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ADB Safeguard Policy Review and Update: Sexual Orientation, Gender Identity, Gender Expression, and Sex Characteristics (SOGIESC)

REGIONAL CONSULTATIONS

6-7 June 2022



SAFEGUARD
POLICY REVIEW
AND UPDATE

ADB

Quick Reminders



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Please introduce yourself in the meeting chat box by typing in your
NAME, DESIGNATION, and ORGANIZATION.

- ✓ If possible, join from a quiet, distraction-free area
- ✓ Ensure your audio and video are working
- ✓ Put your mic on mute when you are not speaking
- ✓ Virtually raise your hand on the Zoom feature to raise a point or question
- ✓ Be respectful to other joining participants
- ✓ Be conscious of time as per the agreed agenda

Simultaneous interpretations available!

Penerjemahan Simultan tersedia!

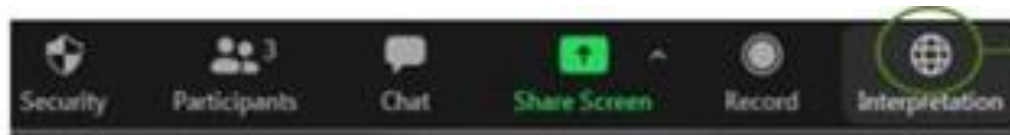
提供同声传译服务!

មានផ្តល់ការបកប្រែប្រដេញ!

ທ່ານສາມາດຮັບຟັງການແປເປັນພາສາຂອງທ່ານໄດ້!

Chúng tôi cung cấp phiên dịch đồng thời!

1



Please click on the Interpretation button at the Zoom bar on the bottom of your screen.

Silakan klik tombol Interpretation pada fitur Zoom di bagian bawah layar Anda.

请点击屏幕底部Zoom工具栏上的传译按钮.

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Đề nghị nhấp chuột vào nút phiên dịch (Interpretation) trên thanh công cụ Zoom ở phía dưới màn hình của bạn.

2

Languages available:

Bahasa yang tersedia:

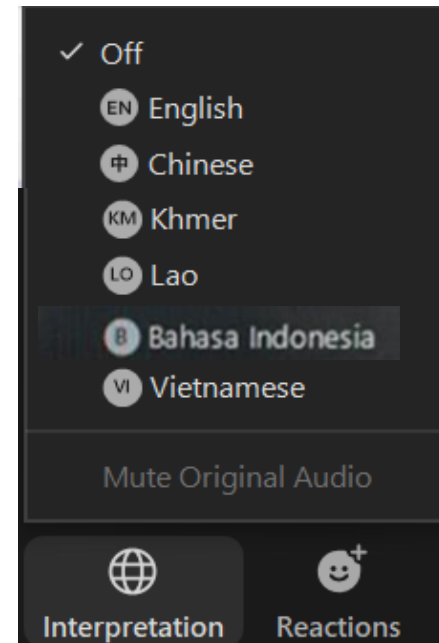
语言服务:

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Ngôn ngữ sử dụng:

- **Bahasa Indonesia**
Bahasa Indonesia
- **Chinese**
中文
- **Khmer**
ខ្មែរ
- **Lao**
ພາສາລາວ
- **Vietnamese**
Tiếng Việt



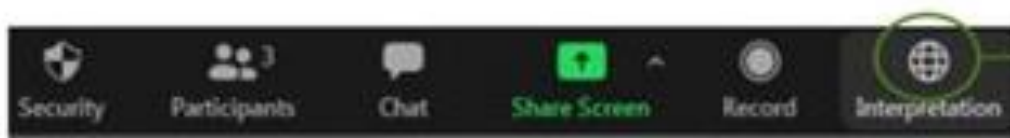
Simultaneous interpretations available!

समकालीन भाषांतरण उपलब्ध है!

رواں ترجمے کے لئے دستاب زبانیں

Осуществляется синхронный перевод!

1



Please click on the Interpretation button at the Zoom bar on the bottom of your screen.

कृपया ज़ूम बार के इंटरप्रीटेशन (Interpretation) बटन पर क्लिक करें जो आपके स्क्रीन के निचले भाग में है।

اپنی سکرین کے بالکل نیچے زوم کی بار پر گلوب کی تصویر والے انٹرپریٹیشن یعنی ترجمہ کے بٹن پر کلک کریں۔

Нажмите на кнопку «Перевод» внизу экрана.

2

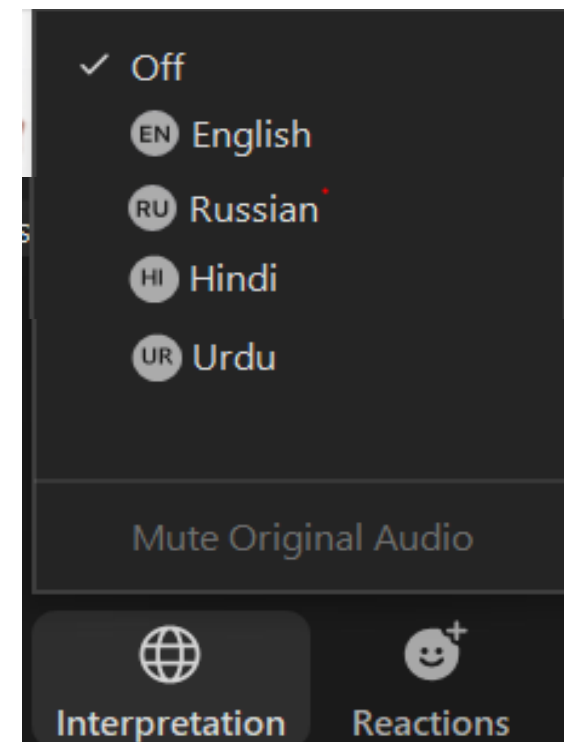
Languages available:

उपलब्ध भाषाएं:

دستیاب زبانیں

Выбор языка:

- **Hindi**
हिंदी
- **Urdu**
اردو
- **Russian**
Русский язык

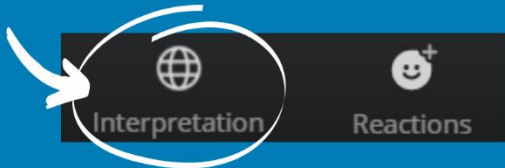




HOW TO LISTEN TO INTERPRETATIONS

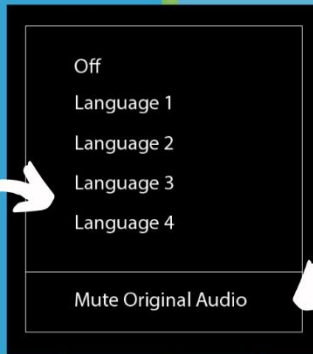
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Click on the Interpretation button at the bottom of your Zoom screen.

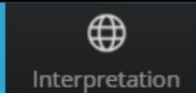


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Select your preferred language among the list of available interpretations.



Click Mute Original Audio to mute the English audio.

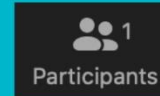


3

CHANGING YOUR NAME ON ZOOM

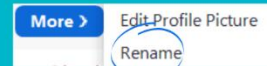
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Click on the Participants button at the bottom of your Zoom screen



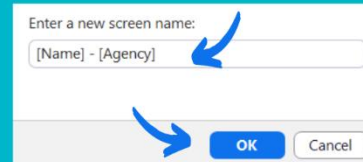
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On the right hand of your screen, look for your name. Click on the More button on the right side of your name.



3

Click on the Rename button, type in your Name and Agency, then click OK.

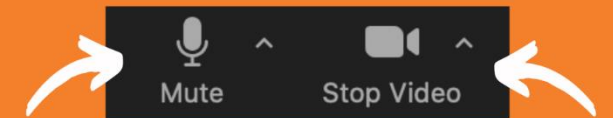
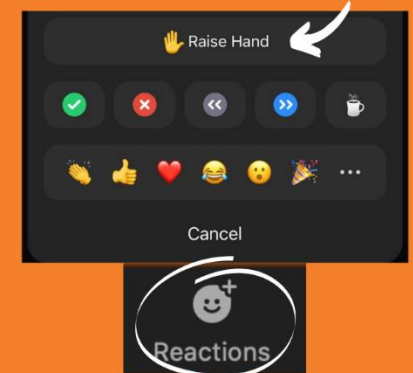


USING ZOOM BUTTONS



Send a message, question or feedback by clicking the chat button.

To comment or raise a question live in the language you prefer, click on the smile icon (Reactions button), and then click on Raise Hand.



To speak and unmute yourself, click on the microphone icon.

To show your video, click on the video icon.





The Safeguard Policy Review and Update Phase 2 consultations provide opportunities for stakeholders to express their views and opinions on ADB's environmental and social safeguards in the most meaningful and safest manner possible.

All stakeholders are encouraged to articulate their inputs and concerns during these consultation sessions. By joining these sessions (and as noted in paragraph 47 of the Stakeholder Engagement Plan) stakeholders are consenting to the video and audio recording of these consultations and their subsequent release. ADB will prepare consultation summaries and disclose them publicly. This will ensure the accuracy and transparency of proceedings.

Stakeholders wishing to exclude themselves from such recordings are asked to contact the Safeguards Policy Review and Update Secretariat at safeguardsupdate@adb.org within 2 weeks of this session to share their exceptions and exclusions.



The recordings and documentation allow the ADB to review, consider and respond to, if necessary, any comments and inputs made. Background materials on the thematic areas have been released in preparation for the consultations and dialogues.

All types of feedback are welcome. These will not be used for the purposes of retaliation, abuse, or any other kind of discrimination.

If you have any issues or concerns on the disclosure, recording, confidentiality, potential risks, abuse, or any kind of discrimination during the consultations, or wish to exclude yourself from the recording of events and discussions, please contact the Secretariat at safeguardsupdate@adb.org.

AGENDA



SAFEGUARD POLICY REVIEW AND UPDATE



- 1. Introduction (5mins)**
Azim Manji, Session Moderator and Stakeholder Engagement Team Leader, Safeguards Division (SDSS), Sustainable Development and Climate Change Department (SDCC)
- 2. Welcome and Overview of the Safeguard Policy Statement (2009) and Update Process (10 mins)**
Bruce Dunn, Director, Safeguards Division (SDSS), Sustainable Development and Climate Change Department (SDCC)
- 3. Session 1: Setting the Stage for Consultations (10 mins)**
Oliver Chapman, Senior Social Development Specialist (Youth and Civil Society Organization Partnerships), Sustainable Development and Climate Change Department (SDCC)
- 4. Session 2: Study Methodology and Findings (20 mins)**
Toni Joe Lebbos, Senior Consultant, SOGIESC, Sustainable Development and Climate Change Department (SDCC)
- 5. Break (5 mins)**
- 6. Session 3: Moderated Discussion (70 minutes)**
Moderated by: Haidy Ear-Dupuy, Unit Head, NGO and Civil Society Center (NGOC), Sustainable Development and Climate Change Department (SDCC)
- 7. Event Evaluation (5 mins)**
- 8. Wrap up (5 mins)**
Bruce Dunn, Director, Safeguards Division (SDSS), Sustainable Development and Climate Change Department (SDCC)

Welcome Remarks

Bruce Dunn, Director, Safeguards Division (SDSS), Sustainable Development and Climate Change Department (SDCC)



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Session I: Setting the Stage for the Consultations

Oliver Chapman, Senior Social Development Specialist (Youth and Civil Society Organization Partnerships), Sustainable Development and Climate Change Department (SDCC)



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SOGIESC in Asia and the Pacific

Sexual and gender minorities are a vulnerable population in the region as they face stigma, discrimination, and violence.

The history of the region shows diverse SOGIESC such as transgender *babaylan* shamans of pre-colonial Philippines, and the third-gender *hijra* throughout South Asia.

Partly due to colonial influences, cultural institutions were undermined, and sodomy was criminalized in many countries.

Although restrictive laws remain in some countries, some have more recently made or considered legal reforms to support inclusion.

Today - there are a complex array of laws and regulations that influence inclusion on the basis of SOGIESC, both positively and negatively.

CSOs operating at national and regional levels – some successes campaigning for legal equality, social attitude change, enhanced service provision and private sector inclusion.

Risks faced by sexual and gender minorities

Sexual and gender minorities may be adversely affected by project impacts and/or more constrained than others in their ability to take advantage of project benefits

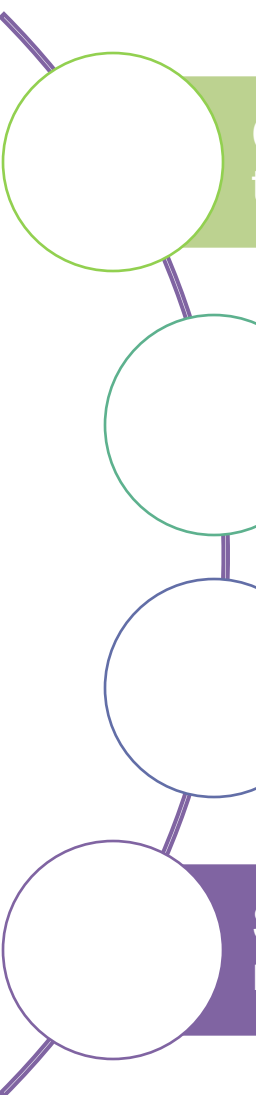
Discrimination

- Discrimination on the basis of SOGIESC can be direct or indirect
- Creating a distinction, exclusion, or restriction which has the purpose or effect of impairing or excluding a person based on their real or perceived SOGIESC
- Effects project benefits, negative impacts; and opportunity to voice comments or concerns during stakeholder engagement and in grievance redress mechanisms.

SGBV

- Sexual and gender minorities are at elevated risk of sexual and gender-based violence
- They often lack the necessary mechanisms to seek justice due to legal and social contexts
- Risks are magnified by both social stigma and lack of legal rights in many contexts.

Some Key findings from studies in Asia and the Pacific



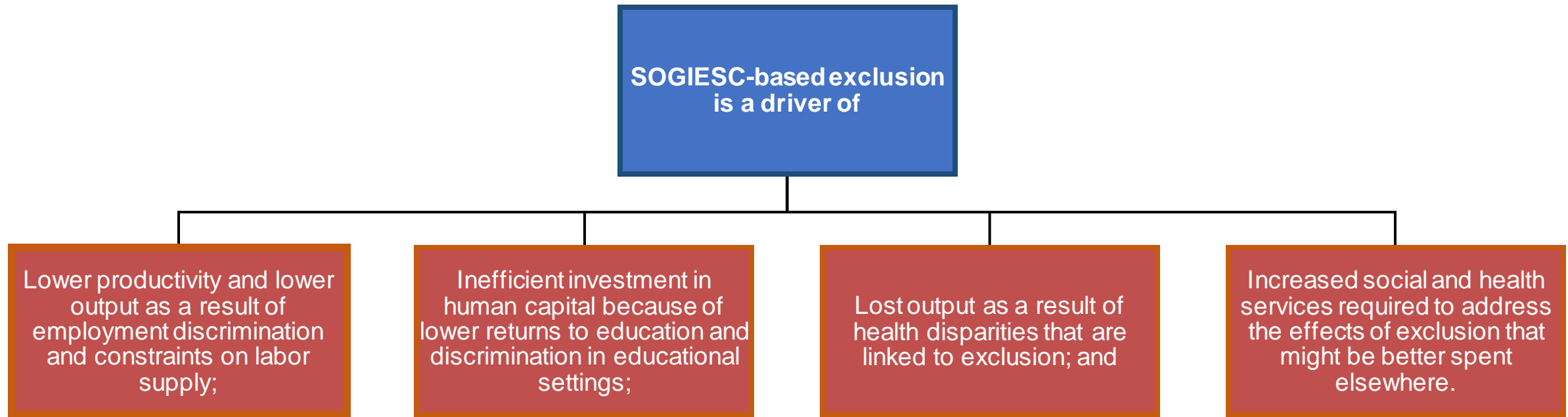
Cisgender individuals were 54.5 percent more likely to be invited to an interview when compared to transgender individuals having equivalent employment profiles

Limited legal protections from discrimination in the workplace; (ii) experience negative treatment in recruitment and in the workplace; and (iii) have little recourse to remedy mistreatment and discrimination

Lingering negative beliefs and attitudes towards in sexual and gender minorities across multiple sectors (including health, education, and employment)

Sexual and gender minorities are likely overrepresented in the bottom 40% of the population in terms of real per capita income

SOGIESC and Economic Development



The estimated population size of sexual and gender minorities in ADB regions is unknown because of scarce data. However, recent global evidence has shown that sexual and gender minorities typically constitute between 5 and 20 percent of the total population.

Legal Barriers to SOGIESC Inclusion Study (EQO SOGI) – ADB and World Bank




165 data points across Six Thematic Domains




Selected Emerging High-level Findings

- People with diverse SOGIESC face legal discrimination in all sectors and all examined countries (sample includes all 5 ADB sub-regions)
- Small number of countries making progress on partnership rights
- Only Nepal has non-Cisgender recognition in its census
- Small number of countries making progress on non-discrimination in i. educational settings and ii. employment and the labor market


Issues raised by Civil Society to date



Diminished economic, social and legal status of many people with diverse SOGIESC



Specific risk factors: Stigma; Discrimination; Violence - including Sexual Exploitation, Abuse and Harassment




Social construction of gender norms in many countries (and distinction with birth sex)




Data disaggregation for SOGIESC




Social impact assessments and SOGIESC-plans to mitigate risks



Incorporating intersectionality into assessments



Capacity building for specialists on SOGIESC risk factors



Meaningful consultations with sexual and gender minorities



Specific vulnerabilities with issues surrounding labor and resettlement



Proposal for a stand-alone standard for gender equality and SOGI

Session 2:

Benchmarking Study Findings and Key Issues

Toni Joe Lebbos, Senior Consultant, SOGIESC, Sustainable Development and Climate Change Department (SDCC)



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Purpose, Scope and Process of Study

Context

Review of the
SPS

Objectives

1. Understand good practices on
SOGIESC inclusion in ADB DMCs and in
international development

2. Compare ADB's current policies,
strategies, and practices of work on
SOGIESC and policies and approaches
to those used by peer MFIs

Issues

SOGIESC issues
in Asia and
Pacific

Risks faced by
sexual and
gender minorities

SOGIESC and
economic
development

Entry-points for
SOGIESC in
ADB policies and
strategies

MFI
Benchmarking
analysis

Key Study Findings:

ADB's current policies, strategies, and practices of work on SOGIESC

ADB

ADB's Strategy 2030, Operational priority 1 on Addressing Remaining Poverty and Reducing Inequalities recognizes sexual orientation as one of the social aspects that often determine people's participation, voice, rights, and access to resources and services.

Operational Priority 2: Accelerating Progress in Gender Equality requires DMCs to address discrimination against and disadvantages for women, including those related to class, ethnicity, indigenous status, sexual orientation and gender identity, disability, religion, age, and migration.

As SOGIESC is as an emerging topic in the development field, ADB's policy on Gender and Development (1998) have no explicit reference or provisions.

ADB's Operation Manual Section C3/BP on Incorporation of social dimensions in ADB operations (2010) also makes no explicit reference to SOGIESC issues, but lists gender, ethnicity, race, caste, age and others that influence people's decision making, access to services, resources, opportunities and ability to cope with risks.

Key Study Findings:

MFI benchmarking on SOGIESC in operations

The benchmarking analysis compares SOGIESC-related policies, standards, and resources present in the comparator MFIs



(i) the inclusion of SOGIESC provisions in the MFI's policies and standards



(ii) the presence of operational SOGIESC-related guidance material for staff and clients (i.e., guidance notes, good practice notes, etc.)



(iii) the presence of full-time staff focused on providing SOGIESC-related support.



(i) Inclusion of SOGIESC provisions in the MFI's policies and standards

ADB's SPS 2009 does not have explicit reference to SOGIESC. There are no specific SOGIESC-related safeguard standards or policies in place that mandate the protection of sexual and gender minorities in ADB projects.

Asian Infrastructure Investment Bank's (AIIB) revised Environmental and Social Framework (ESF) specifies its enhanced commitment to gender equality without explicit reference to sexual and gender minorities.

World Bank did not make explicit reference to SOGIESC issues in its Environmental and Social Framework (ESF) but provided coverage of sexual and gender minorities as a category of "vulnerable and disadvantaged group" under its directive on "Addressing Risks and Impacts on Disadvantaged or Vulnerable Individuals or Groups"

Both Inter-American Development Bank (IDB) and European Bank for Reconstruction and Development (EBRD) explicitly refer to sexual orientation and gender identity under the definition of vulnerable group.

International Financial Corporation (IFC), EBRD and IDB include SOGIESC as potential discriminatory grounds in employment under the requirements for labor and working conditions.

(ii) Presence of operational SOGIESC-related guidance material for staff and clients

A green circle is positioned to the left of the first text block, connected to the main title area by a thin purple line.

ADB, AIIB, IFC, EBRD and IDB have not published SOGIESC-specific guidance material for the implementation of the respective safeguard frameworks.

A blue circle is positioned to the left of the second text block, connected to the main title area by a thin purple line.

The World Bank has developed a good practice note on non-discrimination based on sexual orientation and gender identity (SOGI) to support ESF implementation

A purple circle is positioned to the left of the third text block, connected to the main title area by a thin purple line.

IDB has worked and contributed to SOGIESC-specific research; IFC has published an “Emerging Practice” report that elaborates on good practice for advancing the economic inclusion of sexual and gender minorities

(iii) Presence of full-time staff focused on providing SOGIESC-related support.



AIIB and EBRD do not have full time staff exclusively working on SOGIESC, but hire consultants on an ad-hoc basis for support on SOGIESC-specific tasks

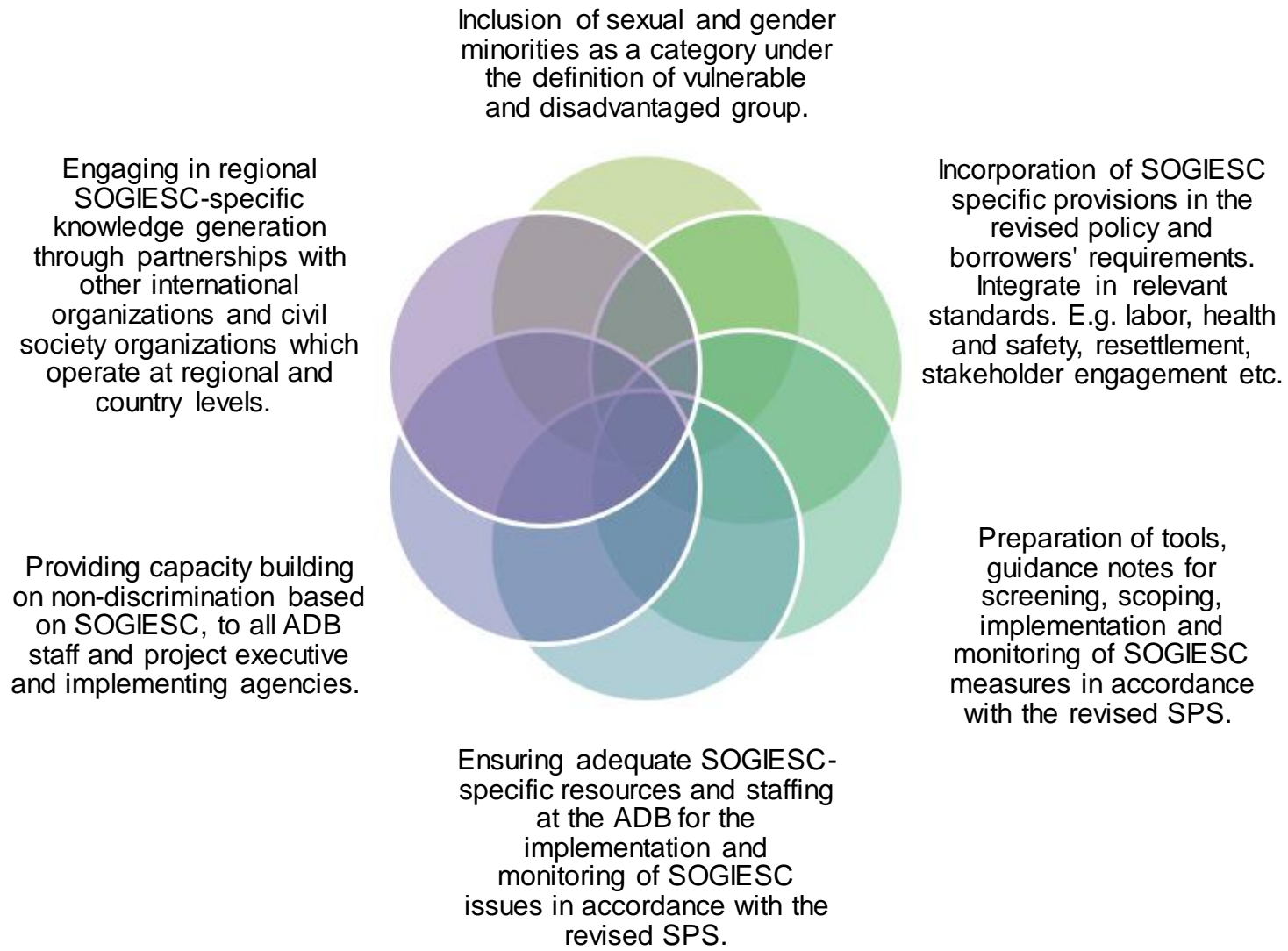
There are no full-time staff solely focused on SOGIESC issues at the ADB but hires consultants on ad-hoc basis; staff at the institution have supported SOGIESC-related tasks at the request of certain clients

At IFC, the Gender and Economic Inclusion Group (GEIG) leads on support for SOGIESC matters in the institutions without having staff who solely work on this topic. At IDB, SOGIESC is incorporated within Gender Equality and Social Inclusion (GESI) staff teams both for safeguards and for positive development impact.

The World Bank has a Global Adviser on SOGI supported by a full-time social development analyst and a small team of consultants. Their work supports teams i. in the proactive agenda on SOGIESC inclusion in projects and ii. in design, implementation, and monitoring of projects in accordance with ESF

Key Study Findings:

Issues for further consideration in the SPS review



We will be having a short break



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Discussion Guidance, some proposed questions:

Time remaining for the break

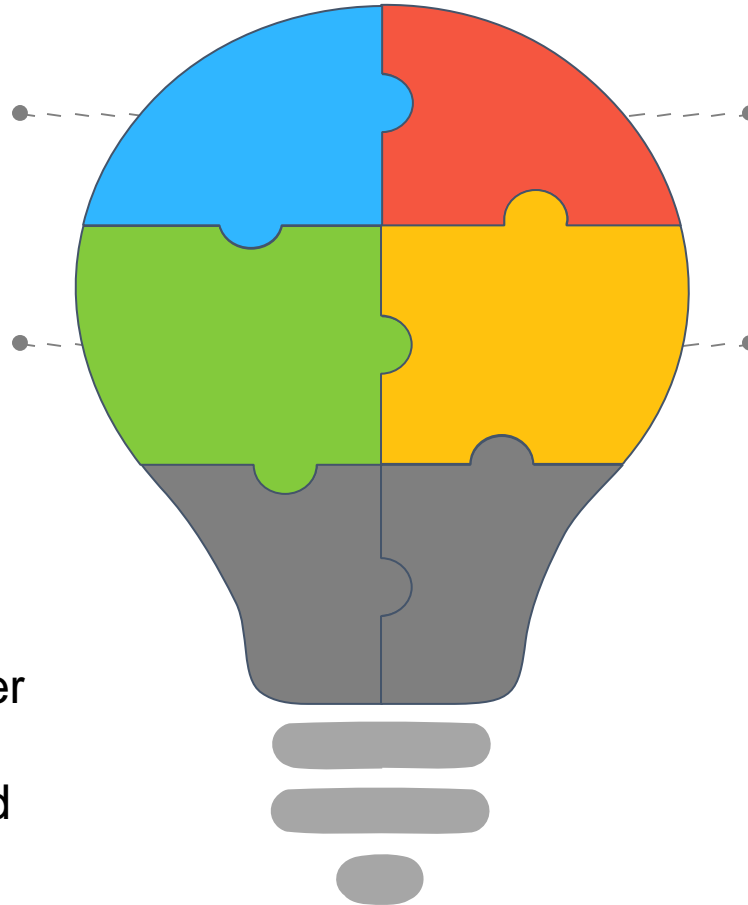
05:00

ADB

1. What are the potential relationships between SOGIESC and safeguards that we need to be aware of?

2. How are issues such as stigma, discrimination and SGBV experienced by beneficiaries of CSOs represented at the consultation?

3. How are sexual and gender minorities disproportionately affected by safeguard-related issues (e.g. involuntary resettlement) ?



4. What are some elements/challenges of the enabling environment for ensuring implementation of safeguard requirements regarding SOGIESC?

5. How would SOGIESC-specific issues be included in the monitoring of safeguards?

Session 3: Moderated Discussion

Moderated by: Haidy Ear-Dupuy, Unit Head, NGO and Civil Society Center (NGOC), Sustainable Development and Climate Change Department (SDCC)



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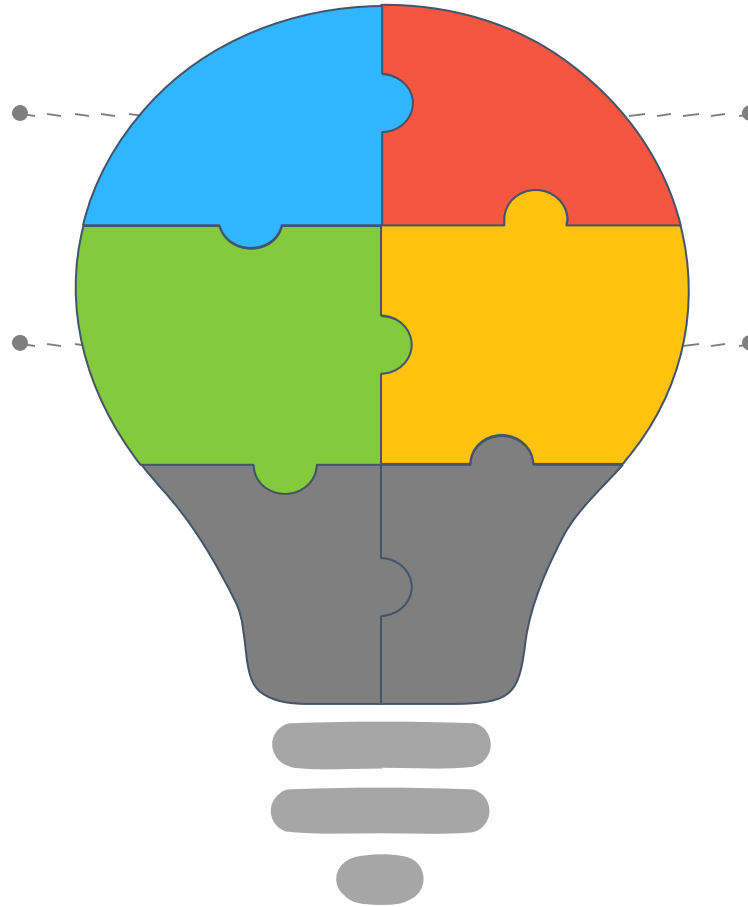
ADB

Discussion Guidance, some proposed questions:

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Sequence for Q&A



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1st sequence – Open for statements and sharing of perspectives and recommendations (raised hands to speak)

2nd sequence – Questions sent in advance (through Zoom registration)

3rd sequence – Questions posted on the chat box and participants raising hands will be called in batches

Quick Poll



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Please rate your satisfaction with today's session:

- 5** – Highly satisfied
- 4** – Somewhat satisfied
- 3** – Neutral
- 2** - Somewhat dissatisfied
- 1** – Very dissatisfied

Quick written feedback via www.menti.com

Please Click the link on the chat box.

Wrap Up and Synthesis

Bruce Dunn, Director, Safeguards Division (SDSS), Sustainable Development and Climate Change Department (SDCC)



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THANK YOU!

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your feedback and
suggestions

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safeguardsupdate@adb.org

E-MAIL



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