



# **Comments on the IDB's Environmental and Social Policy Framework from a gender(s) perspective**

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## Introduction

The purpose of this report is to provide the Inter-American Development Bank (IDB) recommendations and advice on the **Environmental and Social Policy Framework (ESPF)** draft from a **gender perspective**, as a part of the public consultation process that the Bank has been carrying out in regards their environmental and social policies modernization. These recommendations and comments are based on the analysis done on the ESPF draft, but also on the IDB's gender(s)<sup>1</sup> institutional reports. This, with the objective of making a comprehensive assessment of the stand that the Bank has taken on this issue. As well as understanding how the gender perspective has been reflected in the design, implementation, and evaluation of policies and actions to promote equal rights and opportunities for women, girls, adolescents, and LGBTTTIQ+ people in every Bank financed-project.

The gender perspective is an analysis method that, from an intersectional view, unveils the existence of differences and gaps based on gender, sex, or sexual orientations. It constitutes an approach that considers people according to their different contexts and circumstances. From this perspective is possible to visualize the existing inequalities and develop strategies to make the equality between the gender(s)<sup>2</sup>, real and structural.

This document intends to incorporate the expertise and knowledge about this topic from a group of Civil Society Organizations. Thus, we have collected comments and observations from gender(s) specialized organizations such as Both ENDS, Asociación Interamericana para la Defensa del Ambiente –AIDA-, Dawn Feminist, Fondo de Acción Urgente, and Gender

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<sup>1</sup> For the present analysis, the following documents were taken into account: [Operational Policy on Gender Equality in Development 2010](#); last [Gender Action Plan 2017-2019](#), [Gender and Diversity Sector Framework 2017](#); [Evaluation of the Bank's support for Gender and Diversity made it by the Office of Evaluation and Oversight, 2018](#).

<sup>2</sup> The expressions "gender equality" and "gender inequality" were taken from the Principles on the application of international human rights law in relation to sexual orientation and gender identity (Yogyakarta Principles, 2006).

Action. Besides, the document has the support of other organizations mentioned at the end of this document.

The content is structured in three sections. The first one deals with general comments about the ESPF's draft content. In this sense, at the beginning, the problems, difficulties or shortcomings which we found in ESPF draft from a gender's perspective are mentioned. Therefore, we present comments and recommendations to avoid or fix those problems in the final policy document. The second section proposes specific comments about every ESPF Performance Standard (PS). Lastly, the third section addresses recommendations about different concepts usage according to internationally recognized gender instruments.

## General comments

### **1.The Environmental and Social Policy Framework does not incorporate the gender perspective in a transversal way**

The IDB is committed to promoting gender equality and promoting non-discrimination and inclusion of vulnerable groups. Thus, the Framework incorporates Performance Standard No 9 on Gender Equality (hereinafter PS 9).

However, in the new ESPF, this Standard is only incorporated and applied in Performance Standards 2, 5 and 10, which accounts for a gender blindness in the rest of the Performance Standards. From this point of view, a profound inconsistency is identified between the Bank's commitments and the new ESPF.

Therefore, PS 9 must be incorporated and thought of in an integrated manner in and with all other Performance Standards. In this sense, the need arises for the gender approach to be **transversal** and dialogue with other approaches such as race, ethnicity, class, age, religion, profession/ activities, geographic location, among others<sup>3</sup>. In other words, the issues are approached from a **complex and intersectional** vision, recognizing the existence of different vulnerabilities and their connection with gender.

This lack of mainstreaming implies a setback, since the IDB has incorporated it in previously published gender documents. Such is the case of the Gender Action Plan, which specifies the policies, strategies and implementation actions of the Bank's Gender Policy and Performance Standard No. 9 on Gender Equality. However, although the Plan provides for gender equality when designing and reviewing projects, it does not specify how such equality will be

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<sup>3</sup>This lack of mainstreaming of the gender perspective is recognized by the Bank itself in its [Sector Framework](#). The efforts made by the Bank to achieve the mainstreaming of this perspective in its operations are identified there. It is highlighted that direct investment in gender and diversity complements but does not replace the mainstreaming of these issues in the Bank's portfolio.

guaranteed at each stage of the project and in each section that integrates it, both internally and externally from the Bank. As a result, the Bank's commitments to guarantee and promote the rights of girls, adolescents, women, and LGBTTTIQ+ people are hampered by the difficulty of mainstreaming the gender perspective and translating it into policies with concrete and clear actions at all stages of their projects.

By virtue of the problem in question, the absence of mainstreaming is also exposed in the ESPF, as it includes only the preventive policy, and does not continue with its dual line of proactive and preventive policy during the duration of the projects. The current proposal for a preventive policy refers to the prevention and mitigation of gender inequalities and violence caused and exacerbated by projects. In contrast, previous publications on gender and development<sup>4</sup> added a proactive policy that included, on the one hand, gender mainstreaming at all stages (design, implementation, monitoring and evaluation) of loans to projects, and by the another, direct investment in strategic areas for gender equality.

Consequently, the gender perspective is incorporated in the new ESPF only partially and in some sections, which ends up compartmentalizing the approach and restricts it to being applied in some cases and/ or stages defined by the Bank. Meanwhile, if the ESPF SP 9 is not transversal to all the Performance Standards in the document, we are at the risk of naturalizing, making invisible, reproducing and intensifying violence, gaps and inequalities between genders at each stage of the projects. Consequently, the people involved, and

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<sup>4</sup> [See Operational Policy on Gender Equality in Development](#)

directly and indirectly affected by the projects, would receive those negative impacts possible to avoid.

In this sense, it is worth recovering the principle of "**do no harm**" developed by the Bank in its Political Declaration. This principle reflects an intention to mitigate, and in the best of scenarios, to prevent the detrimental effects for the genres, assuming that they will be affected by the projects. Not damaging could imply not modifying the status quo, making invisible inequalities between genders and / or increasing them as a consequence of projects. In this way, the Bank radically departs from its commitment to promote genders equality.

It is the Bank's responsibility that the design, development and evaluation of the projects take into account the inequalities between the pre-existing genres and their reproduction mechanisms, as a way of ensuring that the projects developed and financed by the Bank do not reproduce or rest on these inequalities.

Therefore, **we recommend the transversal and integrated incorporation of the PS 9, in and with all the Performance Standards. Hence, recovering the complexity that the perspective of intersectionality gives and echoing a rights approach that allows it to account for the principle of progressivity of human rights.** Based on these principles, the IDB must direct all its efforts not only to the prevention and mitigation of violences and genders inequalities, but also to guaranteeing the promotion of the rights of girls, adolescents, women, and LGBTTTIQ+ people at the different stages (design, development and evaluation) and levels (internally, within the Bank itself, and externally, of the borrowers and of the people affected directly and indirectly, that is, of all the people involved), of all their projects (not only in projects whose purpose is the promotion of these rights, but in all projects financed by the

Bank). **Thus, the Bank must have a more active policy regarding the promotion of women and LGBTTTIQ + people's rights in all the projects financed, and not only in the investments dedicated to this purpose.**

**2. The draft does not effectively reflect the Bank's commitment to ensure effective compliance with the ESPF provisions on gender.**

The ESPF plans to delegate to the borrower a large part of the responsibility for the effective application of the gender provisions set forth in the Framework, leaving the Bank with the responsibility of monitoring and supervising the actions carried out by the borrower. However, as stated in the draft, it is not clear and precise how this monitoring and supervision process will be carried out and how effective it will be.

Nor does it provide details regarding what measures will be adopted and how the breaches of the ESPF by the borrower will be corrected. In addition, the language used to refer to the responsibilities of the Bank and the borrowers in gender matters is ambiguous and imprecise. **For this reason, it is recommended for the IDB to assume more clearly and precisely its role in guaranteeing the correct implementation of the ESPF. Ensuring the incorporation, both by the Bank and by its borrowers, of a transversal gender perspective, integrated with and in all Performance Standards. To guarantee the promotion of the rights of girls, adolescents, women and LGBTTTIQ + people.**

**3. Lack of commitment to the generation of data disaggregated by genders and with the evaluation of all the projects received, approved, financed and developed by the Bank, from a gender perspective.**

The Bank incorporates the mandate of preparing “gender analysis” to identify, among other things, risk areas and propose mitigation: data generation, analysis and evaluation of the gender-differentiated impacts of projects. However, it only incorporates this analysis *“in those operations that involve possible risks and gender impacts that may disproportionately affect people due to their gender”*. It is not clear what the Bank considers as a disproportionate, which ends up giving a framework of arbitrariness when defining which projects deserve such type of analysis.

Furthermore, there is no explanation of how the Bank is going to require borrowers to analyze the project’s gender impacts, nor how borrowers are going to conduct these analyzes. This conceptual imprecision generates the risk of making the subtlest forms of gender inequalities and violences invisible, and reproducing them instead of mitigating, preventing or eradicating them<sup>5</sup>.

All projects, from their beginnings and throughout all their stages, must be analyzed and evaluated from a gender perspective. Otherwise, and treating them in a general way, there are no glimpses of inequalities between genders and as a consequence the most vulnerable people are affected.

For this reason, **the Bank must evaluate all project proposals it receives from a gender perspective. Within these evaluations, the Bank must include indicators that allow<sup>7</sup> quantifying that information.**

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<sup>5</sup> The Inter-American Convention to Prevent, Punish, and Eradicate Violence against Women (Belém do Pará Convention) and the following documents produced from monitoring the Implementation of the principles of this Convention among the states parties, recognizes the existence of different types and modalities of gender violence. Among them are the most visible and exacerbated forms of violence such as femicide, as well as other more invisible forms, such as symbolic and psychological violence. For more information, see: <https://www.oas.org/es/mesecvi/docs/MESECVI-CoE-CSWPub-ES.pdf>

It must be the responsibility of both the borrowers and the Bank to publicize and circulate efficiently among all the stakeholders, this knowledge generated from the different analysis and impact evaluations, thus guaranteeing access to information and informed participation in the different planned instances.

**4. Poor and superficial approach of LGBTTTIQ+ groups, which manifests the reproduction of a binary, exclusive and regressive approach in terms of human rights.**

Both in the ESPF and in other IDB gender documents, it is not possible to identify a real inclusion of other gender identities, nor the existence of concrete policies and strategies to achieve it.

The priority and hierarchy given to some gender identities is visible in the number of times they are mentioned, how they are defined and what places or spaces are mentioned.

In several cases women are mentioned, but the acronym LGBTTTIQ + is never used. The terms “gender” and “genders” are mentioned 123 times in total, distributed among its Political Declaration, when speaking of the IDB's commitment to environmental and social sustainability (18 times), in its objectives and general scope (once), in its annex when defining disadvantaged or vulnerable groups, vulnerable people, gender empowerment and gender equality. In Performance Standard No. 1, term is mentioned 4 times, in No. 2, only once, in No. 5 once, the same as in Standard No. 7. The remaining 85 times (69.11%) are mentioned in standards No. 9 and 10.

In the ESPF women are mentioned 33 times (twice in the IDB's Commitment to environmental and social sustainability, once in the annex -Glossary-, once in Performance Standard No 1 and the rest of the time they are distributed among the Performance Standards No 2, 5, concentrating 50% of the mentions in No 9 and 10).

The concept of “gender identity” is only mentioned 15 times, being addressed 11 times between Norms 9 and 10. The concept of sexual orientation is mentioned 16 times.

Only once diversity and inclusion are mentioned in the IDB's Commitment to environmental and social sustainability, and at no time is LGBTTTIQ + specifically mentioned. The importance of the enunciation of these groups lies in the visibility and recognition of their existence and their rights. Instead, the term “sexual and gender minorities” (3 times) is used in PS 9 to refer to the LGBTTTIQ + community. Term that due to its theoretical, conceptual and political imprecision has already been outdated and goes against what is established by the main international treaties on which the Bank is based, especially the Yogyakarta Principles<sup>6</sup>.

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<sup>6</sup> The Yogyakarta Principles are a series of international legal principles on sexual orientation, gender identity and international law that comprise standards that all states must comply. For more information see: <https://yogyakartaprinciples.org/principles-sp/>

Therefore, **it is recommended that all sex-generic identities are defined, made visible and recognized explicitly and more precisely, especially enunciating the people who make up the LGBTTTIQ + groups, throughout the IDB's ESPF.** At the same time, the Bank must give **priority to these groups through punctual, real and sustainable commitments, actions and policies**, so that, through these measures, the historical, structural, multiple and profound violations of their rights are recognized. Also, applying the concept of intersectionality in a transversal, comprehensive and concrete way to which the Bank ascribes.

**5. Difficulty incorporating the approaches proposed by the international human rights treaties for girls, adolescents, women and LGBTTTIQ + people within the theoretical and conceptual framework of the ESPF.**

The MPAS mentions the international treaties and conventions on which it is based, especially in Performance Standard No. 9. This shows the willingness to integrate into the Framework the universal and inter-American system for the protection of human rights of women, LGBTTTIQ + people and of girls and adolescents.

However, as mentioned in the previous point, there are inconsistencies between the theoretical perspective proposed by those international treaties and conventions and the concepts incorporated and developed in the ESPF. This results in the imprecision and superficiality in the definition of concepts related to the genders perspective to which the Bank undertakes to incorporate. In turn, these inconsistencies and conceptual inaccuracies of the Bank itself, translate into the absence of a serious commitment or requirement to borrowers to comply with what is provided in those international human rights treaties and conventions.

**Given that these are the concepts that are defined in the ESPF and on which the design, development and evaluation of IDB gender actions and policies will be based, we recommend their revision based on the international treaties and conventions on**

women's human rights, girls, adolescents and LGBTTTIQ +<sup>7</sup> people in order to achieve greater clarity and conceptual specificity, based on updated knowledge, to guide the Bank to carry out its commitments on genders equality.

**6. Absence of a gender perspective in the design and definition of strategies and policies on implementation of measures to mitigate and prevent violence, discrimination and inequalities between genders.**

The absence of a transversal and integrated gender perspective in the ESPF (specifically represented by PS9), as it was mentioned on comment<sup>1</sup>, is also evident in the design and definition of implementation strategies for specific measures to mitigate and prevent violence, discrimination and inequalities based on gender. The document only specifies the development of concrete actions related to guaranteeing equality between genders at some project levels and stages, which match those Performance Standards that explicitly incorporate PS9.

For example, the mechanisms and instances of consultation and participation by concerned, involved and affected parties by projects financed by IDB are defined. That is moment when the borrower has the responsibility of defining when, how and who are participating in these mechanisms and instances.

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<sup>7</sup> Universal Declaration of Human Rights (1948), the Convention for the Elimination of All Forms of Discrimination against Women - CEDAW (1979), the Inter-American Convention to Prevent, Punish, and Eradicate Violence against Women - Belém do Pará Convention (1994), the Program of Action of the International Conference on Population and Development (1994), the Platform for Action of the Fourth World Conference on Women (1995), the Millennium Development Goals (2000) and their continuity for the Sustainable Development Goals (2015), Quito Consensus (2007) and the Brasilia Consensus (2010) resulting from the X and XI Regional Conference of Women in Latin America and the Caribbean respectively, The Yogyakarta Principles, among others such as those Conventions issued by the ILO and that are relevant to the subject, such as the recent Convention 190. It is also considered essential to incorporate the observations and recommendations made by the follow-up and monitoring mechanisms for compliance with said treaties and conventions such as the MESECVI and the Commission on Legal Status and Women's Social. At the same time, it is relevant to incorporate any future updates that may arise in the matter.

**For that matter, we recommend the Bank to provide lines of action on how it is going to be guaranteed the ESPF compliance, focusing on actions and policies of gender. The Bank must include as a requirement, the implementation of gender equality treaties and conventions in the design of its equal opportunities policies according to the general purpose of the policy, which includes women empowerment and equal opportunities. Specifically, sustainable and specific gender policies that lead to structural transformations, with the purpose of promoting, and not only discursively, equality between genders. At the same time, the Bank can anticipate specific resources allocation to finance the design, implementation and evaluation of policies or actions tending to strengthen girls, teenagers, women and LGBTTTIQ+ people's rights.**

The Beijing Platform for Action is a fundamental tool that must be used. Among some recommendations that should be added we can name: quota and/or gender parity policies for the different stages of the project, the stakeholder engagement plans and among the people who work in projects. Since the Bank recognizes unpaid domestic work, it must not only recognize and implement measures for all its staff, but also demand borrowers a fairer distribution of care responsibilities through parental leave, mandatory extension of paternity leave, child-care spaces, and hiring nursing staff during the whole life of the project.

Thus, to avoid any impact that could cause harm on the workload related to unpaid domestic work: relocation in zones with expensive or little resources, appropriation of fundamental resources for life sustainability for families, among others. Even in those projects that look to strengthen the situation of women, when the dimension of care distribution is not weighted, counterproductive effects can be in place, namely, the increase of the total amount of work hours for these women.

**7. The need to strengthen the Bank's commitment to incorporate a gender perspective at the internal level of its structural organization.**

The application and strengthening of the equal opportunities principle is an essential condition to guarantee gender equality in the design, development and evaluation of projects. For that, it is necessary its incorporation in the IDB's internal structure.

**Therefore, we recommend the implementation of a transversal and equal internal performance that is reflected on its projects, not only when designing them but at each and every stage of the cycle. The IDB must lead by the example and be represented by women and LGBTTTIQ+ people. Its internal composition and work structure should reflect gender diversity, even in hierarchical structures and every constituting area. For that matter, IDB needs to guarantee gender training at the staff level to set solid bases of equality, and translate that capacity building transversally in its projects.**

**8. The draft fails to clearly define the requirements for the specialists who will elaborate the environmental, social and gender risk analysis and evaluation. Also, it fails to explicitly consider the project-affected communities' knowledge in these analysis and evaluations.**

Project evaluations conducted by the IDB, in addition to the social and environmental risk analysis and evaluations carried out by the borrowers are vital for the Bank to have track of every project. Thus, being able to design, apply and evaluate different courses of action to prevent negative impacts. Moreover, when it comes to hiring consultants and experts, the Bank must ensure that they have training and experience on gender perspective, to guarantee

the incorporation of a human rights approach in analysis, reports or any other evaluation document related to a project.

In regards to what was mentioned previously, **the Bank must incorporate an intersectional analysis to these evaluations and reports. Guaranteeing that it's updated, reflecting the latest and best scientific advances, and integrating traditional and native people's knowledge, and local knowledge systems.** This meaning that the expertise of native people, girls, teenagers, women and LGBTTTIQ+ people should be considered and validated. Thus, giving legitimacy to their knowledge and incorporating it in the analysis, evaluations and reports at every project stage. In line with this recommendation and the previous one (N° 6), we believe that the Bank has the obligation to provide more information about the studies and indicators that constitute the base for its frameworks and policies. That will provide a complex, more complete, and real perspective of the projects' social and environmental impacts.

Finally, **the Bank should make sure that evaluations, analysis and reports, are accessible for all projects' stakeholders (specially project-affected people).**

**9. The ESPF draft does not make explicit its relationship with the Gender Policy (in which it should be based).**

Throughout the years, the IDB has had proven advances on its gender policy -evidenced on their published updates-, which have allowed the Bank to stand out when addressing this issue, and showed its commitment to it. Till now, that policy has been applied in the countries' strategies documents, which included development interventions through financial operations with the public and private sector (sovereign and non-sovereign guarantees); technical cooperation operations (including operational policies); and provided tools to build institutional

capacity. Additionally, with its proactive policy, the IDB actively promoted gender equality and empowerment through direct investments and a transversal perspective, as previously mentioned.

Direct investments in strategic areas for gender equality meant promoting access to various rights, such as work market equality, access to education, social security reform, women participation and/or leadership in decision making, promotion of reproductive health, among others. **The current ESPF does not promote gender equality proactively**, and it is not comprehensive when specifying its spheres of application. Borrowers are the ones who must make a gender analysis in case operations imply risks and affects people because of their gender. When a gender analysis is needed, it should include a review of property rights and economic opportunities: gender gaps related to access and control of resources such as land, natural resources, housing, actives, and access to jobs and credit.

To sum up, the ESPF only mentions risks related to gender violence, which includes sexual harassment, sexual abuse, sexual exploitation, human trafficking and exposure to STDs. Considering this limited policy scope, the Bank must guarantee the survival and strengthening of its 'Gender Equality in Development' policy, and its reference in every IDB document, especially the new ESPF.

**From this perspective, the Bank is responsible for the continuity of a human rights approach, which implies the progressivity and non-regression principle. We recommend to keep the scope of the Gender policy in the ESPF and the inclusion of a binding language.**

**10. The new ESPF has Difficulties to incorporate lessons learned about projects' gender impacts.**

Projects financed by the IDB and IDB Invest have already evidenced gender impacts. The MICI noted them in its Haiti case related to the [“Industrial Park Caracol”](#) project. Now, a considerable number of complaints that allege special affectation to girls, teenagers, women and LGBTTTIQ+ people's rights and noncompliance of the Gender Policy, were filed to the Mechanism: IDB Invest's dams projects [-Pojom II and San Andrés-](#) in Guatemala, and the [hydroelectric dam Hidroituango in Colombia](#), for example.

**In consequence, every initiative to modify the Bank's policies and frameworks should incorporate lessons learned and actions performed by the IDB. Therefore, this is an opportunity to put it in practice.**

**11. The operational policies and their frameworks are weak.**

The existing mechanisms are insufficient to effectively guarantee an implementation that contributes to promoting of gender equality, and guaranteeing girls, teenagers, women and LGBTTTIQ+ people's rights from a preventive and a proactive perspective. This is because:

- Although the ESPF mentions them, in reality, barriers and gender inequalities -like women's unpaid care work-, are not considered. Likewise, mechanisms through which those barriers and gender inequalities will be tackled, aren't specified either.
- Consultation and information disclosure processes do not guarantee equal participation in decision making for projects, and do not sufficiently contemplate

structural barriers that prevent and effective participation, without discrimination based on gender.

- The policies and its frameworks are widely insufficient to give a structural answer to the gender-based risks derived from the development of projects: poverty feminization, increase of male presence in territories that could affect girls, teenagers, LGBTTTIQ+ people and women's security, among others.

**For that, the Bank should develop strong frameworks, operational policies and accountability mechanisms, that incorporate a gender perspective transversally, and ensure project- affected people's informed and meaningful participation throughout every stage of the project cycle.**

## Specific Comments

### About Performance Standards (onwards PS)

#### **PS1: Assessment and Management of Environmental and Social Risks and Impacts**

Given that no project is gender-neutral, it would be desirable and necessary to consider **gender impact evaluations** as mandatory, in all projects financed by the IDB Group, as part of or in conjunction with social impact evaluations and environmental to identify the real and potential risks of girls, adolescents, women and LGBTTTIQ people. These evaluations include the need to i) develop baselines that include the gender characterization of the communities, ii) understand the gender-differentiated needs of the people affected by the project, iii)

incorporate a detailed understanding of the impacts of gender and how they can be avoided and mitigated, among others.

Environmental and social impact assessments are responsibility of the borrowers, and must be carried out through indicators that are not clear or specified. As there are no specific guidelines by the Bank that define basic quality standards for those evaluations, the relevance and legitimacy of these may be questionable. Therefore, the Bank is not responsible for carrying out these evaluations and no longer controls the quality of the evaluations and their results. This hinders the Bank's final evaluation of projects and the possibility of a well-informed feedback on its Frameworks and Policies.

## **PS2: Work and Labor Conditions**

This Performance Standard presents difficulties when using inclusive language. It refers to 'los

trabajadores' meaning man workers in Spanish, therefore excluding other sex-gender identities. In addition, it establishes that the Bank must protect workers, including those in vulnerable categories. Although in the definition of what includes the vulnerable category, people who are so for gender reasons, are mentioned, in this specific section it exemplifies children and migrants, without mentioning women.

All the regulations are narrated from an androcentric perspective that does not integrate the needs of girls, adolescents, women and LGBTTTIQ + people, and this is intended to be compensated with some specific sections. For example, that of "Non-discrimination and equal

opportunities”, where non-discrimination is mentioned, especially for women, but does not mention other sex-gender identities.

In order for women to participate in equal opportunities with the labor market, unpaid domestic and care work must be recognized and shared. This standard does not include any instruction in this regard, such as a proposal on how to fairly distribute the responsibilities of child care, sick and/or disabled people, among with elderly dependents, in order to avoid overloading these tasks on women.

Vague and imprecise language is used when referring to the above mentioned in PS 9: ‘The implementation of this PS should **consider** the requirements related to gender equality and stakeholder participation in accordance with PS 9 and 10’. It should be: ‘The implementation of this PS must **include** requirements related to genders equality and stakeholder participation in accordance with PS 9 and 10’.

In the “Health and safety at work” section, it does not incorporate socio-cultural aspects nor does it consider health in an integral way. As an example, it excludes mental health, which depends on generating an environment that is respectful of human rights, inclusive and diverse, proactively fighting all forms and types of gender violence. In this sense, it does not mention or establish the creation and implementation of protocols to address and combat gender-based violence, harassment and abuse. In other words, it lacks guidelines on the sanctions that borrowers must implement in cases of harassment, violence and discrimination against women and LGTTTBIQ + people employed. And in any case, it again delegates responsibility to the borrower, when the Bank must be the main responsible for compliance with the ESPF.

The scope of this standard does not cover people who work informally. This is worrying given that women and LGTTTIQ+ people make up a higher percentage in poverty and informal work.

Outsourced service providers, hired by the borrowers, have served to evade the responsibility of the latter in terms of benefits and decent working conditions. Therefore, the Bank must define specific guidelines and carry out permanent controls in order to guarantee that the borrowers require all their hired service providers to comply with the collective labor agreements and current labor legislation, emphasizing the promotion of women and LGTTTBIQ+ people rights.

Furthermore, the Bank should incorporate aspects related to care work, in order to guarantee equal opportunities in access to the labor market, meaning contemplate fatherhood too. It should make explicit requirements to the borrowers regarding this issues, as well as the implementation of protocols for addressing cases of gender-based violence, harassment and abuse.

### **PS3: Efficiency in the Use of Resources and Prevention of Pollution**

Firstly, by not considering the socio-cultural and gender implications of pollution and the use of natural "resources", this Performance Norm does not recognize that women are the most affected, for example, by the problems derived from water pollution and the use of pesticides/pesticides.

Secondly, it does not mention that women are responsible for the caring of people sickened by contamination. According to the UN document on ['Rural Women and the Millennium Development Goals'](#), rural women spend more time than men and women in urban areas on reproductive and household work, including the necessary time to obtain of water and firewood, the care of sons, daughters and sick people, among with the preparation of food.

Consequently, environmental degradation has major effects on the natural resources on which rural women depend to guarantee their subsistence. In addition, if the quality and availability of land, hunting, forests and aquatic resources are reduced, the time of dedication of rural women increases and their ability to cope with crisis and climate change decreases. As a result, It both affects where they live and causes conflicts that undermine their health, education and rural livelihoods.

In conclusion, this Performance Standard must contain a reference to ND 9 and incorporate it in an integral, mainstreaming way and from an intersectional perspective. Adverse impacts of projects must include a gender perspective in order to identify gender-differentiated impacts of pollution and in their access to resources. In this way, the Bank must require borrowers to carry out risk assessments in accordance with high quality standards, incorporating a rights-based approach and responsibly monitoring these assessment processes to avoid the concealment and manipulation of information.

#### **PS4: Community Health and Safety**

The PS4 should contain a reference to PS9, especially since health and safety must be understood from structural inequalities between genders and, therefore, from the differentiated gender impacts of the policies and actions taken in this regard by the Bank and its borrowers.

In the section “Exposure of the community to diseases” of this Standard, the lack of responsibility and implication of the Bank in the fulfillment of this PS4 is manifested, much less to carry it out from a gender perspective. This is evidenced by the fact that the Bank relies on the goodwill of the borrower and in the absence of specific guidelines to carry out this PS.

The Bank does not mention the need to consider structural inequalities between genders based on the unfair and unbalanced distribution of care responsibilities among the market, the State, communities and families, and in turn, between men and women. In this way, it reproduces the inequalities between genders and makes invisible a fundamental edge in the field of health: careers. These people are the families, and within them, mainly women, those in charge of caring for sick family members, disabled people and elderly people in different degrees of dependency. This, in turn, affects the integral health of the women themselves, since it not only exposes them to contagion, but it also takes time off for their self-care.

In this case, it is key to think about gender inequalities from intersectionality, since in the event of any environmental impact, women are the most affected. Especially poor, marginalized, impoverished women, who inhabit areas with limited access to resources and services (such as care spaces, primary health care rooms, public transport, etc.).

The Bank must incorporate a rights’ approach that translates into proactive policies and actions in promoting the rights of women, girls, adolescents, and LGBTTTIQ + people. For

this, it must design strategies to eradicate the sociocultural patterns that reproduce the sexual division of labor in the communities benefited or affected by its projects. It must require its borrowers the creation of a financial fund for resources aimed at guaranteeing the right to comprehensive health for girls, adolescents, women, and LGBTTTIQ + people, considering everything from sexual and (non) reproductive rights to the right to care.

Some measures that the Bank may require of its borrowers include: the creation of new primary health care rooms with care spaces; the generation of care spaces in the work areas used for the execution of projects; the provision of sufficient medicines to cover the needs of sick and elderly people; expanding paternity leave for men working on projects; incorporation of care licenses that are assigned and distributed equitably, committing men to these tasks; comprehensive health care and promotion programs for affected / benefited communities with a focus on girls, adolescents, women and LGBTTTIQ + people; economic recognition of domestic and care tasks; promoting the professionalization of care tasks; HIV patient care programs; stimulation programs for girls, adolescents, women and LGBTTTIQ + people; among others.

In this regard, the IDB must take a firm stance that can translate into conditioning loans to borrowers to the extent that they include such policies and actions in their projects.

### **PS5: Land Acquisition and Involuntary Resettlement**

It includes the reference to PS 9, but in weak language: 'The implementation of this PS must **consider** the requirements related to Indigenous Peoples, gender equality and stakeholder participation in accordance with PS 7, 9 and 10'. It should state: 'The

implementation of this PS must **include** the requirements related to Indigenous Peoples, gender equality and stakeholder participation in accordance with PS 7, 9 and 10'.

This PS must, beyond its mention of PS9, reinforce the recognition of the differentiated gender impacts on land acquisition and resettlement. Likewise, the PS cannot contain written recognition of the unequal distribution of property titles since gender gaps are present in many legislations, specifically in property titles and in the recognition of property rights to formal, traditional or recognizable use.

**PS6: Biodiversity Conservation and Sustainable Management of Living Natural Resources**

PS 6 must have a reference to PS 9 since women are the main environmental, biodiversity and nature defenders in many places.

Moreover, women, especially indigenous women are particularly vulnerable to violence related to the environment defense. The number of women activists assassinated while trying to defend communal territories and environmental rights, becomes higher every day. Women environmental defenders should face threats, intimidation, rape, torture and/or imprisonment.

**PS7: Indigenous people.**

PS7 should refer to PS9. Projects' impacts must be contemplated transversally, and in this case mainly, from an intersectional perspective since ethnic discrimination is different for men and women.

Moreover, this standard should include a reference to article 14 from the CEDAW - which specifically mentions the situation of rural women-, and to the report prepared by the CEDAW committee containing recommendations and observations for Latin American states<sup>8</sup>. Both documents recognize that the vast majority of indigenous women live in rural areas and are more exposed to crossed forms of violence and discrimination. For that matter, there's a need for implementing measures to eliminate every form of discrimination towards rural women, with the aim to ensure their equal participation in rural development, and to benefit from it. Particularly, considering and guaranteeing their right to participate in the elaboration and execution of development plans.

The Bank must recognize every historical violation to girls, adolescents, women and LGBTTTIQ+ people's rights; and the systematic violence that they still suffer. It's essential for the Bank to accentuate in the ESPF the role that girls, adolescents, women and LGBTTTIQ+ people have in their communities, by respecting their culture, livelihoods, relationship with the territory, life sustainability and biodiversity (human, animal, vegetable, environmental, etc.).

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<sup>8</sup> [1] CEDAW Committee document "Recomendaciones Generales y Observaciones Finales del Comité para la Eliminación de la Discriminación contra la Mujer sobre mujeres indígenas y/o afrodescendientes realizadas a Estados de América Latina": <https://lac.unwomen.org/es/digiteca/publicaciones/2017/10/cedaw-indigenas-afrodescendientes>

The Bank highlights the importance of indigenous bodies, organizations and members to be part of every instance of participation and consent: this could be a great opportunity to explicitly make a reference to the indigenous women and LGBTTTIQ+ people that live in rural areas.

The Bank needs to reinforce its statement of: “The evaluation of land use and natural resources must be gender inclusive, and should contemplate specifically the role of women in the management and use of those resources”. Besides this, the IDB should establish clear guidelines and mechanisms that guarantee indigenous women and LGBTTTIQ+ people’s informed participation in consultation processes, environmental impact evaluations, and in the definition of consent between parties.

### **PS8: Cultural Heritage**

There should be a reference to PS9 in the text of PS8. Among its objectives, there must be a consideration of the uses, access and appropriations disaggregated by gender and cultural heritage class. Also, it should include the different meanings of what’s cultural heritage, recognizing material and immaterial cultural legacy.

### **PS9: Gender Equality**

There’s no clarity on when the PS9 will be triggered. PS9 must be included throughout EVERY ESPF performance standard.

We welcome the fact that the PS embraces gender equality international standards, but the language needs to be stronger. While the text asserts that this PS **recognizes** international agreements, in its place it should **require** the borrower to comply with these standards.

The PS states: *When national laws are silent on gender equality, the Borrower will meet this ESPS. In circumstances where national law is inconsistent with this ESPS, the Borrower is encouraged to carry out its project consistent with the intent of this ESPS without contravening applicable local and national laws.* The borrower should **be bound to** conduct and execute the project consistently with this PS, without contravening national and local applicable laws.

The PS mentions: *For operations with potential gender-based risks and impacts that may disproportionately affect people by their gender, the Borrower will conduct a gender analysis (GA) as part of the environmental and social due diligence.* The borrower should **always** conduct a gender analysis, since risks and impacts that could disproportionately have consequences based on gender, can only be detected if conducting a robust gender evaluation.

We recommend the incorporation of ILO's 109 Convention against violence and harassment in the workplace.

The PS mentions 'affirmative action' measures, but it does not define any policy or specific and concrete action in this sense. It must include the criterion for positive action according to the Recommendation number 25 of the CEDAW -previously mentioned-, since it seems to be more oriented to prevent and mitigate gender violence, rather than actively

promoting measures to transversally prevent it on every IDB's projects. When referencing the norm effects, it's important to mention **that the affirmative action does not constitute discrimination or exclusion**. In this regard, we understand that the concept should be clarified in the lines of **the CEDAW recommendation** above referenced. Temporary special measures (as defined in the recommendation) have as a goal to achieve 'de facto' equality between man and women. Not every measure that could be beneficial for women are temporary special measures. The institution of general conditions that guarantee women and girls' civil, politic, economic, social and cultural rights; and that have as an objective to ensure a dignified life for them, can't be called temporary special measures.

In conclusion, **with just affirmative measures, gender equality cannot be achieved. These are only a part of a strategy to reach that equality**. The ESPF must include **general basic conditions** that imply a **structural equality**.

#### **PS10: Stakeholder engagement and information disclosure.**

PS10 must have a reference to PS9. There's only one mention of 'gender' in this standard. It's mandatory to be specific about guaranteeing gender equality in each and every part of a stakeholder engagement and information disclosure plan: stakeholders identification and analysis, stakeholders participation plan, information disclosure, meaningful consultation, participation during project's implementation, and grievance mechanisms.

Consultation processes must be monitored by community organizations to guarantee women and LGBTTTIQ+ people's participation.

## Concept recommendations

In relation to the '**gender empowerment**' concept, it could be utilized the '**equality and non-discrimination**' concept, and later specify the concept of '**affirmative action**' measures (CEDAW recommendation). The concept of 'gender empowerment' turns out to be confusing since it's based on the idea of rights expansion for the different genders'. It could be better understood if it was explained that all the people, form different genders and identities are equal and have the right to non-discrimination.

With the concept of '**vulnerability**' it could be included the idea that it's a **dynamic and relational** concept. There's not just one vulnerability that exhausts the category, it's usually the result of different operating and overlapping layers that differ according to specific contexts. For that matter, it's critical that this concept is defined and addressed from an intersectional perspective, and transversally applied throughout the entire ESPF. Hence, there's a need, for example, for the **PS9 on gender equality to be cross-cutting in the framework** and not just one aspect of it. This relates to the general idea of promoting gender equality. The IDB requires its borrowers to address the risks based on gender -which results confusing-. The Bank should guarantee that its projects are **structurally equal for every gender**, include preventive action measures -if necessary-, and foresee **participation in equal conditions**. The Bank must demand, not only strategies to address the risks, but the projects to be in line with norms and do not generate those risks.

Furthermore, the concept of 'vulnerability' seems to replace those attached to a gender perspective, making inequalities, violence, and diversities invisible. This is evident when it's mentioned, throughout the document, the 'vulnerable sectors'. These sectors are vulnerable - according to the IDB-: *"by virtue of disability, state of health, indigenous status, gender identity, sexual orientation, religion, race, color, ethnicity, age, economic disadvantage, or social condition. Other vulnerable individuals and/or groups may include people or groups in vulnerable situations including the poor, the landless, the elderly, single-headed households, refugees, internally displaced people, natural resource dependent communities or other displaced persons who may not be protected through national legislation and /or international law"*.

Therefore, this term is used to refer to a broad range of sectors/groups that have been vulnerated in relation to their rights; and that vulnerability can be accentuated because of the impacts that IDAB's project can have. This concept, while trying to be inclusive, is too broad and dilutes structural gender inequalities and the differentiated impacts that projects may cause. If talking about gender and sexual orientation as if they were abstract groups, without identity or name, it demeans their relevance. Moreover, it makes invisible those inequalities created by a patriarchal system that ranks identity gender differences, and cross-cut ethnicity, social classes, ages, among others. Thus, we recommend to explicitly mention each vulnerable sector, community, or person; to give them entity and recognition. For instance, instead of mentioning 'sexual minorities', the correct terms should be sex-generic diversities and dissidences; specifically mentioning LGBTTTIQ+ people.

Likewise, other concepts must be reviewed. For example, instead of talking about 'empowerment' and 'independence', there should be a reference to concepts such as 'interdependence', 'co-responsibility', and 'autonomy'.

Gender equality is not enough. There's a need to reinforce the idea of **justice and gender equity** to achieve equality. Equality between genders won't necessarily reduce poverty, it can also be a burden to women. However, the gender equality perspective give girls, adolescents, women and LGBTTTIQ+ people, more opportunities to access health, education, jobs, equal wages, among others.

## Organizations that participated in the process

- Asociación Interamericana para la Defensa del Ambiente -AIDA-
- Both ENDS
- Development Alternatives with Women for a New Era -DAWN-
- Fondo de Acción Urgente -FAU-AL-
- Fundación para el Desarrollo de Políticas Sustentables -Fundeps-
- Gender Action

## Adherents Organizations

- Luna Creciente – Ecuador
- Mujeres y Salud en Uruguay - MYSU