Gender and SOGIE Safeguard

Introduction

Without a mandatory safeguard for gender and SOGIE, it is unclear how the Bank will protect these communities from harm, or indeed allow them to share in the benefits of a development intervention. The requirement for a mandatory social assessment by the borrower, which considers gender and SOGIE differentiated impacts of a project, has not been included in the revised draft. This means the Bank will be unable to determine the specific and unique risks posed by a project to women, girls and SOGIE communities. This also fails to acknowledge the unique situation of transgender individuals and intersex persons and the impacts development projects can have on them. The Bank must include explicit reference to gender identity and expression, as well as sexual orientation, in all relevant sections of the ESF.

In those very few instances under the current draft in which a social assessment inclusive of SOGIE communities would be triggered given non-discrimination, the Bank has not accounted for the inability of borrower governments to conduct SOGIE responsive assessments in areas where these communities are criminalized. Furthermore, the lack of baseline gender and SOGIE disaggregated indicators ensures that the Bank will be unable to track project outcomes specific to gender and SOGIE, or have a benchmark to offer comparison during the project life cycle.

Additionally, the Bank’s commitment to citizen engagement is woefully inadequate when considering the lack of specific measures provided in the draft to ensure active participation of women, girls, and persons frequently excluded because of their sexual orientation, gender identity and/or expression that takes into account the need for the confidentiality and security of participants.

The World Bank’s safeguard policies are designed to mitigate social and environmental risks associated with its investments. However, while women, girls, and gender/sexual minorities compose more than half of the world’s population and face discrimination, human rights abuses and frequent exclusion from positive benefits of economic development, the Bank has never adopted a mandatory safeguard policy to address the needs of women, girls, and gender/sexual minorities. As a result, the Bank risks excluding these individuals—often some of the poorest and most vulnerable people in the countries where the Bank works—from benefitting from its projects and programs. Women, girls and gender/sexual minorities are also not systematically considered or consulted in the design of projects and programs. If the World Bank hopes to achieve its goals of ending extreme poverty and promoting shared prosperity, it must adopt inclusive strategies and mandatory policies that adhere to the highest standards, particularly with regard to needs of women, girls and gender/sexual minorities.

To facilitate the protection of all individuals, regardless of gender or sexual orientation, the Bank must adopt a separate Gender and SOGI safeguard, in addition to its existing safeguard policies. This safeguard must require—at a minimum—the formation of baseline gender and SOGI indicators for projects, social assessments that are sensitive to gender and SOGI concerns, meaningful consultation with women, girls, and gender/sexual minorities, and instruments for the Bank to plan for and address gender- and SOGI-specific risks. A Gender and SOGI safeguard must also cross-reference existing safeguard policies (such as Involuntary Resettlement, Indigenous Peoples) to include language specific to gender and SOGI. These measures will ensure equal participation in and equal benefit from the Bank’s poverty reduction projects.
Taken together, these recommendations will be an important first step for the Bank in adopting a
development agenda that is truly inclusive and ensure that all segments of society—however
marginalized—benefit from its development efforts.

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, gender identity or expression (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
limits 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 or expression 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 gender differentiated risks and impacts and/or differing risks and impacts based on SOGIE. The Bank requires a gender- and SOGIE-responsive social assessment
for all projects likely to have 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 likely 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 likely 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 or expression, 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.]
Reference, Studies and Reports on the importance of mainstreaming SOGIE as a standalone Safeguard Policy


