical conduct which is sexual in nature such as unwelcome touching, pinching, patting, grabbing, and or brushing against another employee's body, hair, or clothes;
- iv) Sexual innuendoes, gestures, noises, jokes, comments, or remarks to another person about one's sexuality or body;
- v) Offering or receiving preferential treatment, promises, or rewards and offering or submitting to sexual favours.

2.4.5 Law of the Child Act, 2009

The Law of the Child is among the law that have direct relation with the issue of Gender Based Violence against children in all aspects, it prohibits child labor and all forms of violence against children, including Gender Based Violence as it is provided for under section 94(1) of the Law of Child Act.

2.4.6 Penal Code Cap.16

The Penal Code, Cap 16 is one of the oldest laws in Tanzania that addresses the sexual offenses that are provided for under chapter XV that provides for offenses against morality which form the basis of gender based violence to include rape section 130 of the penal code, unnatural offense, assault, indecent assault, grave sexual abuse, sexual harassment. The also provides for the punishment against these offenses as a means to protect people from any act of GBV and SEA. To bring effectiveness of the penal code, an amendment was a done in 1998 through miscellaneous amendment namely, the Sexual Offenses Special Provisions Act (SOSPA).

2.5 Policies and Institutional Measures

In addressing all the above issues as well as promoting gender equality and equity and empowerment, the Government of the United Republic of Tanzania (URT) has introduced various policy and institutional measures to combat the problem of GBV and SEA. Some of these include the Women and Gender Policy (WGP) (2000), the National Strategy for Gender and Development (NSGD) of 2005 as well as the five National Plan for Eradicating GBV and SEA (popularly known in Swahili as MKUWA) 2017-2022. Further, the Government of the United Republic of Tanzania has established an explicit institutional framework for coordinating implementation of gender-specific policies and strategies for enhancing gender equality as well as prohibiting GBV and SEA. Some of these include establishment of the then, Ministry of Community Development, Gender and Children (MCDGC), Gender Focal Desks (GFPs) in all government ministries, independent departments and agencies (MDA's), regional secretariats, and local authorities. By then the MCDGC was a fully-fledged Ministry with key mandates of overseeing the mainstreaming of gender in government policies and strategies as well as coordinating and monitoring the implementation of these policies for gender equality and women's empowerment at different levels.

Since 2015, The MCDGC was merged with the Ministry of Health and Social Welfare (MOHSW) and it is the Gender department that is now responsible for coordinating the implementation of gender and health issues in the country including GBV and SEA and SH at the national level. This year, the Ministry of Community Development, Gender and Children was reinstated by current government under, Hon. Samia Suluhu Hassan.

At regional and district levels, GBV and SEA issues are handled by Human Resource Officers (HRO) and Regional and District Community Development Officers (RCDO and DCDO) and Coordinators of Women and Children Desks. The Government of United Republic of Tanzania has also formulated specific plans and guidelines for dealing with various forms of GBV and SEA including the National Five-Year Plan (2017-2022) to eradicate GBV and SEA (popularly known as MTAKUWWA). As part of implementing this, the Tanzania Police Force (TPF) has established Women and Children Desks in most of the Police Stations throughout the country.

These legal, policy and institutional measures make it clear why TRC need to have a Policy for Preventing and Responding to GBV and SEA issues both within and outside the organization.

2.6 Legislation and Policy Implementation Challenges

Despite the existence of legislations and policies for gender and development yet, GBV and SEA problems are still prevalent at household, community and the working place due to various reasons including lack of explicit policy measures and implementation frameworks which have been caused by following factors;

2.6.1 Lack of Political Will

Several legislations and policies have been ineffective in ending the problem of GBV and SEA in the work place due to lack of strong commitment and willingness of its leaders, managers, and key decision makers to deal with this challenge. Eradication of GBV and SEA require not only the support and collaboration of the leaders but also strong political and commitment to take measures to create an enabling and conducive environment to deal with GBV and SEA at all levels and in all areas of operation. For example, in expressing her commitment to support gender and development issues in the country, Hon. Samia Suluhu Hassan, the President of the sixth regime separated the Ministry of Community Development, Gender, Women and Special Groups from the then, Ministry of Health, Community Development, Elderly and Children, it is this ministry that has the mandate to oversee the implementation of legislations and policy measures to eradicate GBV and SEA in the country.

2.6.2 Missing Link of Gendered Interpretation of the Law

Inadequate knowledge on gender and development, GBV and SEA issues in particular among law enforcers, interpretation bodies and community members constrain the implementation of the laws and policies especially when they interpret such laws with gender blind eye. This means implementation of neutral laws and policies fails to offer the desired gendered outcomes. including eradication of GBV and SEA practices.

2.6.3 Lack of Community Awareness on GBV and SEA related issues

The society at large including, perpetrators, victims, law enforcers and policy implementers do not have sufficient knowledge and awareness on the existing legal framework. Thus, it becomes hard to implement something that is foreign. Further, victims of GBV and SEA in work places tend to ignore or tolerate acts of violence due to ignorance of their rights as well as lack of knowledge on the laws in place for protecting them.

2.6.4 Social and Cultural Impact

The social and cultural construction of gender has a great impact on the implementation of the laws and policies especially, if laws enacted are contrary to what certain society believe in. Practical implementation of such conflicting laws becomes a big challenge to them as they consider this to be a violation of their cultural rights. Further, most people in rural communities including men and women prefer to settle GBV and SEA issues using traditional laws because they either do not trust or understand the reporting mechanisms set by the government and considers all process to expose the victim. Hence, they opt to settle such matters using informal arrangements available at family or community levels. Such tendencies tend to weaken the effectiveness of the existing formal legal and policy institutions.

2.6.5 Financial Constraints

There is a strong correlation between the level of economic development of a country and allocation of funds for implementing various policies and laws imposed to protect and promote gender equality. GBV and SEA issues are very sensitive matters that require adequate resources including human, financial and time during its implementation. Addressing GBV and SEA issues from the grassroots to national levels require adequate human resources with adequate capacities in analytical and advocacy skills in gender analysis, gender mainstreaming and policy and legal analysis from a gender perspective. Creation of such enabling environment require adequate funds and time to organize awareness raising programs on GBV and SEA to diverse actors in order to ensure sustainable gendered outcomes during the implementation of both policy and legal measures. Thus, there is a need of having sufficient funds allocated for implementation of laws and policies for combating GBV and SEA in the transport sector and railway transport in particular.

CHAPTER THREE: POLICY ISSUES, OBJECTIVES AND POLICY STATEMENTS

3.1 Introduction

The international, regional and national human rights legal and policy frameworks provide clear sets of principles, ideals and standards that form state obligations to their citizens. These standards serve as guidelines and benchmarks for state parties as well as organization and/or corporates in assessing their responsibilities regarding human rights including the prevention, response and elimination of all forms of GBV and SEA in the world of work place and TRC in particular. In this regard, this policy is cognizant of the role of TRC as a public corporate with its potential stakeholders towards prevention, response and support mechanisms for GBV and SEA.

This chapter presents prevention strategies showing how and where GBV and SEA victims will access information and report any form of GBV and SEA practices happening both within and outside TRC, the importance of GBV and SEA data base at TRC as well as developing, framework for coordinating and monitoring of GBV and SEA data collection system.

3.2 Creating an Enabling Environment on GBV and SEA in TRC

3.2.1 Situation Analysis.

To date, handling and management of GBV and SEA situation in TRC remains a highly sophisticated and complex issue due to the fact that involves many drivers and dynamics contributing to an alarming increase in its response, management and protection. Thus, addressing the increasing incidences of GBV and SEA acts in TRC is not a matter of choice but a necessity. It should also be considered as a lifesaving signal for saving increasingly worried and traumatized TRC staff, service users and other beneficiaries within and outside the organization. The Government of Tanzania is implementing its first, five-year national Action Plan - GBV and SEA of 2017/18– 2021/22 that aim at reducing GBV and SEA incidences by 50 Percent. Amongst its eight strategic priority areas is to ensure that the employees working in the formal sector and employment sector are free and safe from GBV and SEA. Baseline Survey findings revealed that despite TRC's initiatives on GBV and SEA prevention, existence of GBV and SEA is still prevailing within TRC and its project staff, service providers, users and beneficiaries.

Further to that, during the implementation of Tanzania Intermodal Railways Project (TIRP- I) several GBV cases were raised and handled in coordination with project team and local government authorities. However, lack of formal GBV/SEA Desks was the key challenge for overseeing the implementation of GBV and SEA issues as well as preventing and responding to GBV and SEA related issues

Thus, this policy will set enabling environment and interventions towards addressing the GBV and SEA issues including establishing formal GBV/SEA Desks throughout the project working areas.

3.2.2 Policy Statement One

In creating an enabling environment for addressing GBV and SEA within and outside TRC, it will try hard to adhere to the following guiding principles albeit at the minimum:

- i). **Survivor-centred approach:** TRC will create a supportive environment in which the survivor's rights and needs are respected, their safety is ensured, and they are treated with dignity and respect. A survivor-centred approach is based on the following.
 - **Safety:** TRC will ensure safety and security of the survivor and others,
 - **Confidentiality:** Ensures the survivors, witnesses, and information sources are protected, and informed consent is obtained before action is taken.
 - **Respect:** All actions taken should be guided by respect for the choices, wishes, rights, and dignity of the survivor, and be guided by the best interests of the victim and in particular children.
 - **Non-discrimination:** Survivors of violence should receive equal and fair treatment regardless of their age, gender, race, religion, nationality, ethnicity, sexual orientation, or any other characteristic.
- ii). **Rights-based approach:** Analyse and address the root causes of GBV and SEA to ensure that everyone, regardless of their gender, age, ethnicity, religion, position or professional and education background has the right to work with freedom and dignity, safe from violence, exploitation, and abuse, in accordance with principles of human rights law.
- iii). **Community-based approach:** Ensures that all employees and affected parts are actively engaged as partners in developing strategies related to their protection basing on two issues.
 - **Humanitarian assistance:** This approach involves direct consultations with employees and risk groups at all stages in the humanitarian response, to identify protection risks and solutions and build on existing community-based protection mechanisms.
 - **Humanitarian principles:** These include among others, principles of humanity, impartiality, independence, and neutrality. These should strengthen the implementation of the GBV and SEA strategy for creating and maintaining access to affected populations and ensuring effective humanitarian response.
- iv). **'Do no harm' approach:** Involves taking all measures necessary to avoid exposing people to further harm because of the actions of humanitarian actors.

3.2.2.1 Strategies

- i). Adopting and implementing a comprehensive and multi-directorate action plans to combat GBV and SEA and establish a clear institutional mechanism to coordinate, monitor, and assess the effectiveness of measures taken.
- ii). Increasing access to comprehensive and well-coordinated GBV and SEA response services including livelihood support for survivors.
- iii). Increasing awareness and enhancing systems for the prevention of GBV and SEA through mitigating risk factors and strengthening of community protection strategies.

- iv). Mainstreaming gender in all TRC operations, responses and maintaining updated comprehensive data base for advocacy, planning, implementation, and M&E of interventions.

3.2.2.1.1 Prevention Strategies

The substantial expense of combating GBV and SEA in the public space transcends social, economic, and political boundaries and diverse actors. All stakeholders must work together at any cost, in collaboration with Development Partners and government agencies, to put in place measures to prevent and respond to all kinds of GBV and SEA, with the goal of absolute elimination. In this sense, the TRC will ensure prevention of all forms of GBV and SEA during construction, operation, and maintenance undertakings with the sense of providing a safe and secure work environment as well as service delivery. Having a one-stop Centre with a GBV and SEA Desk at TRC Head Office and all major stations will ensure both effectiveness and efficiency of all strategies for preventing all forms of GBV and SEA incidences at all levels. All stakeholders should strive to accelerate policy implementation through creating relevant initiatives and adhering to guidelines targeted at addressing the main causes of GBV and SEA. TRC's undertakings including construction, operation and maintenance as well as its diversified stakeholders will integrate effective response to all forms of GBV and SEA as per this policy and other country related frameworks.

3.2.3 Policy Statement Two

In attempting to prevent all forms of GBV and SEA in TRC, the support and collaboration of its potential stakeholders is required for ensuring the following;

- i) Gender and gender-based violence, as well as sexual exploitation and abuse, should be promoted and mainstreamed at all TRC's undertakings, including construction, operation, and maintenance activities.
- ii) Delivering of periodic mandatory training on GBV and SEA to all TRC workers (permanent and short-term employees), including service providers (contractors, sub-contractors, and core suppliers), service users (passengers), as well as host communities along the railway alignment in Tanzania.
- iii) Consider outsourcing of gender experts working on GBV and SEA from Government department such as Community Development Officers (CDO), Social Welfare Officers (SWO) and Local Government Authorities (LGA) offices at district and ward levels, Social and Gender experts and officers working with training and research institutions, Gender Police Officers as well as Non Governmental Organizationa (NGO's) Officers, and Community Based Organizations (CBO) including religious and traditional leaders to conduct awareness campaigns to local communities, such as what is unacceptable behaviour and how to report GBV and SEA cases.
- iv) Establish one stop GBV/SEA centre at TRC head quarters as well as GBV and SEA desks at all major railways stations that will manage and address all forms of GBV and SEA at respective levels.

- v) Ensure TRC's prepare specific Gender Action Plan for implementing GBV and SEA and other gender dynamics in the organization at all levels and undertakings .
- vi) Ensure codes of conduct are publicly disclosed in local languages and are widely accessible to all workers and all groups of people at all levels participating in construction, operation and maintainance.
- vii) Ensure sufficient budgetary allocation for coordination, capacity building, awareness creation, monitoring and evaluation of GBV and SEA activities in order to achieve this policy objectives.

3.2.3.1 Strategies

In attaining GBV and SEA prevention objectives, TRC and its diversified stakeholders with integration of other country's framework will employ the follow strategies;

- i) Develop a comprehensive Gender Action Plan (GAP) for implementation plan of this policy that will integrate all of TRC's undertaking aspects as well as its diverse stakeholders.
- ii) Sign a Memorandum of Understanding (MoU) with national and international organizations that will support interventions for combating all forms of GBV and SEA from TRC's to their inteventions.
- iii) Integrate GBV and SEA aspects into TRC's plans of action for effective implementation of this policy while also addressing all forms of GBV and SEA with TRC undertakings.
- iv) Establishment of a one-stop centre at TRC for addressing all forms of GBV and SEA aspects

3.2.3.1.1 Response Strategies

This policy is meant to foster an environment appropriate for improved access to high-quality, all-inclusive response and support services across all TRC undertakings. The prevalence of GBV and SEA in TRC undertakings, as indicated by the baseline survey, requires TRC to take appropriate mechanisms to ensure provision of quality and comprehensive services for GBV and SEA victims and survivors all across including social, health, and criminal justice systems. This requires a well-structured, organized, just, collaborative, and coordinated response system to GBV and SEA. To guarantee that an integrated approach is executed and that GBV and SEA response are integrated into all parts of corporate prevention and response, social services, protection, health, and security must collaborate. All TRC's undertakings, including construction, operation, and maintenance, as well as its diversified stakeholders, will integrate an effective response to address all forms of GBV and SEA as per this policy and other country related legal frameworks.

3.2.4 Policy Statements three

In responding to all forms of GBV and SEA, Tanzania Railways Corporation in collaboration with its potential stakeholders will be required to undertake the following;

- i) Fast-track dissemination and implementation of minimum standards for service delivery across TRC undertakings and enhance comprehensive care and support for survivors, perpetrators and their families (health, legal, social) including emergency situations,

- ii) Support the establishment of GBV response centers offering timely, quality and comprehensive services in all forms of GBV and SEA with at least one desks in major railway stations.
- iii) Appoint senior focal points in both clients and contractors with responsibility for ensuring that commitments and policies to prevent and respond to all forms of GBV and SEA are timely and effectively addressed.
- iv) Develop and operationalize standards and guidelines to prevent and respond where possible eliminate all forms of GBV and SEA to services provider, constructors, consumers and employer at TRC.
- v) Establish an integrated Monitoring, Evaluation, Accountability and Learning (MEAL) system by having comprehensive GBV and SEA data base systems at TRC Head Quarters.
- vi) Strengthening statistical data collection and management at regular bases on the causes, consequences and frequency of all forms of GBV and SEA within and along the TRC's undertakings as linear corporate with diversified stakeholders.

3.2.4.1 Response Strategies

In addressing GBV and SEA response objectives, TRC and its diversified stakeholders will try as much as possible to integrate other related frameworks particularly at country level by employing the following strategies;

- i) Developing a comprehensive implementation plan with the establishment of a Gender-GBV/SEA Desk officer at TRC Head Office.
- ii) Signing of a Memorandum (MoU) with national and international organizations that will support elimination of all forms of GBV and SEA in the work place, starting with TRC's interventions.
- iii) Integrating GBV and SEA aspects into TRC's organization's Plans of Action in order to ensure effective implementation of this policy while also addressing all forms of GBV and SEA with TRC undertakings.
- iv) Creating a comprehensive monitoring, evaluation framework to ensure accountability, and learning system at TRC Headquarters using GBV and SEA data bases.

3.2.5 Stakeholder Engagement

For effective realization of this policy, stakeholders are expected to play vital roles at different levels. Their effective engagement is important for addressing all forms of GBV and SEA at all levels of TRC's undertakings. TRC is gifted with diverse stakeholders including; local communities, religious and traditional leader, NGOs, government entities from local to national levels, contractors and sub-contractors, service providers as well as service consumers and others.

Actors have the potential role to prevent, respond and where possible eliminate all forms of GBV and SEA if well and timely engaged specifically in research, advocating, public awareness, reporting, and supports GBV and SEA victims. These roles might be for policy reform, addressing GBV through different programs, educating both men and women about gender equity and equality, changing attitudes and perceptions towards violent behaviours, working with

spiritual and cultural leaders. TRC involves organizations to help raising awareness of GBV, helping in capacity building, trainings, and seminars.

3.2.5.1 Policy Statement four

In establishing and strengthening cooperation with potential stakeholders, including NGOs, corporate, and development partners, TRC will be required to provide clear guidance so as to ensure that all GBV and SEA prevention and response plans are adequately resourced and realized through the following:

- i) Mobilize community to create strong commitment for with collective efforts to end GBV in the host communities.
- ii) Developing a practical guidance, technical support and program development to TRC for addressing GBV and SEA cases.
- iii) Providing financial and facilitate programs for helping and supporting GBV and SEA victims.
- iv) Sharing information on milestones and challenges best practices to create awareness of GBV and SEA practices within TRC, respective project areas and host community.
- v) Ensuring good and timely implementation in reporting and addressing GBV and SEA cases.
- vi) Improve coordination of stakeholders involvement in data collection analysis and preparing GBV and SEA report and data base.

3.2.5.1.1 Response Strategies

- i) Delevoping MOU between TRC and NGOs to facilitate all activities concerning GBV and SEA.
- ii) Designing of different programs which will help in capacity building, and trainings to the community including host community and passengers,
- iii) Ensuring that legal actions are taken against perpetrators of GBV and SEA and compasation are provided to the victims.
- iv) Review, formulate and update existing organization policies and programs in order to make them gender sensitive and or transformative .

CHAPTER FOUR: POLICY IMPLEMENTATION

4.1 Introduction

The process of addressing GBV and SEA in TRC involves various stakeholders from the national to the local levels. The process will be governed by this GBV and SEA policy, TRC and its relevant departments, Government organs, TRC personnel, service providers, TRC service users, Development Partners, Private and Public agencies/entities, and the host community may be classified as primary stakeholders along the railway alignment. This chapter describes roles and responsibilities of key actors that will team up with TRC in preventing GBV and SEA practices both within and outside the organization as well as to provide guidance on how GBV and SEA cases will be resolved. It also includes information on coordination framework and structures including the Steering Committee, Operational Committee and GBV and SEA Management body.

Further, the implementation of this policy will be aligned to other relevant policy and legislative frameworks for preventing GBV and SEA practices available at international, regional and national levels discussed in the previous chapter including the Tanzania's 2025 Vision and the National Plan of Action (NPA) on GBV as well as the Third Five Year Development Plan. It will be coordinated by the TRC Board of Directors through its management. TRC will establish, GBV and SEA committees including: Steering Committee, Operational Committee, Management Body as well as Ward and Villages GBV and SEA Committees. All departments/units will be required to design an implementation strategy that will deal mainly with preventive and response strategies, as well as other necessary instruments for deemed necessary for its effective institutional implementation.

4.2 Institutional Framework

The Government of the United Republic of Tanzania has established an explicit institutional framework for coordinating implementation of gender-specific policies and strategies for enhancing gender equality as well as prohibiting GBV and SEA. TRC will work closely with Ministry of Community Development, Gender and Children (MCDGC) which is the national machinery for coordination gender issues in Tanzania including GBV and SEA. It will work closely with selected managers of Gender Focal Desks (GFPs) working in government and local government in all government ministries, independent departments and agencies(MDA's), regional secretariats, and local authorities in order to learn from their long experience in dealing with GBV and SEA related issues in the country. *

4.3 Actors and their Roles and Responsibilities

All key actors working with public and private organizations in Tanzania will be responsible for ensuring the successful implementation of the TRC, GBV and SEA policy. Table 1 presents a summary of primary stakeholders and their main roles and responsibilities.

Table 1. Actor's roles and responsibilities

Category	Actors	Roles and Responsibilities
Internal (TRC)	Human Resource	<ul style="list-style-type: none"> • Custodian of the policy • Implementation of policy through work contracts • Provide orientation courses to new staffs • Awareness raising to all staff including the management
	Legal	<ul style="list-style-type: none"> • Provide legal awareness to all staff • Ensuring that contract are in compliance with policy • Provide legal advice ensuring all the required proceedings for victims of GBV and SEA are taken and reaches its conclusion
	Environment and Social	<ul style="list-style-type: none"> • Prepare policy implementation strategies • Organize Stakeholder engagement • Resource mobilization • Conduct and coordinate public outreach • Mainstreaming the GBV and SEA policy to all department within TRC. • Assessing, Mitigating, monitoring and responding to GBV and SEA • Updating and managing of GBV and SEA data base • Monitoring and evaluation
	Public Relations	<ul style="list-style-type: none"> • Integrate GBV and SEA policy into TRC Communication strategy • Publish and share info about GBV and SEA milestones and challenges
	Police Rail	<ul style="list-style-type: none"> • Enforce GBV and SEA policy
External	Non-Governmental Organizations (NGOs)	<ul style="list-style-type: none"> • Provide technical assistance and support in accordance to policy
	Sector Ministries (Ministries, Departments and Agencies)	<ul style="list-style-type: none"> • Reform and expand legal aid services especially to vulnerable groups • Strengthen access to justice for effective implementation of the GBV and SEA policy • Provision of guidelines on how to handle GBV and SEA cases.
	Local Government Authorities	<ul style="list-style-type: none"> • Ensuring safety and protection to the community. • Help in establishing GBV and SEA Prevention Committees at ward and village levels. • Respond to GBV and SEA cases
	Service providers	<ul style="list-style-type: none"> • Ensure implementation of GBV and SEA policy • Provide awareness Training on GBV and SEA to their workers • Work close with community leaders in addressing GBV and SEA cases
	Media House	<ul style="list-style-type: none"> • Integrate GBV and SEA policy into TRC Communication strategy • Publish and share info about GBV and SEA

	Religious and Traditional leaders	<ul style="list-style-type: none"> • Provide awareness on GBV and SEA to the community
	Development Partners	<ul style="list-style-type: none"> • Provide Financial aids • Technical support and related services

4.4 Coordination Framework

4.4.1 TRC

This policy recognizes the functional assignments of TRC stakeholders at all levels of TRC undertakings, including construction, operation, and maintenance in terms of accountability, reporting, and management of all forms of GBV and SEA incidents. It also provides a structure that harnesses and creates functional synergies for GBV and SEA prevention and responses through the involvement of various stakeholders. Collaboration and coordination of all stakeholders is essential for efficient planning, optimal use of evidence in the implementation processes, efficient resource utilization, and accountability.

The TRC and its actors will lead the overall coordination of the policy's implementation, working in close collaboration and consultation with all key actors to guarantee effective GBV and SEA prevention, response, and support for victims and survivors, their families, and the community at large.

The TRC management will oversee the policy's implementation by all players. A comprehensive coordination structure's goal is to ensure:

- i). Availability of adequate resources, as well as mobilization of additional resources, required during the formulation and strengthening of GBV and SEA response systems across railway transportation.
- ii). GBV and SEA victims and survivors, as well as their families are able to access response and support services on time, and, ultimately, have access to justice.
- iii). Collecting and collating data on GBV and SEA prevalence and interventions to support policy and legal reforms, as well as programming at the national and county levels.

4.4.2 TRC-GBV and SEA Steering Committee

With respect to all levels of TRC undertakings, the TRC-GBV Steering Committee is at the highest level of TRC management coordination. The recommendations of the Committee will be implemented in each of the TRC's directorates and units, where particular strategic policy direction, enactment of applicable laws and regulations, and mobilization of resources for GBV prevention and response will be realized. The TRC-GBV Steering Committee will meet biannually to track progress toward directorate and unit-specific accomplishment of the corporate GBV Policy objectives. In addition, the Committee will disseminate information on policy and legal choices influencing GBV prevention and response at all levels. The TRC Director General will preside over this committee.

4.4.3 GBV and SEA Operational Committee (GBV and SEA Desk)

A Social Welfare Officer /expert will be given the mandate to facilitate all activities and GBV and SEA cases report, and will be authorized to act on spot. This person will be required to report to the Steering Committee (SC) on the status of GBV and SEA in his or her working station.

4.4.4 Community/Ward GBV and SEA Committee

These are leaders from LGAs, communities and streets /villages from areas near TRC and project sites along the railway alignments who have been identified as one of primary stakeholders. These are required to collaborate and work closely with TRC in order to minimize the GBV and SEA incidents at local levels by providing assistance on awareness raising and reporting of cases.

4.5 Monitoring and Evaluation

To accompany this GBV policy statement, a monitoring and evaluation framework will be developed to ensure effective routine management and coordination control, strategic assessment of outcomes and impact, and to provide material from which lessons can be learned and policy analysis developed. The policy on monitoring framework will include information requirements, data collection techniques, and analytical frameworks, as well as plans for ongoing monitoring efforts to determine the policy's future direction.

Both quantitative and qualitative social and gender specific indicators will be used for measuring the outcomes of the policy on periodic basis as will be determined by the Steering Committee. The policy aims and outputs will also be outlined and clarified in the Gender Action Plan and implementation framework. The evaluation plan will include crucial regular evaluation activities such as objective outputs and sequential policy progress reviews. It will also identify and allot resources for particular commissioned impact evaluations, case studies, and specialized research.

Gender focal desk will be reflected in each of the management within TRC including all TRC offices, project sites, station and all main railway police station, the evaluation will seek to attain the achievement of outputs and impact at the objectives level and confirm that programme activities have been carried out effectively and to appropriate quality standards in preventing, responding and eliminating all form of GBV and SEA at all levels within TRC undertakings.

4.6 Financing of the GBV and SEA Interventions

The government through TRC will ensure that there are adequate budgetary allocations for realization of the GBV and SEA interventions across and within TRC including all TRC offices, project sites, railways stations and all main railway police stations.

4.7 Resource Mobilization

The successful implementation of this Policy will depend on the availability of sufficient financial, human and infrastructural resources. TRC and Stakeholders and NGO's shall integrate

budgetary processes towards preventing, responding and eliminating all forms of GBV and SEA and allocate sufficient resources for attainment of policy objectives.

4.8 Policy Implementation and Review

TRC as the Project proponent will implement its projects by considering the E&S requirements as mentioned here in this Policy. TRC will also enforce its project contractors, sub-contractors, and the consultant to align with the requirements of E&S Policy throughout the Project Implementation Phase.



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Masanja K. Kadogosa

Director General

TANZANIA RAILWAYS CORPORATION