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Advisory report of the Independent Redress Mechanism

Prevention of Sexual Exploitation, Abuse and Harassment in GCF projects or programmes (P&PrSEAH): Learning from the World Bank’s Inspection Panel cases

Summary

Paragraph 16 of the Independent Redress Mechanism’s (IRM’s) Terms of Reference (decision B.BM-2017/10), stipulates that the IRM will “...report to the Board on lessons learned and insights gained from handling cases...and from good international practices, and may recommend reconsideration of relevant policies, procedures, guidelines and systems of the GCF, including environmental and social safeguards.”

Two recent cases of the World Bank’s Inspection Panel raised significant issues around sexual exploitation, abuse and harassment in projects and programmes (P&PrSEAH) funded by the Bank. Since then, the World Bank has made several policy and systems reforms to prevent a repetition of P&PrSEAH. Accordingly, in pursuance of the IRM’s mandate, the IRM is submitting this Advisory Report as an information document on the “Prevention of Sexual Exploitation, Abuse and Harassment in GCF projects or programmes (P&PrSEAH): Learning from the World Bank’s Inspection Panel cases” based on good international practice to the Board. The Secretariat management response is contained in the addendum to this report.

Table of Contents

Introduction	1
I. Background	2
1.1 SEAH at the Project Level - Why Does it Warrant Special Attention?	2
II. The World Bank Inspection Panel cases	3
2.1 Uganda Case	3
2.2 Democratic Republic of the Congo Case	4
2.3 The World Bank's Response	4
III. Current GCF Policies and Safeguards on SEAH	6
3.1 GCF's Environmental and Social Safeguards (including its Gender Policy)	7
IV. Lessons Learned	7
4.1 Developing Robust P&PrSEAH Risk Assessment Tools	7
V. IRM Recommendations to GCF	10
Annex I: Ethics and Audit Committee Recommendation	12

Introduction

1. Paragraph 16 of the Independent Redress Mechanism's ("IRM's") Terms of Reference, under section V (lessons learned and public outreach) stipulates that the IRM will "...report to the Board on lessons learned and insights gained from handling cases...and from good international practices, and may recommend reconsideration of relevant policies, procedures, guidelines and systems of the GCF, including environmental and social safeguards." In line with this mandate, the IRM is submitting this Advisory Report based on good international practice to the Board of the GCF. This Advisory Report was consulted with the Secretariat and on the invitation of the IRM, the Secretariat has provided a Secretariat management response which is included in addendum I to this Report (document GCF/B.26/Inf.02/Add.01). This Advisory Report and the Secretariat's management response were tabled before the Ethics and Audit Committee of the GCF as required by paragraph 6 of the Updated Terms of Reference of the IRM (decision B.BM-2017/10). The Ethics and Audit Committee (EAC) considered the Advisory Report and the Secretariat's management response and decided to forward the same to the Board as an information document. The certificate of the Chair of the EAC is set out in annex I to this Report.
2. In September 2015 and September 2017, two separate complaints were filed with the Inspection Panel of the World Bank Group. The Inspection Panel is – like the Independent Redress Mechanism of the Green Climate Fund ("GCF") – an internal but independent accountability mechanism that responds to complaints of harm stemming from projects financed by the World Bank. The two complaints made troubling and serious allegations, amongst others, about the pervasive sexual exploitation and abuse that was taking place in the shadows of two World Bank projects – one was the Transport Sector Development Project, Additional Financing in Uganda and the other the Second Additional Financing for the High-Priority Roads Reopening and Maintenance Project in the Democratic Republic of Congo.
3. In August 2016 and April 2018, the Inspection Panel concluded its investigations into these allegations and released reports whose findings affirmed the allegations in the complaints. The findings brought to light the failures of the World Bank in identifying, preventing and responding to issues of gender-based violence ("GBV") and sexual exploitation in projects and in the overall approach to project development and appraisal. Significantly, the report highlighted that these were largely caused by deficiencies in the Bank's implementation of its existing safeguards policies. These two cases and the institutional response of the World Bank have increased the awareness surrounding GBV related matters in the development sphere.
4. As a relatively young and growing institution, the GCF is in a position to learn from the lessons of others and apply these lessons to its own systems to prevent similar impacts arising in the context of GCF funded projects. Like the World Bank had when it financed the two projects, the GCF already has in place – through, for instance, the interim environmental and social safeguards¹ and the Gender Policy and Action Plan² - a policy framework which addresses issues relating to Sexual Exploitation, Abuse and Harassment (SEAH) at the project level. It is important to note here that the term GBV encompasses a variety of actions and situations much wider than SEAH and that the term SEAH may be seen as a subcategory within the meaning of the term GBV.
5. In addition to these safeguards, the GCF also has a SEAH policy. Since this Advisory Report was first conceived, the GCF's SEAH policy has undergone many changes. The Original

¹ In decision B.07/02, paragraph (c), the GCF Board adopted the International Finance Corporation Performance Standards for Environmental and Social Sustainability as the GCF interim ESS safeguards.

² The Gender Policy and Action Plan was originally adopted at B.09 in 2015 (decision B.09/11) and was updated at B24 in November 2019 (decision B.24/12).

SEAH policy was adopted by the Board at its 22nd meeting in February 2019.³ The Original SEAH policy applied to GCF Board members, staff and consultants. By a revised Updated SEAH policy adopted by the Board⁴ the coverage was extended to counterparties including Accredited Entities and Implementing Entities. The provisions of the Updated SEAH policy relating to third parties (Counterparties and Victims that are not Covered Individuals) was made inoperative by the Board recently and the Secretariat was given a mandate to present revisions to the Policy at B.27 in line with best practices among international financial institutions and the business model of the GCF.⁵ Most importantly, the Board also further requested “the Secretariat to present to the Board for its consideration,... amendments to the relevant standards, safeguards and policies of the GCF, to address the requirements placed on accredited entities to integrate the obligations set out in the Policy on the Prevention and Protection from Sexual Exploitation, Sexual Abuse, and Sexual Harassment” (emphasis added).⁶ The IRM believes that the advice in this Report will be relevant to the Board and the Secretariat in considering revisions to the Updated SEAH policy particularly regarding provisions relating to P&PrSEAH and amendments to relevant environmental and social safeguards of the GCF as mandated by the Board.

6. The purpose of this Advisory Report is to draw on the lessons learned by the World Bank and recommend measures that can be taken by the GCF Secretariat to effectively implement the existing safeguards and policy framework vis-à-vis P&PrSEAH. With this purpose in mind, this Report is structured into five parts. Part 1 provides an overview of P&PrSEAH and reinforces the need to devote special attention to the subject. Part 2 describes the two Inspection Panel cases evaluated in this report. Part 3 and 4 then provide an outline of the GCF’s current policy framework vis-à-vis P&PrSEAH and identify relevant lessons learned from the Inspection Panel’s cases. Finally, Part 5 proposes several recommendations that aim to strengthen the capacity of the GCF to respond to P&PrSEAH risks.

I. Background

1.1 SEAH at the Project Level - Why Does it Warrant Special Attention?

7. SEAH refers to “Sexual Exploitation, Sexual Abuse, and Sexual Harassment”.⁷ Each of these terms is further defined by the GCF’s SEAH policy. Despite rather detailed definitions, however, SEAH can be difficult to identify, prevent, and address at the project level. There are a number of reasons for this, many of which are inextricably linked with the social, cultural, and economic contexts within which SEAH incidents take place. In many societies, for instance, people are stigmatised and shamed for reporting incidents of SEAH.⁸ In others, inadequate avenues for redress prevent complaints from ever being heard. More broadly, low levels of sex-education mean that all too often, people are not equipped with the knowledge and skills

³ Decision B.22/18.

⁴ Green Climate Fund, *Policy on the Prevention and Protection from Sexual Exploitation, Sexual Abuse, and Sexual Harassment* (decision B.23/16); hereafter “Updated SEAH policy”; Capitalised terms used in this report refer to defined terms as used in the Updated SEAH policy unless the context indicates otherwise.

⁵ Decision B.25/05

⁶ Ibid.

⁷ See Original SEAH policy (n 3), Definitions.

⁸ World Bank Inspection Panel, *Republic of Uganda Transport Sector Development Project Additional Financing* (2019), see Chapter 4, esp. para. 280 et al, available at: <<https://www.inspectionpanel.org/sites/www.inspectionpanel.org/files/ip/PanelCases/98-Inspection%20Panel%20Investigation%20Report.pdf>>

required to develop healthy and respectful sexual relationships or identify and handle situations of risk.⁹

8. At the systemic level, some projects in specific settings may be influenced by a range of factors leading to the creation of power differentials that function to the disadvantage of vulnerable groups such as women and children, amongst others. In the Uganda case, for instance, one victim¹⁰ reported that she was constantly sexually harassed by her supervisors and that when she complained about this to human resources personnel, she was told that “this was the culture of the company and if she was unhappy, she could get a job somewhere else”.¹¹

9. In addition to the above, development projects - depending on their scope - can exacerbate existing risks or create new ones. This may be through, for instance, project-induced in-migration or changes to social and economic patterns resulting from projects.¹²

10. As can be seen from even this short description, SEAH manifests in complex and varied ways. This is not least because it is embedded in a range of other equally complex risk factors, some of which have been outlined above. Given this fact, it is imperative that the GCF devote specialised attention to this subject.

II. The World Bank Inspection Panel cases

2.1 Uganda Case

11. In September 2015, the Inspection Panel received a complaint from members of two communities who raised concerns about the Transport Sector Development Project, a World Bank-financed project meant to upgrade and rehabilitate the 66 km Kamwenge-Fort Portal road in Uganda. In their complaint, community representatives raised allegations of sex with minors, sexual harassment of female employees, increased sex work, the spread of HIV/AIDS, fear of retaliation and several other grievances. In January of 2016, the Panel’s recommendation to carry out an investigation was approved by the Board of the World Bank. The Panel conducted its investigation by reviewing project documentation and visiting the field to meet with the complainants, government, project officials, and project staff. The Panel submitted its investigation report in August 2016, and two months later Bank management provided a response. A management action plan responding to the Panel’s findings was approved by the Board in November 2016.¹³

12. The Panel found that the Bank had failed to properly appraise the risks posed to human health and safety, and the social impacts of the project related to gender-based violence and child protection under the Bank’s existing safeguard policies. Even where these were identified, the Panel found that there was a lack of adequate mitigation measures in place to address the social impacts and risks that were identified.¹⁴ Finally, the Panel found that management had

⁹ UNESCO, ‘Why Comprehensive sexuality education is important (15 February 2019)

<<https://en.unesco.org/news/why-comprehensive-sexuality-education-important>> accessed 4 October 2019.

¹⁰ The term “victim” is used for consistency throughout this Advisory Report as this is the term used in the GCF’s Original and Updated SEAH policies. The IRM recognizes that there are some concerns around the use of the term ‘victim’, and that the term ‘complainer’ or ‘survivor’ may be preferable in certain cases.

¹¹ Inspection Panel (n 8), para 308.

¹² World Bank Report of the Global Gender-Based Violence Task Force, *Working Together to Prevent Sexual Exploitation and Abuse: Recommendations for World Bank Investment Projects* (2017), see page 5.

¹³ See Inspection Panel (n 8).

¹⁴ Ibid, para 356-359.

failed to detect the serious harm suffered by women and children of the community during supervision of the Project and in proposing measures to redress such harm.¹⁵

2.2 Democratic Republic of the Congo Case

13. In September 2017, the Inspection Panel registered a complaint from community members living in Goma and its vicinity in the Democratic Republic of Congo (DRC). The complainants alleged harm from the High-Priority Roads Reopening and Maintenance project, which the World Bank was financing to upgrade the Bukavu-Goma road. The allegations included gender-based violence and other types of violence suffered by local communities. The Panel recommended an investigation of the case in November 2017 after its field assessment, which was approved by the Board a month later. Subsequent to further investigation and field visits, the Panel concluded its investigation in April 2018.¹⁶ Similar to the Uganda case, the Panel investigation found that the risk and impact analysis of the project in respect of GBV at the project level was inadequate under the Bank's existing safeguard policies, as were the processes in place to consult with local communities. The Panel also found that the Bank had not adequately assessed the local context of the project including fragility and conflict, and endemic gender-based violence, as well as capacity constraints of the project implementer.¹⁷

14. Similar to the Uganda case, the Panel observed that the Bank failed to supervise the implementation of measures to mitigate the risks of GBV, or to identify and propose measures to redress the harm caused by the project.¹⁸

2.3 The World Bank's Response

15. The World Bank's response to the Panel's two investigations came in two forms, one specifically to address the project level harms, and the other to assess and improve the systems and practices of the Bank at an institutional level.

2.3.1. Uganda

- (a) The Bank cancelled the project in December 2015 and committed itself to reviewing the entire Uganda portfolio with specific focus on sexual misconduct involving minors and child labour, and to undertaking a global review of the Bank's approach to the mitigation of risks associated with labour influx, and developing guidance for Bank staff on addressing GBV.
- (b) The Bank prompted the preparation of the Emergency Child Protection Response program through which victims of abuse in the project concerned can receive tailored support.
- (c) In February 2016, a Bank team held discussions with the Government of Uganda on the development of an integrated system to prevent sexual and gender-based violence in the

¹⁵ Ibid.

¹⁶ World Bank Inspection Panel, *Democratic Republic of Congo Second Additional Financing for the High-Priority Roads Reopening and Maintenance Project* (2019), paras 364-366, available at <<https://www.inspectionpanel.org/sites/www.inspectionpanel.org/files/cases/documents/120-Inspection%20Panel%20Investigation%20Report%28English%29-27%20April%202018.pdf>>

¹⁷ Ibid, the panel found that project risks were exacerbated by the country and local context in Eastern DRC, which places women at a high risk of both domestic violence and GBV at the hands of armed groups.

¹⁸ Ibid.

transport sector in Uganda and response measures aimed at victims, and to assess national and local capacity for future interventions.

- (d) The President of the World Bank appointed a Global Task Force on Gender-Based Violence (“**GBV Task Force**”), comprising eminent experts on GBV and Bank specialists. Building on existing Bank efforts to tackle violence against women and girls, the GBV Task Force focused on strengthening capacity in Bank-supported projects to (i) identify threats and apply lessons; (ii) conduct more robust gender assessments; and (iii) improve approaches to raising awareness about and taking action to prevent GBV.

2.3.2. Democratic Republic of Congo

- (a) In November 2017, the Bank suspended its disbursement due to the Borrower’s noncompliance with project obligations.
- (b) Based on recommendations contained in the GBV Task Force Report and the lessons learned from the Uganda project, the Bank worked with the borrower to put in place immediate measures to support identified GBV victims and help prevent future incidents of GBV in the project. The Bank reports that as of June 2018, 33 victims accepted and received psychosocial care, while a smaller number were referred to medical care or legal counselling at their request.¹⁹
- (c) The Bank committed to financing a new DRC Gender-Based Violence Prevention and Response Project to support GBV victims through economic empowerment and income generation opportunities and to support these efforts through other Bank-financed activities in the area.
- (d) The project established a dedicated GBV grievance redress mechanism to receive and address GBV complaints so that victims can access a safe and trusted environment, without fear of intimidation or retaliation.
- (e) In addition to supporting the prevention of and response to GBV, the Bank is supporting a broader gender and women’s empowerment agenda in DRC by supporting financial resources and services to women, training women in different careers, and microlending to women-led enterprises.²⁰

16. At the institutional level, the Bank continues to develop, mainstream and apply measures to improve the management of GBV risks in Bank-financed projects. This process started as a follow up to the Uganda case, which led to the appointment of the GBV Task Force and the GBV Action Plan. As part of this plan, the Bank issued a Good Practice Note for staff on the prevention, identification and mitigation of GBV risks in Bank-financed projects.²¹

¹⁹ World Bank, *Management report and recommendation in response to the Inspection Panel investigation report on the Democratic Republic of Congo Second Additional Financing for the High-Priority Roads Reopening and Maintenance Project* (2018, P153836)”, p. 22. Available at:

<<https://www.inspectionpanel.org/sites/www.inspectionpanel.org/files/cases/documents/120-Management%20Report%20and%20Recommendation%28English%29-10%20August%202018.pdf>>

²⁰ Ibid.

²¹ World Bank, *Good Practice Note: Addressing Gender Based Violence in Investment Project Financing involving Major Civil Works* (2018), available at:

<<http://documents.worldbank.org/curated/en/399881538336159607/Addressing-Gender-Based-Violence-in-Investment-Project-Financing-Involving-Major-Civil-Works.pdf>>

III. Current GCF Policies and Safeguards on SEAH

17. Before explaining how the GCF can learn from the experiences of the World Bank, it is important to briefly set out how the GCF's current framework deals with SEAH and P&PrSEAH risks.

18. As explained at the outset of this Advisory Report, the GCF already had in place a policy framework which addressed issues relating to SEAH at the project level before adopting its Original and Updated SEAH policies. Both the Original and Updated SEAH policies covered Board members, staff and consultants of the GCF with regard to acts of SEAH committed by them. The Updated SEAH policy extended some of these obligations to counterparties (third parties with whom the GCF had relations such as contractors, AEs, and NDAs). The provisions relating to third parties in the Updated SEAH policy were made inoperative by the Board at B.25. As such, unless such acts are committed by GCF staff or Board members at the project level, the SEAH policy currently in force has no application to the types of SEAH acts covered by this Advisory report. This Advisory Report focuses on SEAH acts committed by persons in the context of a GCF-funded project or in the context of project implementation at the ground level. For this reason, we have chosen the acronym P&PrSEAH (Project and Programme related SEAH).

19. Common practice amongst FIs has not been to codify specific SEAH related obligations in SEAH policies. Instead, the risks of P&PrSEAH have been dealt with in the broader context of environmental and social safeguards. However, the World Bank cases highlighted that these obligations were not being applied at a practical level. While financial institutions had such less explicit obligations to assess and address the risks of SEAH within their broader environmental and social safeguards (including gender policies), they were not, at a practical level, applying these obligations in the context of project development and implementation. The World Bank cases highlighted this deficiency and have created a shift in culture, and steps are now being taken by the World Bank Group of financial institutions to address P&PrSEAH in the context of existing environmental and social safeguards.

20. One way to highlight and address SEAH risks at the project level is to develop a specific policy on this, and the other is to simply strengthen and implement existing environmental and social safeguards which already contain provisions relating to P&PrSEAH. This is a choice that is open to the Secretariat, IIU and Board when the suspended Updated SEAH policy is reconsidered at B.27.

21. Regardless of what the Board decides at B.27 in relation to the Updated SEAH policy, the GCF currently has, similar to the World Bank, an institutional level framework for responding to the risks of P&PrSEAH. This has been in place at the GCF ever since the GCF adopted the IFC's Performance Standards as its interim environmental and social safeguards at B.07 in 2014²², its Gender Policy and Action Plan at B.09 in 2015²³ (which was recently updated at B24 in 2019), and its Environmental and Social Policy at B.19 in 2018²⁴.

²² Decision B.07/02.

²³ Decision B.09/11.

²⁴ Decision B.19/10.

3.1 GCF's Environmental and Social Safeguards (including its Gender Policy)

22. The IFC Performance Standards, adopted by the GCF in 2014, contain several obligations to assess specific threats to women, children, youth and other vulnerable groups. For example, IFC Performance Standard (PS) 2 (Labour and Working Conditions) requires the project or programme implementer to “take measures to prevent and address harassment, intimidation, and/or exploitation, especially in regard to women”. PS 1 (Assessment and Management of Environmental and Social Risks and Impacts) requires that the project implementer “identify individuals and groups that may be directly and differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status”. Since women, children, and individuals forming part of minority communities could be regarded as groups that may be directly, differentially, or disproportionately affected by the risks of P&PrSEAH, an assessment of P&PrSEAH risks is implicitly required under this standard. PS 4 (Community Health, Safety and Security) is also relevant in the context of P&PrSEAH since it requires the assessment by the project implementer of “risks posed by its security arrangements to those within and outside the project site”. Risks posed by security arrangements could include risks of P&PrSEAH, and an assessment under this standard should take account of how security arrangements may impact the risk of P&PrSEAH within and outside of the project site.

23. The GCF's Original Gender Policy and Action Plan adopted in 2015 created a policy framework for assessing and addressing “risks for women and men associated with adaptation and mitigation activities financed by the Fund”. The Updated Gender Policy and Action Plan adopted in 2019 similarly seeks to promote climate investments that minimize social and gender-related risks. Gender assessments at the project level are required by both the Original and Updated Gender Policy to ensure that the objective of minimizing gender-related risks is realised. P&PrSEAH risks are a particular type of gender-related risk and should be assessed in the context of any gender assessment. The Original Gender Policy and Action Plan also required that “women and men be provided with equitable opportunity to be included in stakeholder consultations and decision-making during project and programme preparation, implementation and evaluation”. The Updated Gender Policy and Action Plan similarly requires that “women and men, including from vulnerable groups, be provided with an equal and equitable opportunity to be fully and effectively engaged in consultations and decision-making throughout the project cycle”. In projects where P&PrSEAH risks are prevalent, gender-sensitive consultations in relation to P&PrSEAH should occur within this context.

24. Finally, the GCF's Environmental and Social Policy includes a number of obligations which are applicable in the context of P&PrSEAH risks. For example, accredited entities, in designing activities for GCF-funding, are required to “adequately assess the gender risks and impacts...and link the corresponding gender risk management measures to the activity-level gender action plans”. P&PrSEAH risks are a relevant gender risk, which should be assessed and mitigated in this context. In relation to consultations, the Environmental and Social Policy requires that communities affected or potentially affected by the activities are “properly consulted” and provided with an opportunity to “express their views on risks”.

IV. Lessons Learned

4.1 Developing Robust P&PrSEAH Risk Assessment Tools

25. All the policies and safeguards evaluated above call on the GCF and/or on Accredited Entities to assess the risk of P&PrSEAH. The two cases examined above highlight the

importance of developing a robust risk assessment methodology and ensuring that projects and programmes with ratings of “High Risk” trigger preventive and/or mitigatory actions in project design and supervision.

26. Based on learnings from the World Bank, the IRM recommends that at a minimum, the following questions should be asked during the P&PrSEAH risk assessment of projects or programmes by the GCF:

- (1) Are country-level rates of gender-based violence (GBV) higher than regional averages?²⁵
- (2) What protection from violence does the existing legal framework provide women and other vulnerable groups, particularly in relation to (i) domestic violence; (ii) sexual harassment; and (iii) marital rape?²⁶
 - a. *Caution should be exercised in evaluating the data in response to this question. Firstly, evidence does not unequivocally establish that a more stringent set of national laws in relation to SEAH is associated with a lower risk of SEAH. Second, much depends on the enforcement of such laws and furthermore, the attitudes of relevant actors towards SEAH.*²⁷
- (3) Are there prevailing socio-cultural norms that marginalise women or restrict their participation in the public and private spheres?²⁸
 - a. *Both qualitative and quantitative data suggest that a variety of social norms and beliefs related to gender and family privacy are related to physical and sexual violence. Norms, for example, that assert male dominance and legitimise violence as an acceptable way of enforcing hierarchies have often been associated with violence against women.*²⁹
- (4) Will the project take place in a fragile or conflict-affected environment?³⁰
 - a. *Evidence indicates that the incidence of GBV often increases before and during conflicts and persists even after conflict ends as exposure to conflict may contribute to greater tolerance for violence.*³¹
- (5) What is the scale of labour influx?³²
 - a. *Project-induced in-migration can cause significant environmental, economic, and social impacts in a project area.*³³ *In the context of SEAH, in-migration can lead to the*

²⁵ See World Bank Task Force (n 12), page 23; This information may be available in country-level Demographic and Health Surveys conducted periodically by WHO or by other international actors (<http://dhsprogram.com/What-We-Do/Survey-Types/DHS.cfm>). At the same time, additional research should be conducted in cases in which regional averages are already high and when country-level rates are in alignment with these high rates.

²⁶ Ibid; This data has been aggregated and is available in the Women, Business and the Law dataset, a World Bank product that collects data on laws and regulations constraining women’s entrepreneurship, employment and agency (<http://wbl.worldbank.org/data/explore/topics/protecting-women-from-violence>).

²⁷ L Heise, “What works to prevent partner violence: An evidence overview” (Strive Research Consortium 2011), see Chapter 6.

²⁸ Ibid; Information may be available across a range of sources, including the World Values Survey, The Organisation for Economic Cooperation and Development Social Institutions and Gender Index, Gallup, or stakeholder consultations and interviews, particularly with women’s groups and organisations.

²⁹ Heise (n 27), see Chapter 2.

³⁰ World Bank Task Force (n 12), page 22.

³¹ Ibid.

³² Ibid.

³³ Michael Cernea, *Hydropower Dams and Social Impacts: A Sociological Perspective* (World Bank, 1999), pp. 2-3; See also IFC, *Projects and People: A Handbook for Addressing Project-Induced In-Migration*. Available at: http://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/ifc+sustainability/learning+and+adapting/knowledge+products/publications/publications_handbook_inmigration_wci_1319576839994.



establishment and expansion of commercial sex workers and enable conditions for the trafficking of women and children for the purposes of sexual exploitation.³⁴ In addition, identifying and prosecuting SEAH perpetrators can be more challenging when the migrant population is transient. For example, in the case of Uganda, the Inspection Panel found that men in road works move to other construction sites and change residences, often making it harder to track them, and victims are unlikely to know the full name of a perpetrator.³⁵

- (6) What is the geographic span of the project and how many communities will the project activities affect? Will the project be able to monitor implementation over the full span of the work?³⁶
- a. *Larger projects intersect with more communities and are harder to monitor. In addition, there may be fewer mechanisms for prevention and redress in isolated rural areas.³⁷*

27. These questions may be used as part of a preliminary P&PrSEAH risk assessment tool in order to garner a basic impression of the risk of SEAH. The outcome should determine whether further, more detailed research and consultations are needed. A robust risk assessment methodology should integrate both project-related and contextual risk factors using an ecological approach.³⁸ The ecological model posits that there is no single factor that ‘causes’ SEAH; rather that the risk of P&PrSEAH is the function of many factors that interact at different levels of the social ecology.³⁹

28. Useful data required to conduct a P&PrSEAH risk assessment can be garnered from the gender assessments that AEs are required to develop.⁴⁰ For this to be made possible, however, two practices should be observed. First, the P&PrSEAH risk assessment should take place after the gender assessment is completed. Second, the gender assessment should be comprehensive in scope. In particular, it should be ensured that assessments do not fail to record the negative gender impacts of a project as these may be directly associated with the risk of P&PrSEAH or may exacerbate an existing risk. Sequenced and carried out in this way, the gender assessment can usefully feed into the P&PrSEAH risk assessment process.

29. In addition, and as noted by the World Bank GBV Task Force, data on demographic and other characteristics of communities, including the prevalence of GBV and services available, can also be found in demographic health surveys and administrative statistics that police, hospitals, and judicial and social services agencies collect. Because such data often already exists, new data collection efforts are discouraged as safely, reliably, and ethically collecting representative data is high in cost and time-consuming.⁴¹

30. In preparing this report, the IRM undertook a preliminary desk-review of 96 GCF projects and programmes using some of the factors set out in the risk framework outlined above. In performing this exercise, the IRM observed that there were several projects that might have potentially benefitted from further, more rigorous due diligence in respect of P&PrSEAH. This does not mean that these projects or programmes suffer from P&PrSEAH impacts. Rather,

³⁴ IFC, *Projects and People: A Handbook for Addressing Project-Induced In-Migration*, accessible at <https://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/sustainability-at-ifc/publications/publications_handbook_inmigration>, see page 2 et al; see also UNICEF, *Mining Related In-Migration and the Impact on Children in Mongolia* (2017), pp 38-30.

³⁵ See Inspection Panel (n 8), para 271.

³⁶ Ibid.

³⁷ World Bank Task Force (n 12), see page 20.

³⁸ For further guidance, see World Bank Task Force (n 10), Annex 3

³⁹ Heise (n 27), page vii.

⁴⁰ See, for instance, GCF Gender Analysis/Assessment and Gender and Social Inclusion Action Plan Templates.

⁴¹ Ibid, see Annex 4.

they would have been served better if P&PrSEAH impacts were assessed and mitigatory measures taken (if needed). This observation underscores the importance of vetting all GCF projects using a preliminary risk-assessment tool in order to determine whether further due diligence is required.

V. IRM Recommendations to GCF

31. In line with the recommendations and learnings that came from the Inspection Panel and the World Bank, the IRM makes the following recommendations to the GCF in relation to preventing and addressing P&PrSEAH in its funded activities.

GCF to develop a P&PrSEAH risk assessment tool and provide guidance and support to Accredited Entities on developing their own risk assessment tools.⁴²

32. As observed above, several GCF policies and safeguards call on the GCF and on Accredited Entities to conduct a risk-assessment vis-à-vis P&PrSEAH. In this respect, the GCF should develop a robust risk-assessment tool that includes both project-related and contextual risk factors, using an ecological approach. The risk assessment tool should operate at two levels. First, it should enable the GCF Secretariat to conduct a preliminary review of GCF funding proposals/projects, and second, enable it, based on the results of this review, to comprehensively assess the risk of P&PrSEAH. Reference may be made to the indicative risk factors identified in this report. Such a set of tools are being developed by the World Bank and the International Finance Corporation, both of whom are GCF Accredited Entities and the IRM will share such tools with the Secretariat no sooner they become available. The IRM suggests that the GCF Secretariat might collaborate with these two Accredited Entities in developing its P&PrSEAH risk assessment tool. In addition to the above, the GCF should, through guidance and training, support Accredited Entities in developing their own robust risk assessment tools.

33. The IRM also notes that the GCF is reviewing its guidance on funding proposals. Given the importance of the sequencing of gender assessments in the P&PrSEAH risk assessment process, the GCF should consider including guidance on best practices in relation to the sequencing of assessments.⁴³

GCF to ensure that it maintains adequate capacity and expertise regarding P&PrSEAH.

34. The GCF Secretariat should ensure that it maintains adequate capacity and expertise regarding P&PrSEAH at all times. This may be done through the hiring of staff, or consultants that are available on short notice, or by building the capacity of existing staff, or through a combination of both.

P&PrSEAH expertise and capacity at the project level.

35. For those projects or programmes that are deemed as high-risk, the GCF should ensure that the Accredited Entities retain appropriate P&PrSEAH expertise and capacity to manage P&PrSEAH risks at the project level. This is best done when collaborating with the Accredited Entity in developing and designing projects and programme and through appropriate project conditions.

⁴² See World Bank Task Force (n 10), Annex 3 and 4 of the Global Gender-Based Violence Task Force report sets out a model for GBV risk factors, as well as considerations and sources of information that can be used in doing GBV risk assessments.

⁴³ See paragraph 28 above.

GCF to provide guidance to staff and Accredited Entities on P&PrSEAH.

36. Given the strong association between project-induced in-migration and the risk of P&PrSEAH, special guidance should be issued by the GCF on managing project-induced in-migration. For analogous reasons, guidance should also be provided on managing security force arrangements at the project level as well as other sources of risk that might be identified.

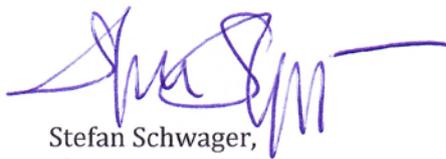
37. In addition, the GCF's Updated Gender Policy and Action Plan emphasises the importance of ensuring that women and men are provided with an equal and equitable opportunity to be fully and effectively engaged in consultations and decision-making throughout the project cycle.⁴⁴ The GCF Environmental and Social Policy also requires that communities potentially affected by a GCF project are provided with an opportunity to express their views on risks.⁴⁵ The GCF Secretariat should issue specific guidance on when and how such consultations should be conducted in the context of P&PrSEAH. This guidance to GCF staff and AEs can be part of the general guidance on P&PrSEAH that the Secretariat develops.

⁴⁴ GCF Updated Gender Policy and Action Plan (decision B.24/12), para 19.

⁴⁵ GCF Environmental and Social Policy (decision B.19/10), para 18.

Annex I: Ethics and Audit Committee Recommendation¹

The Ethics and Audit Committee considered the IRM's "Advisory Report of the Independent Redress Mechanism: Prevention of Sexual Exploitation, Abuse and Harassment in GCF projects or programmes (P&PrSEAH): Learning from the World Bank's Inspection Panel cases" and the Secretariat's management response (Annex 1) at its 82nd meeting on 11th June 2020 in accordance with paragraphs 6 and 16 of the Updated Terms of Reference of the Independent Redress Mechanism (Revised) (Decision B.BM-2017/10 of 25 September 2017) and decided to forward the same to the Board as an information document.



Stefan Schwager,
Chairperson,
Ethics and Audit Committee
23 June 2020

¹ The Secretariat management response to the advisory report is contained in addendum I to this report (document GCF/B.26/Inf.02/Add.01).