

## **Gender and SOGIE Safeguard**

### **Introduction**

#### **Policy Objectives**

1. This policy contributes to the Bank's mission of poverty reduction, sustainable development, and shared prosperity by ensuring that the development process fully respects the dignity, human rights, economies, and cultures of all individuals, regardless of their gender, sexual orientation, or gender identity (SOGIE).
2. The Bank recognizes that gender inequalities and differences in SOGIE expose individuals to different types of risks and levels of impacts from development projects, especially in areas of health, education, labor, water, and access to and control of resources. As social groups with distinct views, needs, and preferences women, girls, and sexual and gender minorities are frequently among the most marginalized and vulnerable segments of the population due to cultural and structural inequalities. As a result, their economic, social, and legal status often limit their ability to fully and effectively participate in and benefit from development. At the same time, the Bank recognizes that these marginalized groups play a vital role in sustainable and inclusive development.
3. Bank-financed projects must be designed to avoid negative impacts on women, girls, sexual and gender minorities, to promote gender and SOGIE equality, and ensure that women, girls, and sexual and gender minorities receive social and economic benefits from the project in a manner equal to the benefits received by other members of the community.

#### **Policy Overview**

4. For all projects with the potential to have significant gender differentiated impacts and/or SOGIE differentiated impacts, the Bank requires:
  - a) formulation of baseline gender and SOGIE disaggregated indicators
  - b) a social assessment that is gender- and SOGIE-responsive.
  - c) meaningful consultation with women, girls, sexual and gender minorities, and
  - d) preparation of a Gender and SOGIE Plan or a Gender and SOGIE Planning Framework

#### **Definitions**

5. For purposes of this policy, "gender" refers to socially ascribed roles, responsibilities, and opportunities associated with men and women, as distinct from "sex", which refers to being designated as male or female at birth.
6. Sexual orientation refers to a person's physical, mental, romantic, and/or emotional attraction to members of the same and/or a different gender identity. In some cultural contexts this might

be referred to as lesbian, gay and bisexual, or heterosexual; in other contexts these terms might be different. Gender identity is a person's internal sense of gender, which may differ from the sex they were designated at birth. In some cultural contexts, an individual might identify their gender identity as transgender, gender non-conforming, or cisgender; in other contexts these terms might be different. Gender expression refers to all of the external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, grooming, mannerisms, speech patterns, and social interactions.

7. Sexual and gender minorities shall be understood as an umbrella term throughout this policy for those who face structural discrimination because of their sexual orientation or gender identity, or their outward expression of gender. This primarily includes individuals whose sexual orientation is outside of the heteronormative mainstream and those whose gender identity may differ from the sex they were assigned at birth. This also includes those whose gender expression does not conform to cultural or social expectations. The term encompasses all those individuals identifying with a wide range of non-heterosexual identities and non-conforming expressions of gender. It is inclusive of lesbian, gay, bisexual, transgender, and intersex (“LGBTI”) identities without relying upon a specific cultural understanding of these identities.

#### **Use of Country Systems**

8. The Bank may decide to use a country’s systems to address risks and impacts to individuals who are marginalized or vulnerable because of gender and/or SOGIE inequalities. This decision is made in cases where the country’s laws on gender, women, and SOGIE are non-discriminatory and where the country’s institutional capacity and demonstrated track record are acceptable by the Bank.

#### **Project Preparation**

9. A project proposed for Bank financing that has the potential for gender differentiated risks and impacts and/or differing risks and impacts based on SOGIE requires:
  - a) Formulation of baseline gender and SOGIE disaggregated indicators to permit tracking progress and outcomes throughout the project cycle;
  - b) A social assessment by the borrower which considers the gender differentiated impacts and impacts based upon SOGIE;
  - c) Meaningful consultation with all stakeholders and local civil society organizations (CSOs) about the project’s potential risks and impacts at each stage of the project, in an environment that ensures confidentiality and security of participants;
  - d) The preparation and disclosure of a Gender and SOGIE Plan or a Gender and SOGIE Planning Framework;
10. The necessity to meet requirements specified in paragraph 6 is triggered by any project which has the potential for particular differentiated risks and impacts and/or differing risks and

impacts based on SOGIE. While all projects that receive Category A and Category B categorization require a gender- and SOGIE-responsive social assessment as part of the EA process, projects that are categorized as Category C under the EA process may require a gender- and SOGIE-responsive social assessment if there exists a potential for significant gender differentiated risks and impacts and/or differing risks and impacts based on SOGIE.

11. *Baseline Indicators.* If, based on the EA screening, the Bank concludes that a project is deserving of Category A or Category B categorization, or is determined to have significant potential gender differentiated risks and impacts and/or differing risks and impacts based on SOGIE, the Bank creates a set of baseline gender and SOGIE transformative indicators to permit tracking progress and outcomes of the project during implementation and after project completion.
12. *Social Assessment.* If, based on the EA screening, the Bank concludes that a project is deserving of Category A or Category B categorization, or is determined to have significant potential for gender differentiated risks and impacts and/or differing risks and impacts based on SOGIE, the borrower undertakes a social assessment to evaluate the project's potential positive and adverse effects on marginalized groups, and to examine project alternatives where adverse effects may be significant. To carry out the social assessment, the borrower may be required to engage gender and SOGIE experts whose qualifications, experience, and terms of reference are acceptable to the Bank.
13. A gender- and SOGIE-responsive social assessment will specifically assess how the project is likely to have gender differentiated impacts, as well as to impact people with different sexual orientations and/or gender identities in a unique way. This assessment will examine the potential for the project to have negative impacts on individuals who are particularly vulnerable due to gender inequalities or due to their gender, sexual orientation and/or gender identity, as well as the potential for women, girls, and sexual and gender minorities to be excluded from the full positive benefits of the project. An assessment that is gender- and SOGIE-responsive will examine areas of risk including, but not limited to, the possibility of economic discrimination or exploitation, increased risk of negative impacts on health due to lack of access to services, decreased access to education, sexual exploitation, domestic violence, increase in unpaid workload, reduction or limitation of resources needed to secure livelihoods and wellbeing of the individuals or their households.
14. This analysis should be gender and SOGIE disaggregated to determine whether a project is likely to have gender differentiated impacts, as well as differing impacts on persons based on their sexual orientation or gender identity. Special attention must be paid to persons who may be vulnerable due to multiple factors, including but not limited to: age, status as an indigenous person, race, ethnicity, or disability, in addition to gender inequalities and SOGIE factors.

15. When the project is likely to have adverse impacts on these marginalized groups, the borrower identifies appropriate measures for avoiding or mitigating these impacts as part of the social assessment process.
16. *Public Consultation.* The borrower/client is required to undertake public consultation with all relevant stakeholders and local civil society organizations (CSOs) focusing on gender and/or SOGIE issues early in project preparation and continuing throughout the project cycle. The consultation process must be gender- and SOGIE-responsive.
17. Meaningful public consultation must be SOGIE-sensitive and gender-responsive, and ensure the full and effective participation of all individuals consulted. Meaningful public consultation takes into account women's and men's differential access to consultation mechanisms, information preferences, work schedules, and mobility. Consultation measures must also allow for the safe participation of all relevant stakeholders, and includes special consideration for the safety of women and sexual and gender minorities, understanding and addressing their limited access to safe public consultation because of gender inequality and the sensitive nature of SOGIE concerns.
18. *Gender and SOGIE Plan.* On the basis of the social assessment and the results of public consultation, the borrower prepares a Gender and SOGIE Plan that details the measures through which the borrower will ensure that (a) women, girls, and sexual and gender minorities affected by the project will receive social and economic benefits from the project in a manner equal to the benefits received by other members of the community; and (b) when potential gender differentiated adverse effects and adverse effects based on SOGIE are identified, those adverse effects are avoided, minimized, mitigated, or compensated for. The level of detail required for the Gender and SOGIE Plan varies depending on the specific project and the nature of effects to be addressed. The borrower integrates the Plan into the project design.
19. *Gender and SOGIE Planning Framework.* For projects involving the preparation and implementation of annual investment programs or multiple subprojects, the borrower prepares a Gender and SOGIE Planning Framework. The Gender and SOGIE Planning Framework provides for the screening and review of these programs or subprojects in a manner consistent with the policy and is integrated into the project design by the borrower.
20. *Disclosure.* The borrower makes the social assessment report and the draft Gender and SOGIE Plan/Planning Framework available to the affected communities in an appropriate form, manner, and language. Before project appraisal, the borrower sends the social assessment and the draft Gender and SOGIE Plan/Planning Framework to the Bank for review. Once the Bank accepts the documents as providing an adequate basis for project appraisal, the Bank makes them available to the public in accordance with The World Bank Policy on Access to Information, and the borrower makes them available to the affected communities in the same manner as the earlier draft documents.

**Special Considerations**

[This section of this policy deals with cross-referencing the Gender and SOGIE safeguard with the updated safeguard policies, including but not limited to Indigenous Peoples, Involuntary Resettlement/Physical Relocation, Environmental Assessment, and any new safeguards resulting from the current safeguards review process. As more information from the Bank regarding the results of the review process on these policies is released, this section will be revised.]

## **Signatories**

Aibai Culture and Education Center, China

American Jewish World Service (AJWS), United States

Arab Foundation for Equality (AFE), Lebanon

Bank Information Center (BIC), United States

Beijing LGBT Center, China

Bisi Alimi, Nigeria

Campaign Against Homophobia, Poland

Clóset de Sor Juana AC, Mexico

Council for Global Equality, United States

Egale Canada Human Rights Trust, Canada

Gender Action, United States

Human Rights House, Albania

Human Rights Campaign, United States

India HIV/AIDS Alliance, India

LebMASH, Lebanon

LGBT United Tetovo, Macedonia

National Center for Transgender Equality, United States

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Open Mind Spectrum, Albania

PINK Embassy, Albania

Society Against Sexual Orientation Discrimination (SASOD), Guyana

Spectrum Human Rights Alliance, Russia

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