

27 February 2015

World Bank Safeguards Team

**Written submission from the Australian Disability and Development Consortium**

Thank you for the opportunity to provide written feedback into the World Bank Safeguards review process.

The Australian Disability and Development Consortium (ADDC) is an Australian based, international network focusing attention, expertise and action on disability issues in developing countries; building on a human rights platform for disability advocacy. With over 500 members ADDC is focussed on ensuring that people with disability can participate in and benefit from international aid and development efforts to build an inclusive society.

ADDC's submission supports the feedback provided at the Melbourne consultation session held on 4 February 2015. We commend the efforts of the World Bank in ensuring the consultations are as inclusive as possible, noting the strong presence of disability stakeholders, including people with disability at the Melbourne session.

This submission also supports the Bank Information Center World Bank Safeguards Campaign on Disability and the red-lined draft of Environmental and Social Standards (ESS) 1 and 10, which makes practical suggestions of how and where disability inclusion and accessibility can be included in the document. It also includes a suggestion for a Universal Accessibility and Inclusion Plan as an annex to ESS1.

It was very pleasing in the Melbourne consultation session to hear that the conversation around the inclusion of people with disability in the World Bank Safeguards review has moved from a question of *should* disability be included to *how* this could be best achieved. We commend the World Bank on this approach while noting the historical exclusion of people with disability from development action and from the World Bank's Environmental and Social Safeguard Policies, acknowledging the human rights imperative to ensure inclusion of people of people with disability in development activity particularly in light of the cycle of poverty and disability (1) and recognising the economic benefits of ensuring inclusion of people with disability (2). The points in the ADDC submission are made in this light.

ADDC offers our assistance to the World Bank in finalising its work on the Safeguards and particularly look forward to learning how we can provide further input into the subsequent development of guidelines.

Yours sincerely

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Executive Officer, Australian Disability and Development Consortium

**Submission by the Australian Disability and Development Consortium**

**World Bank Safeguards Consultation**

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ADDC makes the following points to feed into the World Bank Safeguards Review:

1. **Guidelines** - we welcome the intention of the World Bank to develop guidelines to operationalise disability inclusion in safeguarding processes once the Standards themselves are finalised (3). We seek greater clarity around this and the role that disability stakeholders will have in the process of developing such guidance and recommend the World Bank engage with ADDC. Furthermore we recommend that the guidelines are a binding policy.
2. **Standards** - we note with concern that there are still aspects of both the Environmental and Social Policy (ESP) and the Environmental and Social Standards (ESS) 1 - 10 that can be significantly improved to ensure a solid foundation for disability inclusion in any subsequent guidance developed by the World Bank as per point 1.
  - In Phase 1 consultations in 2012-2013 the need to apply international treaties, including the UN Convention on the Rights of Persons with Disabilities (CRPD), was noted however the conceptualisation of disability in the Draft ESP and ESS is not harmonised with the CRPD.
  - Throughout the ESP and ESS, mention of "people with physical and mental disability" persists. Mentioning two specific types of disability marginalizes those with other types of disability including hearing, visual, intellectual and psychosocial disability. We urge that all references to "people with physical and mental disability" are replaced with the more inclusive term of "people/persons with disability" and in line with Article 1 of the UN CRPD, the first mention of this term in each of the ESP and ESS is footnoted with a reference to the conceptualisation of disability as per Article 1 as follows: "Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others."
3. **Integrated Policy Approach** - as per the recommendation raised in Phase 1 consultations, we support an integrated policy approach to be taken in relation to disability. However, we note that disability has not been mainstreamed throughout the ESP and all the borrower standards ESS1 - 10. We renew the call for systematic, cross-cutting integration of disability throughout all safeguards, including the ESP and ESS1 (Assessment and Management of Environmental and Social Risks and Impacts, ESS2 (Labor and Working Conditions), ESS4 (Community Health and Safety); ESS5 (Land Acquisition, Restrictions on Land Use and Involuntary Resettlement); ESS7 (Indigenous Peoples); ESS8 (Cultural Heritage); and ESS10 (Information Disclosure and Stakeholder Engagement).

4. **Inclusion and Disabled People's Organisations** - we recommend that other key concepts of the CRPD are integrated into the safeguard framework. While the word "inclusion" is referenced multiple times throughout the safeguards, the definition of inclusion in the glossary does not make mention of representative organisations of people from traditionally excluded groups. In relation to disability, as per the UN CRPD, this should reference Disabled People's Organisations which are organisations of, and for people with disability.
5. **Accessibility** - we recommend that the World Bank define "accessibility" to include the full participation of people with disability in the World Bank project lifecycle, modeled after CRPD Article 9. This must be budgeted for to ensure full participation of all.
6. **Technical Capacity** - we urge that the World Bank undertakes to develop the technical capacity of their own staff in disability inclusion. This is to ensure they are in a position to support borrowers to meet standards and guidance around disability inclusion incorporated into the ESP and ESS and any subsequent guidance that is developed by the World Bank in relation to operationalising disability inclusion. It will be crucial for the World Bank to do so as many of its borrowing members will be parties to the CRPD. As the most rapidly ratified human rights treaty in history, as well as being the first human rights treaty of the 21st century, many State systems in relation to disability will be underdeveloped and in need of technical assistance to ensure people with disability are not marginalised by World Bank funded projects. It will be vital to ensure borrowers are not permitted to rely only on their own local laws and systems in regards to disability inclusion and that they are supported by the World Bank to meet commitments to disability inclusion incorporated in the safeguards.
7. **Development Partners** - we support the commitment of the World Bank (4) to harmonize their approach to disability inclusion with that of their development partners. We urge the World Bank to look to the Australian Department of Foreign Affairs and Trade (DFAT) to learn from the DFAT experience of operationalising their core commitment to disability inclusion in DFAT funded development projects and other partners.
8. **Data** - we recommend that in order to ensure effective implementation and monitoring of inclusive safeguards, the World Bank must have disaggregated data on disability for all projects that might have direct or indirect effects on people with disability. Without a commitment to disability inclusive monitoring and evaluation processes, the World Bank will not be able to gauge whether borrowers are complying with guidance around disability inclusion incorporated in the ESS.
9. **People with Disability** - we urge the World Bank to ensure people with disability are actively included at all stages of the project lifecycle (from assessment to design to implementation and monitoring) and value the lived experience of people with disability as they are the experts in determining the potential impacts on their lives of development projects.

(1) CBM (2012) *Inclusion Made Easy*, available from: <http://www.cbm.org/Inclusion-Made-Easy-329091.php>

(2) Lena Morgon Banks and Sarah Polack "*The Economic Costs of Exclusion and Gains of Inclusion of People with Disabilities: Evidence from Low and Middle Income Countries*", available from: <http://disabilitycentre.lishtm.ac.uk/files/2014/07/Costs-of-Exclusion-and-Gains-of-Inclusion-Report.pdf>

(3) As reported by World Bank representatives present at the Melbourne, Australia consultation on 4th February 2015.

(4) As reported by World Bank representatives present at the Melbourne, Australia consultation on 4th February 2015.