

World Bank Safeguard Policies Review and Update Phase 3

Feedback Summary

Expert Focus Group on Non-discrimination

Tokyo, Japan

February 4, 2016

The third consultation phase of the safeguards review includes expert focus groups on some key issues proposed in the second draft Environmental and Social Framework (ESF) with the goal to seek feedback from regional and international experts. **On February 4, 2016, a focus group of regional experts was held in Tokyo, Japan, on the subject of non-discrimination.** Participants in the focus group comprised disability and gender experts from a variety of civil society and research organizations, government agencies, and international organizations from East and South Asia regions (see list of participants).

The following is a synthesis of key observations of participants during the day. It should be noted that **the observations reported here do not necessarily represent the substantive consensus of the group.** They are instead summarized here as key issues presented by one or more individual experts during the consultation and proposed for further consideration as the process goes forward.

1. Assessment and Management of Environmental and Social Risks and Impacts (ESS1)

(Assessment)

- **An in-depth disaggregated social assessment** is key to translating non-discrimination principle into project design and implementation. **The assessment of local capacity** is also important for effective implementation.
- One challenge is **the absence of baseline data on disability** and the methodology on how to collect it.
- The Bank should engage with governments and **local NGOs** specialized in disability and cooperate for disability-**disaggregated** data collection.
- The social assessment should also analyze **why addressing the vulnerable people is important** before talking about how to address project impacts on such people.
- **Dual effects on disability and gender** by the project should also be considered. The relations among gender, disability and poverty as well as the issue of **women and children with disabilities** should also be analyzed.
- **Women cannot be treated as homogenous group.** Each person has different circumstances.
- **Connecting the Borrower, private sector and the community** is key to effective implementation of differentiated measures for vulnerable groups.
- The quality of gender impact assessment is critical for **private sector** and other project stakeholders to understand the need to integrate gender considerations in a project and to identify areas for collaborative actions.

- Access to environmental and social resources, such as energy, is contingent on various factors, such as financial capability, community/societal recognition of right to use and/or own such resources, competencies/abilities, socio-cultural constraints, and others. If this is not recognized, then a project may run the risk of further marginalizing those who are not financially capable, without resource tenure rights, etc. Many of whom are women and persons with disabilities. It is important to negotiate with borrowers (especially those borrowing for very technical projects, such as energy, transport, financial/credit facility, etc.) to consider this in preparing their environmental and social impact assessment design and to integrate appropriate actions for identified social/gender issues in the project design.
- The Bank should also promote non-discrimination and inclusion of **LGBTI** (Lesbian, Gay, Bisexual, Transgender and Intersexed) in the operations.
- A different approach is needed for **emergency projects** from development projects.

(Monitoring and evaluation)

- While there are a large number of persons with disabilities due to the protracted conflict in countries like Afghanistan, disability inclusion is often not considered in the design of roads, schools building or other projects. The World Bank should **employ an independent person as a watchdog** on the implementation of this issue.
- **Monitoring and evaluation with specific indicators and targets for gender equality and disability inclusion** is key to ensuring the implementation of non-discrimination principles.
- **The World Bank should have experts with disabilities** for monitoring and evaluation.
- At the **Implementation Completion Report (ICR)** stage, the monitoring and evaluation indicators should inform on the project's achievement on all these aspects.

(Use of Borrower's Environmental and Social Framework)

- In considering the use of Borrower's Framework, there is a need to include all the **international treaties** related to non-discrimination to which the country is a signatory and hold it accountable.

(Suggestions for revising the language in ESF)

- **Disability is in a foot note in ESS1.** It was suggested that disability be reflected in the main text.
- ESS10 mentions the issue of **accessibility** but there is no definition. It was recommended that a **glossary be provided with the definition of accessibility.**
- The incomplete definition of **"inclusion"** in the glossary **must be changed to ensure inclusion of persons with disabilities.**

2. Labor and Working Conditions (ESS2)

- While some argued that a **quota** should be introduced for **employment of persons with disabilities and women**, others argued that it should be **based on capacity and skill set**,

rather than sympathy. It was also proposed that targets could be used to encourage employers to keep an open mind about employment.

- While some physical disabilities might limit the ability to work with heavy machines, for example, persons with hearing impairment may be cable of doing such work. **A focus on individual capacity, rather than generalization and stereotypes is important.**
- The Bank should not put the employment of persons with disabilities or women in the checklist for the project processing. But it could be included in the monitoring and evaluation framework. If their skills for certain jobs are not sufficient, a **training program should be provided.**
- There is a perception that hiring persons with disabilities is costly. Some initial investment may be necessary to hire a person with disabilities. But **the same investment can work for hiring more persons with disabilities, and such investment will be marginal.**
- In **community-driven projects**, it may be easier to aim to employ persons with disabilities than in projects with contractors.
- **Piloting a project with an employment quota** for people with disabilities and women should be considered.
- **Suggestions to encourage employment of women** include job ads encouraging application by women; ensuring safe toilet and washing facilities for women; ensuring shift times are safe for women; provision of childcare; technical, financial and functional literacy training; equal pay; prevention of sexual harassment in the workplace; identification of policies and legislation that are barrier to women's employment; and community awareness and education on the benefits of employment for women.

3. Community Health and Safety (ESS4)

- Instead of using the term “**man-made**” disaster in the proposed ESS4 (para 19), the language needs to be changed to “**human-induced**” disaster.

4. Land Acquisition, Restrictions on Land Use and Involuntary Resettlement (ESS5)

- The Bank should pay more attention to **the safety of resettlement activities and areas** for vulnerable groups such as women, children, and persons with disabilities.
- Resettlement of vulnerable groups to a new environment should be done very carefully. **The impact of cutting the existing social network is very serious** for such groups.
- Clarification was sought on the background of the proposed **escrow account** in ESS5, para 16.
- **Equal compensation** should be provided for men and women for loss of land.
- **Support** should be provided for women, such as legal support for land titling. **Awareness raising** on rights, particularly land rights and protection of women's needs/rights should be also promoted.

5. Stakeholder Engagement and Information Disclosure (ESS10)

- The Bank should ensure that the Borrower will **listen to the voice of disadvantaged and vulnerable groups** in the process of social assessment and implementation of differentiated measures.

- The Bank should **consult with communities from the early stage of the project** for better project design and implementation.
- **Community planning** is successful when everyone, including vulnerable people, have a role to play in project planning and implementation. The Bank should make community involvement conditional to Bank funding.
- In stakeholder engagement for projects involving disability issues, the Bank should pay more attention to **whether the stakeholders have the experience and expertise on disability and accessibility**. In current Bank projects, there are some cases where the Bank is engaging with stakeholders who do not possess necessary expertise and experience on disability.
- **Focus groups for persons/women with disabilities** should be held in order to facilitate more effective engagement with these groups.
- **Stakeholder engagement should be also proportionate** to the risks and impact on project affected communities. **Persons with disabilities should be treated equally**.
- **Accessibility to Bank project information** is very important and should be improved for persons with disabilities.
- **Suggestions for gender sensitive stakeholder engagement** include involvement of women in all consultation processes; dedicated processes for women such as different times and locations; gender sensitive training for facilitators; support for women organization and other CSOs on community mobilization; and support for women leadership and decision-making in community consultation.
- **Suggestions for effective grievance mechanism** include checklist of issues; sensitization of grievance redress mechanism (GRM); procedures and facilitators to the needs, issues and constraints faced by women, persons with disabilities, and other vulnerable groups; building on existing village level grievance committees, which could begin with a participatory assessment of the advantages and disadvantages of these local mechanisms to women, persons with disabilities, and other vulnerable groups, and addressing the gaps/problems, if any - this approach has been found to be effective especially in conflict-affected areas; ensuring the presence of different options/modes for raising complaints.

6. Capacity building

- **Capacity building for the Borrower** should be promoted at all levels, including policy makers and project implementers. Without the same level of understanding, the ESF including the non-discrimination principles would not be implemented in the local level. **Local capacity** needs to be strengthened particularly in countries with higher level of decentralization, and in small island states.
- Developing implementation tools such as **guidelines and case studies** as well as **capacity building of Bank staff** are key to effective implementation of the ESF, including the non-discrimination principle. **Capacity building for partner NGOs** is also important.

7. General comments

- The ESF should set the general rules and principles. **Details on concrete actions for disability inclusion can be set out in an action plan.**
- When addressing gender issue, women with disabilities should also be targeted, given attention and be supported to be able to participate.
- **Many of the suggestions for gender can be also used for disabilities.**
- Non-discrimination principle should be **conditional to the loan** to make it enforceable, rather than aspirational. This would be more effective in making the Borrower attentive to gender and disability issues. For example, the Bank should lower the interest rate to the borrower or lengthen the loan period.
- **Disability is a day-to-day issue in fragile states** like Afghanistan. The risk of disability caused by terror attacks is high due to security situations. The Bank should put higher priority on addressing the issue of disability in such countries. For example, without special measures, people with disabilities would not apply for job opportunities, feeling ashamed of their disabilities.
- Our research in Japan and the UK has revealed a proliferation of invisible disability i.e. **mental health issues** among young people leading to an increase in social withdrawal, lack of a sense of belonging, and poverty. Non-hereditary social environment factors such as insufficient parenting or parents' psychological stress (stemming from being unemployed or abused, or from postpartum depression, etc.) are shown to correlate strongly with such mental issues. Social capital accumulation, such as mutual help in the neighborhood, is found to be effective in reducing the risk of developing mental health issues. Further proliferation of this form of disability should be prevented in both donor and borrower countries, and the World Bank should take these findings into consideration in its intervention.