

Draft for Consultation

# Summary of the Analytical Study for the Safeguard Policy Review and Update: Sexual Exploitation, Abuse, and Harassment (SEAH)

May 2022

## I. INTRODUCTION

1. The Asian Development Bank (ADB) is undertaking a comprehensive review and update of its Safeguard Policy Statement, 2009 (SPS).<sup>1</sup> The update process has been initiated by ADB Management following a Corporate Evaluation of the SPS by ADB's Independent Evaluation Department (IED), completed in May 2020 (IED Report).<sup>2</sup> The update will build off the findings and recommendations of the IED Report, which ADB Management endorsed. The update will seek to modernize the policy, considering the changing development context and evolving developing member country (DMC) and client needs and capacities; as well as opportunities for greater harmonization with the policy principles and standards of other multilateral development banks (MDBs). The update will consider the diversity of ADB lending modalities and operations, including the private sector, as well as requirements for different contexts such as fragile and conflict affected situations (FCAS), small island developing states (SIDS) and emergency assistance. Overall, the policy update will seek to strengthen safeguard implementation effectiveness and efficiency, in ways that will enhance beneficial safeguards outcomes for the environment and affected people.
2. The revised safeguard policy is expected to be submitted for ADB Board consideration in March 2023, following a process of further review, policy development and meaningful stakeholder engagement. To inform this process, ADB is undertaking a series of analytical studies.<sup>3</sup> The studies will benchmark ADB's current SPS against the policies of selected MDBs and briefly consider ADB's implementation experience.<sup>4</sup> The studies will inform the development of the new safeguard policy and will be provided for stakeholder review and consultations. Initial summaries will be disclosed first to gather initial stakeholder views. The analytical studies themselves will then be updated and disclosed in full. Stakeholder engagement and consultation will have three main phases: (i) preliminary information and outreach on the overall approach for the policy update and stakeholder engagement plan; (ii) consultation on the analytical studies; and (iii) consultation on the draft policy paper. There will be multiple opportunities for stakeholder engagement, including regional consultations; "deep dive" sessions with ADB DMCs and civil society organizations (CSOs); focus groups on specific topics; and consultations with people affected by ADB projects.<sup>5</sup> This document provides consultation draft of the analytical study on Sexual Exploitation, Abuse, and Sexual Harassment (SEAH). The SEAH study complements a separate forthcoming study that looks more broadly at gender and safeguards.<sup>6</sup>

---

<sup>1</sup> ADB. 2009. Safeguards Policy Statement. Manila. <https://www.adb.org/documents/safeguard-policy-statement>

<sup>2</sup> Independent Evaluation Department. 2020. Evaluation Document: Effectiveness of the 2009 Safeguard Policy Statement. Manila. <https://www.adb.org/documents/effectiveness-2009-safeguard-policy-statement>

<sup>3</sup> The planned analytical studies are: 1. Overall Policy Architecture; 2. Indigenous Peoples; 3. Resource Efficiency and Pollution Prevention; 4. Labor and Working Conditions; 5. Community and Occupational Health & safety; 6. Land Acquisition, Restriction of Access and Involuntary Resettlement; 7. Biodiversity and Natural Resource Management; 8. Cultural Heritage; 9. Stakeholder, Information, and Grievance Redress Mechanisms; 10. Lessons from Accountability Mechanisms; 11. Environmental and Social Impacts and Risk Assessment; 12. Safeguards in Fragile and Conflict Affected Situations and Small Island Developing States ; 13. Country Safeguard Systems; 14. Climate Change; 15. Gender and Safeguards; 16. Sexual Abuse and Sexual Harassment (SEAH); 17. Sexual Orientation and Gender Identity (SOGIE); 18. Safeguards in Different Financing Modalities; 19. Safeguards in Private Sector Operations. Additional studies may also be added where needed.

<sup>4</sup> The studies are intended to complement the evaluation completed by IED in May 2020 and will not duplicate IED's work on the overall effectiveness of the SPS.

<sup>5</sup> Please refer to the ADB website and Stakeholder Engagement Plan for further details.

<https://www.adb.org/who-we-are/safeguards/safeguard-policy-review>

<sup>6</sup> [Summary of the Analytical Study for the Safeguard Policy Review and Update: Gender and Safeguards \(Draft for Consultation\) | Asian Development Bank \(adb.org\)](#)

## II. METHODOLOGY

3. **Purpose and scope of the SEAH study.** This benchmarking study has been prepared with the objective of comparing ADB's current policy, strategy, and practices on addressing SEAH in the safeguard frameworks and policies of selected peer MDBs. The MDBs covered by the comparative study include: the Asian Infrastructure Investment Bank (AIIB), the European Bank for Reconstruction and Development (EBRD), the Inter-American Development Bank Group (IDB Group), the International Finance Corporation (IFC) and the World Bank (WB). Other aspects covered in this study include the scope and application of respective MDB safeguard systems with respect to the risks of SEAH, including relevant operational requirements applicable to borrowers, executing and implementing agencies (EA/IAs), contractors, and clients. This involved identifying current gaps, strengths, and weaknesses, significant differences, lessons learned and emerging issues, as well as operational implications. This benchmarking study was undertaken as a desktop exercise and involved the review of key ADB, MDB and third-party documentation, as well as other resources including United Nations agency materials, non-government organization reports, and research/academic studies. The desk review was supplemented by virtual interviews with ADB staff and representative staff of peer MDBs. The study will be further supplemented through planned additional consultations with DMCs and CSOs.

## III. IED FINDINGS ON SEAH AS AN EMERGING CROSS-CUTTING AREA IN THE SAFEGUARDS POLICY

4. With respect to safeguarding against SEAH, the IED Report noted that currently, the SPS specifically addresses gender in three general compliance areas: (i) consideration of females as a vulnerable group in social impact assessments; (ii) gender sensitive consultations; and (iii) gender-responsive grievance redress mechanisms. Gender aspects of project health and safety provisions typically consider equal pay for equal work, separate facilities for men and women, and gender targets for civil works employment. The IED Report further noted that the SPS and related portions of the ADB Operations Manual Section F1 for the SPS (OM/F1) have not evolved sufficiently to provide the necessary operational guidance on emerging issues. In particular, the report noted the lack of specific support on emerging issues such as sexual abuse and harassment at the work site and project impacts on communities that were not displaced, as well as other persistent concerns (e.g., stakeholder engagement).
5. The IED report notes the need to expand the coverage of the SPS to clarify and integrate the safeguard aspects of crosscutting social dimensions like labor and working conditions, community health and safety, gender, labor influx and migrant workers, stakeholder engagement, some of which are currently addressed by other ADB strategies and policies.<sup>7</sup> It further concluded that emerging gender risks including safeguarding against SEAH at project work sites cut across environmental safeguards, health and safety, gender, and social protection, and may require a more integrated approach. Integrated analysis by safeguards and gender team members would enhance synergies and reduce duplication of efforts and responses in gender action plans and safeguard plans. The report further stressed the importance of the provision

---

<sup>7</sup> Gender and Development Policy (2003) <https://www.adb.org/sites/default/files/institutional-document/32035/gender-policy.pdf>; ADB Social Protection Strategy (2001) <https://www.adb.org/sites/default/files/institutional-document/32100/social-protection.pdf>

of sufficient operational guidance through the OM/F1, good practice notes, as well as results-oriented (as opposed to compliance-driven) training to ADB staff and clients.

#### IV. CURRENT ADB POLICY PRINCIPLES AND REQUIREMENTS FOR ADDRESSING SEAH

6. Under the SPS (2009), safeguards are understood as seeking to avoid, minimize, or mitigate adverse environmental and social impacts, including protecting the rights of those likely to be affected or marginalized by the development process. In Environmental Safeguards Requirement 1, ADB sets out its commitment to Occupational and Community Health and Safety. The SPS notes potential gender-related risks but does not specifically refer to gender-based violence (GBV) and SEAH.
7. ADB's Gender and Development (GAD) Policy (footnote 6), additionally describes ADB's vision to 'do good', by investing in gender equality more widely and addressing "female-focused violence" specifically. The Initial Poverty and Social Assessment (IPSA) and Operations Manual (OM) Section C2<sup>8</sup> and Section C3<sup>9</sup> broadly address adverse social and gender risks, and require ensuring that the project design maximizes social benefits and avoids or minimizes social risks, particularly for vulnerable and marginalized groups, as well as to specifically target risks of human trafficking. Other relevant ADB strategies such as the Social Protection Strategy<sup>10</sup>, also indirectly addresses many risk factors such as poverty, disability, and unemployment, which make some groups more vulnerable to SEAH.
8. ADB's corporate Strategy 2030 (2018)<sup>11</sup> prioritizes accelerating gender equality as one of seven key operational priorities and further acknowledges that achieving gender equality is a necessary enabler for other strategic objectives. Strategy 2030's Operational Plan for Priority 2 (OP2) Accelerating Progress in Gender Equality (2019-2024)<sup>12</sup> calls for assessing project risks of sexual harassment, exploitation and abuse, and human trafficking in the context of measures for eliminating GBV.<sup>13</sup>
9. Through a management response to IED's report, the ADB management recognized that there are some real gaps in emerging areas such as risks related to gender-based violence (GBV)/SEAH that should be addressed, while being mindful to make a distinction between compliance and aspirational goals. It was also noted that interim guidance on these areas can be developed prior to the update of the SPS. ADB recognizes that channeling of SEAH concerns and incident responses through, for example, existing grievance redress mechanisms, may not be appropriate due to sensitivity issues and confidentiality requirements.

---

<sup>8</sup> Operations Manual Bank Policies (BP) Section C2. <https://www.adb.org/sites/default/files/institutional-document/31483/om-c2.pdf>

<sup>9</sup> Operations Manual Bank Policies (BP) Section C3. <https://www.adb.org/sites/default/files/institutional-document/31483/om-c3.pdf>

<sup>10</sup> Social Protection Strategy. <https://www.adb.org/sites/default/files/institutional-document/32100/social-protection.pdf>

<sup>11</sup> ADB's Corporate Strategy 2030. <https://www.adb.org/sites/default/files/institutional-document/435391/strategy-2030-main-document.pdf>

<sup>12</sup> Strategy 2030 Operational Plan for Priority 2: Accelerating Progress in Gender Equality, 2019-2024.

<https://www.adb.org/sites/default/files/institutional-document/495956/strategy-2030-op2-gender-equality.pdf>

<sup>13</sup> Footnote 9, para. 41

## V. IFI JOINT COMMITMENTS TO TACKLE SEAH

10. On 21 April 2018 at a Heads of MDBs Meeting, ten International Financial Institutions<sup>14</sup> (IFIs) (including ADB) confirmed their commitment to prevent sexual harassment, abuse, and exploitation, both within their own institutions and in their operations. The commitment was to ensure creation of an environment in which SEAH is not only rejected, but active steps are also taken to address the challenges faced by IFIs in this regard. The undertaking was to maintain and advance standards to prevent SEAH through seven common principles: (i) foster a culture of respect and high standards of ethical behavior across institutions; (ii) establish and maintain standards aimed at preventing SEAH and other forms of misconduct; (iii) provide a safe and trusted environment for those affected by SEAH to step forward to report incidents and concerns; (iv) provide protection for those affected, as well as whistleblowers and/or witnesses within their institutions, and to take appropriate measures against any form of retaliation; (v) maintain robust policy frameworks and clear institutional mechanisms that address how incidents and allegations will be handled; (vi) provide effective training programs so all staff understand the requirements and standards of behavior; and (vii) support clients to develop and implement policies and mechanisms that address SEAH<sup>15</sup>.
11. As part of this commitment, ADB alongside other IFIs contributes to and participates in periodic joint reporting.<sup>16</sup> The ten IFIs presented their first implementation update<sup>17</sup> at the October 2018 DFID Safeguarding Summit where they reaffirmed their commitment to further advance standards to prevent SEAH.<sup>18</sup> The latest joint MDB update report was submitted to the Foreign, Commonwealth and Development Office (FCDO) in September 2021.<sup>19</sup>
12. This IFI joint commitment and work in strengthening institutional and operational approaches to tackle SEAH has also deepened engagement, knowledge sharing, and collaboration amongst IFIs. In November 2020, IFIs formed a dedicated MDB SEAH Working Group to collaborate and coordinate between institutions whose policies and procedures somewhat differed in approach and coverage. Two joint sub-groups were established to focus on: (i) development of a knowledge platform and exploring opportunities for joint pilot initiatives; and (ii) country-level collaboration around specific investments or thematic areas. The platform is intended to facilitate communication, share external resources developed by IFIs and support the development and/or sharing of practical tools and training. The aim of the country collaboration is to identify and pilot harmonization approaches through jointly developed practical interventions.

---

<sup>14</sup> The IFIs represented included the Asian Development Bank, African Development Bank, Asian Infrastructure Investment Bank, European Bank for Reconstruction and Development, European Investment Bank, Inter-American Development Bank, International Finance Corporation, International Fund for Agricultural Development, International Monetary Fund, and the World Bank

<sup>15</sup> International Financial Institutions: commitments to tackle sexual exploitation and abuse and sexual harassment in the international aid sector. <https://www.gov.uk/government/publications/international-financial-institutions-commitments-to-tackle-sexual-exploitation-and-abuse-and-sexual-harassment-in-the-international-aid-sector>

<sup>16</sup> E.g. <https://www.gov.uk/government/publications/safeguarding-summit-one-year-on-progress-reports/dfid-progress-on-delivery-of-the-donor-commitments-from-the-october-2018-london-safeguarding-summit>

<sup>17</sup> IFI update on the Joint Statement on Continuous Advancement of Standards to Prevent Sexual, Harassment, Abuse, and Exploitation. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/749674/International-Financial-institutions-commitments1.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/749674/International-Financial-institutions-commitments1.pdf)

<sup>18</sup> Footnote 9.

<sup>19</sup> Cross-Sector Progress Report on Safeguarding Against Sexual Exploitation, Abuse, and Harassment (SEAH) 2020-2021. <https://reliefweb.int/sites/reliefweb.int/files/resources/Cross-Sector-Progress-Report-on-Safeguarding-Against-Sexual-Exploitation-Abuse-and-Harrassment-2020-2021.pdf>

This may include supporting clients with the development of prevention and response policies and procedures, providing training to public and private sector borrowers or capacity building of civil society, and provision of support services, among others.

## VI. IFI JOINT SUMMARY OF KEY FINDINGS OF MDB BENCHMARKING ON ADDRESSING SEAH IN MDBs OPERATIONS

13. ADB is viewed as a pioneer amongst MDBs in the gender space, with well-regarded project gender mainstreaming approaches and a technically sound and rigorous project gender categorization system. However, the benchmarking exercise has found that in the area of protection against SEAH risks in operations, ADB is potentially at risk of falling behind other peer MDBs in terms of the existence of established approaches.
14. MDBs are using different approaches to tackle SEAH in their operations. Some MDBs have incorporated explicit provisions in their safeguard standards, both as stand-alone or across relevant standards; others have developed tools, procedures, and recommendations through adoption of good practice notes that can be used during project design and implementation by staff, borrowers, and partner organizations.
15. Over the past five or so years, several MDBs and bilateral agencies<sup>20</sup>, have updated their safeguard policy frameworks. While these frameworks are consistent in terms of the core environmental and social policy principles, some have expanded the scope of safeguard principles or standards in areas like stakeholder engagement, labor and working conditions, cultural heritage, primary supply chains and climate change. Recently greater consideration of vulnerabilities, including GBV and SEAH are also being given more specific focus within and outside of safeguards policies and frameworks.
16. Amongst MDBs, IDB has the most extensive GBV/SEAH-related provisions and requires its borrowers to address gender-related risks including gender-based exclusion, sexual and gender-based violence (sexual exploitation, human trafficking), and the spread of sexually transmitted infections. IDB also requires screening and assessing of GBV and Harassment (GBVH) risks across environmental and social safeguards (ESS). The IDB Gender Equity Environmental and Social Performance Standard (ESPS 9) requires that all projects analyze the possible risks and impacts on gender equity and, if identified, requires the adoption of measures to avoid, minimize, mitigate and/or compensate the negative impacts with mechanisms that prevent gender inequality from proliferating.
17. EBRD has an overall commitment to prevent and address any form of violence and harassment, which is part of the performance requirements PR2: Labour and Working conditions and PR4: Health, Safety and Security. EBRD is implementing a consistent risk-based approach using project risk screening to develop environment and social action plan (ESAP) requirements to ensure mitigation of GBVH risks, and establishment of systems for monitoring of GBVH prevention, mitigation, and incidents response. To support clients, EBRD developed a practical guidance for the private sector titled "*Addressing gender-based violence and harassment. Emerging good*

---

<sup>20</sup> African Development Bank: Integrated Safeguards Systems (2013); EBRD: Environment and Social Policy (2014/2019); Equator Principles Financial Institutions (2019); IDB: Environment and Social Policy Framework (September 2020); IFC: Policy and Performance Standards (2012); World Bank: Environment and Social Framework (2018).

18. AIIB recently (May 2021) approved their revised Environmental and Social Framework (ESF), and key changes include, amongst others, elevated importance of gender equality and commitment to addressing GBV. AIIB requires the management of project-related GBV risks to project-affected people and communities.
19. The WB requires identification of gender impacts but does not specifically refer to GBV and SEAH. The WB, however, has operational tools for identifying SEAH risks and issued a Good Practice Note (GPN) on addressing SEAH in projects with large infrastructure works in 2018<sup>22</sup>, which was updated in 2020.<sup>23</sup> WB uses an online SEA/SH Risk Screening Tool for its operations with major civil works.<sup>24</sup> Projects apply this risk-screening tool to determine the level of SEA/SH risk and include appropriate and proportional mitigation measures in project operations, taking into account both the rating from the tool as well as the Environmental and Social Assessment (ESA), with inputs from community consultations. The WB further strengthened contractor accountability through procurement requirements and is guiding borrowers in the assessment of bidders' responsiveness and competence to comply with specific SEAH-related obligations during the bid evaluation process. Attention to SEAH is incorporated into the WB project cycle, including a SEAH online risk assessment tool, stakeholder engagement, requirements for Codes of Conduct, SEAH-related requirements in procurement, and Reporting and Grievance Mechanism.
20. While IFC standards make no reference to GBV/SEAH, IFC jointly with EBRD published a guidance note on emerging good practices in addressing SEAH<sup>25</sup>, which provides an opportunity to engage with stakeholders to influence and refine practices in the private sector and collectively gain implementation experience. In addition to this guidance note, sector-specific briefs provide targeted guidance on addressing GBVH risks in key sectors, including transport, construction, and manufacturing.
21. Harmonization amongst peer MDBs: The absence of common MDB good practice standards and requirements for prevention, mitigation, and response to SEAH can create challenges for co-financing with other IFIs and may result in greater transaction costs for Borrowers and project executing and implementing agencies (EAs/IAs). Ongoing discussions with peer MDBs as part of the MDB SEAH Working Group also notes that alignment and enhanced harmonization between MDBs in terms of environmental and social safeguards, including addressing SEAH risks in MDB projects, will lower transaction costs by making it easier for clients to prepare projects and comply with consistent requirements and standards. In addition, consistent

---

<sup>21</sup> Addressing Gender-Based Violence and Harassment: [https://www.ifc.org/wps/wcm/connect/f1645167-7eff-439b-922b-7656c75320ab/GPN\\_AddressingGBVH\\_July2020.pdf?MOD=AJPERES&CVID=nddokiS](https://www.ifc.org/wps/wcm/connect/f1645167-7eff-439b-922b-7656c75320ab/GPN_AddressingGBVH_July2020.pdf?MOD=AJPERES&CVID=nddokiS)

<sup>22</sup> Addressing Gender Based Violence in Investment Project Financing Involving Major Civil Works. <https://documents1.worldbank.org/curated/en/399881538336159607/Environment-and-Social-Framework-ESF-Good-Practice-Note-on-Gender-based-Violence-English.pdf>

<sup>23</sup> Environmental and Social Framework for IPF Operations: Addressing Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH) in Investment Project Financing involving Major Civil Works. <https://thedocs.worldbank.org/en/doc/741681582580194727-0290022020/original/ESFGoodPracticeNoteonGBVinMajorCivilWorksv2.pdf>

<sup>24</sup> Major civil works defined in the WB's GPN as civil works large enough to be carried out by a contractor, i.e., not small-scale projects such as community-driven development investments, which often involve self-construction by beneficiary communities. These include construction, maintenance and/or upgrading of infrastructure (transport, energy, water & sanitation, irrigation and urban infrastructure, school, or hospital construction, etc.) and related supervision oversight, as well as technical assistance activities related to such projects.

<sup>25</sup> Footnote 10

approaches and requirements in procurement, reporting and service provision makes it easier for MDBs to collaborate on projects at country level, increasing efficiency.

22. At the same time, the donor community has also strongly committed to tackle SEAH in the international aid sector. In October 2018, key stakeholders across the sector – including donors representing 90% of global Official Development Assistance (ODA), made commitments to change the way the sector operates.<sup>26</sup> Twenty-two donors agreed to take action on a set of twenty-two political commitments, designed around 4 long-term strategic shifts: (i) ensure support for survivors, victims and whistle-blowers, enhance accountability and transparency, strengthen reporting and tackle impunity; (ii) incentivize cultural change through strong leadership, organizational accountability and better human resource processes; (iii) agree on the minimum standards and ensure donors and partners meet them; and (iv) strengthen organizational capacity and capability across the international aid sector, including building the capability of implementing partners to meet the minimum standards.
23. In line with these commitments, the OECD Development Assistance Committee (DAC) Recommendation on Ending Sexual Exploitation, Abuse, and Harassment in Development Co-operation and Humanitarian Assistance: Key Pillars of Prevention and Response was adopted on 12 July 2019 by thirty members.<sup>27</sup> The Recommendation sends a strong political signal and is the first international instrument to underpin the collective political commitment to take definitive action to support organizational and cultural changes to stamp out SEAH. The document provides a comprehensive framework and set of recommendations to support, guide, incentivize and help donors, as well as other ODA community stakeholders to implement measures, in line with international standards, to prevent and respond to SEAH in the disbursement and management of aid. DAC recommendations are operational instruments - while they are not legally binding, there are high expectations of compliance, accountability for implementation and review through the DAC peer-review mechanism.<sup>28</sup>

## VII. PROPOSED DIRECTIONS FOR ADDRESSING SEAH IN ADB FINANCED PROJECTS

24. To address the lack of guidance related to GBV/SEAH in SPS health and safety requirements and the Social Protection Policy, ADB is currently finalizing a Good Practice Note (GPN) on Addressing SEAH in ADB-financed projects with civil works contracts. The GPN is developed with the intent to support ADB staff, borrowers, EA/IA staff and contractors in designing and implementing measures to address SEAH in ADB-financed projects. The GPN is not ADB policy and the recommendations it provides are advisory in nature. Such recommendations will be applied to new sovereign projects with civil works contracts in selected ADB developing member countries (DMCs), for a pilot period as designated by ADB.
25. The GPN is designed based on seven key guiding principles which are in line with international good practice: (i) principle of a zero-tolerance approach to SEAH; (ii)

---

<sup>26</sup> Commitments made by donors to tackle sexual exploitation and abuse and sexual harassment in the international aid sector.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/902420/donor-commitments2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/902420/donor-commitments2.pdf)

<sup>27</sup> DAC Recommendation on Ending Sexual Exploitation, Abuse, and Harassment in Development Co-operation and Humanitarian Assistance: Key Pillars of Prevention and Response.

<https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-5020>

<sup>28</sup> Peer Reviews of DAC Members. <https://www.oecd.org/dac/peer-reviews/>

principle of shared responsibility - actions against SEAH require collaboration and commitment among ADB staff, consultants, contractors, the borrower, and staff of EAs/IAs; (iii) principle to support survivors - core principle to always prioritize the needs and rights of SEAH survivors; (iv) principle of early intervention and a risk-based approach in design of prevention, mitigation and response measures; (v) principle of contextual approach – ensuring that prevention, mitigation, and response measures are specific to the particular country, project area and project design context; (vi) principle of gender equality and social inclusion; and (vii) principle of proportionate action – ensure that measures to tackle SEAH are proportionate to project related risks, existing country SEAH frameworks, and EA/IA policies and practices in place.

26. The GPN outlines responsibilities for incorporating, implementing, and monitoring and reporting of SEAH prevention, mitigation, and response measures in ADB-financed projects. The document sets out how ADB will support EA/IAs and contractors during implementation of the piloting in selected countries, and outlines ADB's commitment to work with borrowers and partner institutions to address SEAH in ADB-financed pilot projects. The GPN provides guidance, a set of tools, checklists, templates and minimum good practice standards that can be used by counterpart staff and contractors to develop effective approaches and establish systems to tackle SEAH during project design and implementation

## VIII. CONCLUSIONS AND KEY ISSUES FOR FURTHER CONSIDERATION

27. At this point in time, ADB does not have systems in place which are designed to specifically identify, report, and respond to project related risks of GBV and SEAH, including worker-to-worker and worker-to-community impacts. SEAH related risks are also not explicitly identified in the current SPS as a consideration in project screening and categorization. Rather, at present, any SEAH-related incidents, should they arise, would be handled through existing complaints, reporting and redress mechanisms.
28. It can be concluded that a clear SEAH risk assessment framework with corresponding mitigation and response measures in project designs would be highly beneficial for ADB from various perspectives. It would help in identifying potential SEAH risks to workers and community members at early the stages of project preparation and include proportional mitigation and response measures from the onset of project development. This would facilitate development of sustainable approaches to strengthen contractors' performance in line with key SEAH safeguarding principles and ensure that project communities residing in project areas feel safe and protected from SEAH. Finally, it is particularly important for managing reputational risks to ADB and its borrowers. At the same time, it is necessary to strengthen expertise and resources to support this work. More training for ADB staff and borrowers to conduct SEAH risk assessment and develop meaningful mitigation and response measures are also needed. It will be critical to provide a clear distinction between longer term aspirational elements that go beyond the life of projects and should be addressed at the country level with aspects that need to be addressed under the auspices of project level safeguards.
29. The following key issues are proposed for further consideration and consultation:
  - (i) **SEAH in Project Risk Classification System:** Consideration should be given to an integrated project risk-classification system and integrated environmental and social impact assessment to avoid a siloed approach and separation between key safeguard areas of environment, resettlement, and Indigenous people, as well as to consider other social and gender risks, including project related risks of GBV and SEAH. Incorporation of contextual risks in project risk categorization, should

take into account country and project specific factors, such as: prevalence of GBV and SEAH, existing country-level legal frameworks and their implementation, and gender norms that might normalize GBV. Project specific factors should include risks associated with labor influx, project categorization on resettlement, Indigenous people and environment, use of military or private security forces, and operations in an FCAS context. All these factors may interfere and amplify risks of gender-based and sexual violence. Use of a risk-based approach for project development would require development of corresponding risk assessment tools linked to differentiated and proportionate approaches to project design, allocation of necessary resources for due diligence and project planning, including specific provisions for procurement, and strengthening capacity of project implementing agencies to support and implement mitigation and response measures.

- (ii) **Consider SEAH as a cross cutting issue in Standards for Community and Occupational Health and Safety, and Labour and Working Conditions**, to cover SEAH risks impacting worker-to-worker and worker-to-community nexus. This would require more detailed discussions of specific provisions and requirements for safeguarding against SEAH risks to be included in the updated standards. Further review is needed on the possible scope of SEAH in the new standards based on comparative analysis and the implementation experience and lessons learned from comparator MDBs and borrowers and clients.
- (iii) **Include more customized Grievance Redress Mechanisms in the Stakeholder Engagement and Disclosure (SEID) policy standard** with proportionate measures to respond to potential risks and impacts of projects. These should be customized in a culturally appropriate way for different types of affected people, including survivors of SEAH. At the same time, it should be clarified that in line with good practices in response to SEAH, the use of traditional dispute resolution methods for SEAH cases are strongly discouraged.
- (iv) **Additional due diligence requirements** may emerge due to deeper coverage mandated through the performance standards approach. Specifically, technical and financial resources may be required to cover the expanded thematic safeguards including labor and working conditions; community health and safety; and cross-cutting GBV/SEAH. This may result in increased due diligence requirements for borrowers, although the extent of additional requirements may vary between DMCs. As ADB adopts a new model, there may be a risk to project processing time increasing if additional resources are not invested in the design, monitoring and supervision of project safeguards to address these expanded thematic areas such as GBV/SEAH. To address this, a transition period of at least one year will be needed before policy effectiveness.
- (v) **SEAH Guidance and Tools:** In line with MDB experience in introducing SEAH safeguarding measures and to bring ADB on par with its peer comparator organizations, it is recommended that in parallel to the ongoing work on review and update of the SPS and development of standards, ADB pilots the draft GPN on addressing SEAH in ADB-financed projects. The pilot would allow for trial of operational approaches to prevent, mitigate, and respond to SEAH in ADB projects, as well as build capacity of stakeholders, borrowers, EAs/IAs and ADB staff during the pilot period. The GPN can then be updated following the pilot period to reflect lessons learned and according to emerging good practices. It is also recommended to develop a toolkit to provide good practice examples and guide DMC stakeholders, borrowers, and staff of EAs/IAs on establishing grievance redress mechanisms, case handling and reporting tailored for SEAH incidents.

(vi) **Strengthen Bank Expertise on SEAH:** To support and inform the development of capacity building and training programs, a survey of ADB staff has been completed to identify knowledge and skills gaps to effectively address SEAH in ADB operations. ADB will develop e-learning training programs on prevention, mitigation, and response to SEAH in ADB financed projects for staff and DMCs stakeholders. Partnerships with peer MDBs on safeguards training and capacity building for DMCs can assist in building capacity of country level stakeholders, leveraging off harmonized systems and existing materials, and replicating past collaboration in establishing safeguards learning centers in selected DMCs.

(vii) **An increase in technical assistance resources** to support expanded SEAH-related project safeguards, due diligence and borrower capacity may also be required. Further assessment of these issues, including costs, will be undertaken through the next stages of the SPS update process. ADB will examine further and discuss internally and externally to add granularity in content to this assessment.

## IX. NEXT STEPS

30. This background material is prepared for the ongoing stakeholder consultations. It provides stakeholders with concise information on MDB benchmarking on safeguarding SEAH risks in projects. External stakeholders can use the information provided here to comment and provide meaningful recommendations to make the updated policy substantive and implementable.

## Annex 1: SEAH Key Concepts

<b>Gender-based violence (GBV)</b>	<p>An umbrella term for any harmful act that is perpetrated against a person’s will and which is based on socially constructed and ascribed differences in power between men and women. Although violence may be based on a number of inequalities, the inequality between men and women in society is focused on within the definition of GBV. Inequalities based on power fluctuate over time and location. Frequently perpetrated types of GBV and the acceptability of GBV shift from context-to-context. Gender-based Violence is a continuum and includes (but is not limited to) acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, harassment, psychological abuse and other deprivations of liberty. These acts can occur in public or private. The term “GBV” is most commonly used to underscore how systemic inequality between men and women, which exists in every society in the world, acts as a unifying and foundational characteristic of most forms of violence perpetrated against women and girls.</p> <p>It is important to acknowledge that men, women, boys, girls and non-binary individuals can experience violence. However, disproportionately GBV affects women and girls throughout their lives, as structural and systemic gender inequality privileges men with greater power and resources which renders women and girls at greater risk of violence being perpetrated against them. As a result, GBV is often used interchangeably with the term violence against women and girls (VAWG). VAWG is sharply focused on women and girls as survivors of violence whereas GBV could include violence against men, boys and non-binary individuals, provided the violence stems from the perceived rejection of socially ascribed gender norms of masculinity.</p>
<b>Sexual Exploitation, Abuse, and Harassment</b>	<p>SEAH is the term used to refer to sexual exploitation, abuse, and sexual harassment. Although sexual exploitation, abuse and harassment can happen anywhere in society when used as an umbrella term, within the official development assistance (ODA) sector the term refers to acts of SEAH perpetrated by those working in, with or through ODA actors and their projects. This includes within a program setting or as a part of work travel, or online interactions. Service users, members of the community and staff working in the ODA sector are vulnerable to being targeted for SEAH.<sup>29</sup></p>
<b>Sexual exploitation</b>	<p>Sexual exploitation “means any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes, including</p>

<sup>29</sup> Resource and Support Hub, 2021. *Understanding SEAH and GBV*. [eBook] Resource and Support Hub, UK Aid. Available at: [https://safeguardingsupporthub.org/sites/default/files/2021-06/RSH\\_BiteSize\\_Understanding%20SEAH%20and%20GBV\\_final.pdf](https://safeguardingsupporthub.org/sites/default/files/2021-06/RSH_BiteSize_Understanding%20SEAH%20and%20GBV_final.pdf)

	but not limited to profiting monetarily, socially, or politically from the sexual abuse of another”. <sup>30</sup>
<b>Sexual abuse</b>	The term sexual abuse means the actual or threatened physical intrusion of a sexual nature, whether by force or unequal or coercive conditions” (footnote 29).
<b>Sexual harassment</b>	<p>Sexual harassment at work is “any unwelcome conduct of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment”.<sup>31</sup> However, sexual harassment can occur outside the workplace and outside working hours, including during official travel, social functions related to work and/or online.</p> <p>Sexual harassment at work may also include the disclosure, or discussion of, an individual’s sexual orientation or gender-identity without an individual’s express permission.</p> <p>Sexual harassment can take the form of isolated incident or repeated incidents.</p> <p>Sexual harassment does not need to be between colleagues and can occur within society in general. It can involve teasing, offhand comments or sexualized ‘jokes’ or gestures and may involve any conduct of a verbal, non-verbal or physical nature.</p>
<b>Survivor-centered approach</b>	A survivor-centered approach is based on a set of principles: (1) privacy; (2) confidentiality; (3) agency; (4) dignity; (5) respect; (6) non-discrimination. A survivor-centered approach guides professionals - regardless of their role - in their engagement with survivors who have experienced sexual or other forms of violence. The survivor-centered approach aims to create a supportive environment in which the survivor’s interests are respected and prioritized, and in which the survivor is treated with dignity and respect. The approach helps to promote the survivor’s recovery and ability to identify and express needs and wishes, as well as to reinforce the survivor’s capacity to make decisions about possible interventions. <sup>32</sup>
<b>Prevention of SEAH</b>	Refers to taking action to stop SEAH from first occurring (e.g., scaling up activities that promote gender equality or address practices that contribute to SEAH)”. <sup>33</sup> This could be through supporting gender equality focused programming, social norms or behavior change communication work. Prevention of SEAH seeks to stop SEAH from taking place.
<b>Mitigation of SEAH</b>	Refers to reducing the risk of exposure to SEAH. This may be through increased lighting on an infrastructure project, or ensuring that well-lit, lockable latrines are put in place on projects. Mitigation work centers around working with women and girls and other at-risk populations in the design of projects and to map SEAH issues with them, identify SEAH hotspots on a regular basis and seeking to mitigate risk of SEAH in those locations through project activities. Mitigation work seeks to reduce the

<sup>30</sup> Task Team on the SEA Glossary for the Special Coordinator on improving the United Nations response to sexual exploitation and abuse, 2017. *Glossary on Sexual Exploitation and Abuse*. 2nd ed. [eBook] United Nations. [https://hr.un.org/sites/hr.un.org/files/SEA%20Glossary%20%20%20%5BSecond%20Edition%20-%202017%5D%20-%20English\\_0.pdf](https://hr.un.org/sites/hr.un.org/files/SEA%20Glossary%20%20%20%5BSecond%20Edition%20-%202017%5D%20-%20English_0.pdf)

<sup>31</sup> UN Secretary-General’s bulletin (2019), Addressing discrimination, harassment, including sexual harassment, and abuse of authority, [ST/SGB/2019/8](https://www.un.org/press/en/2019/stsgb20198.docstxt).

<sup>32</sup> World Bank. 2018. Good Practice Note Addressing Gender-based Violence in Investment Project Financing involving Major Civil Works. Washington.

<sup>33</sup> Inter-Agency Standing Committee. 2015. Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action: Reducing risk, promoting resilience, and aiding recovery.

	risk of SEAH occurring or of being exacerbated by project activities or actions.
<b>SEAH Response</b>	Responding to allegations, issues and concerns regarding SEAH in a comprehensive manner including (but not limited to): setting up and promoting accessible reporting mechanisms, which are tested and monitored on a regular basis; being able to refer a survivor to appropriate and safe services; undertaking timely and transparent investigations into allegations

**Annex 2: High level comparative summary of approaches by selected MDBs and Donors/Funds for addressing SEAH**

<b>High level comparative summary of approaches for addressing SEAH</b>					
<b>Organization</b>	<b>SEAH in Policy Document</b>	<b>SEAH in other documents (Good Practice Note, Guidelines, Toolkits)</b>	<b>Uses SEAH risk assessment</b>	<b>SEAH requirements in procurement</b>	<b>Grievance Redress Mechanism required for SEAH</b>
<b>Example MDBs</b>					
<b>AIIB</b>	✓	0	0	0	0
<b>EBRD</b>	✓	✓	✓	✓	✓
<b>IFC</b>	x	✓	0	0	0
<b>IDB</b>	✓	✓	✓	✓	✓
<b>World Bank</b>	x	✓	✓	✓	✓
<b>Example Donors/Funds</b>					
<b>DFAT, Australia</b>	✓	0	✓	✓	✓
<b>Green Climate Fund</b>	✓	0	0	✓	✓
<b>FCDO, UK</b>	✓	✓	0	✓	✓

