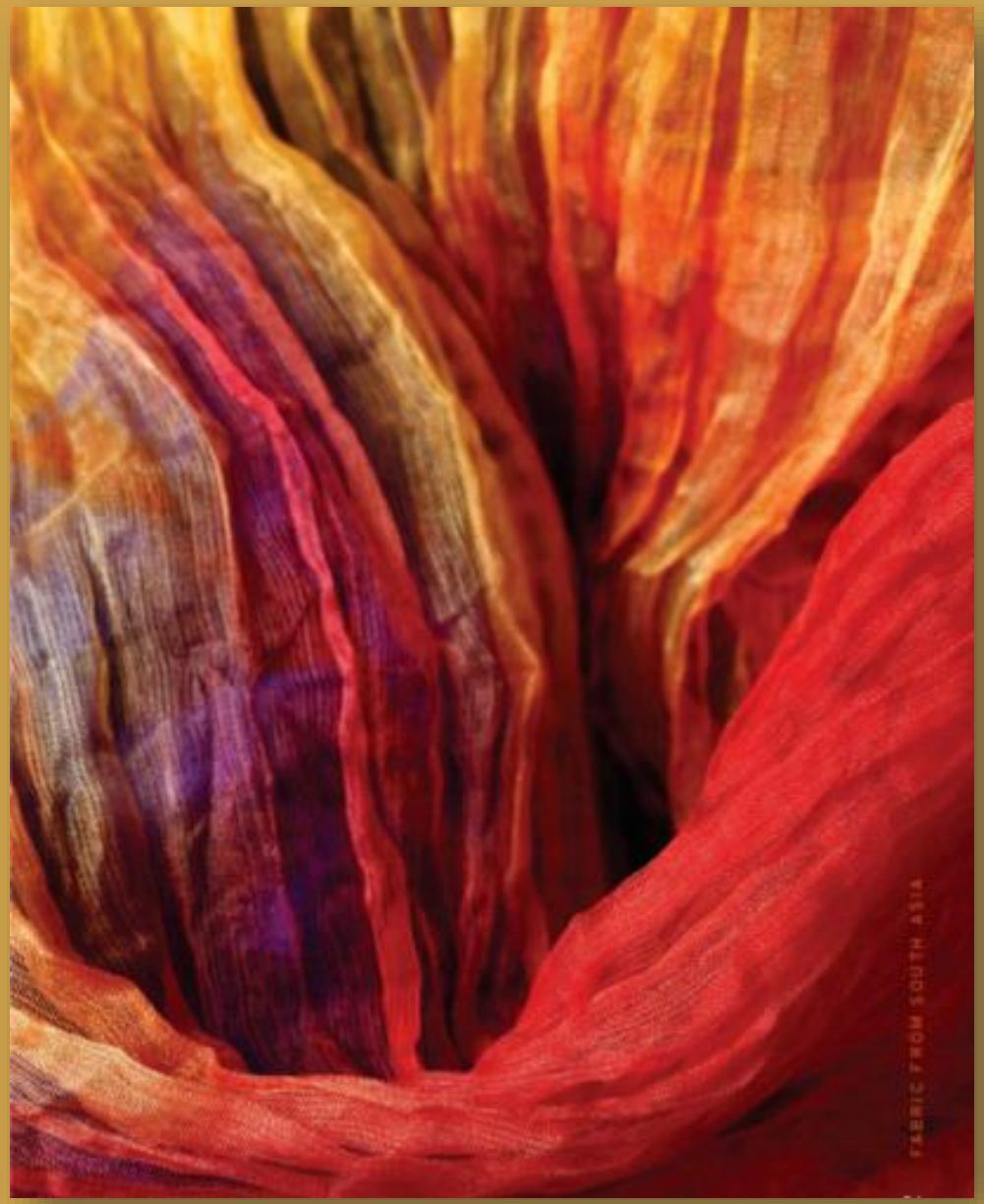

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Gender-Based Violence in Development Projects

Thursday, April 8, 2021
12.30pm EDT (US)/ 6.30pm (Rome)
Johns Hopkins University, Bologna, Italy

Imrana Jalal
Chair
The Inspection Panel
The World Bank

Gender-Based Violence

Prevalence

- 35% of women have experienced physical and/or sexual violence.
- 7% have reported sexual assaults by someone other than a partner, while intimate partners commit 38 percent of murders of women.
- 7% of women and girls experiencing GBV report the incident to a formal source.
- The most common reason for this underreporting is survivors' assumption they will "not be believed" and the fear of being blamed for causing the violence.

Impact

- GBV prevalence directly correlates with higher rates of HIV and sexually transmitted infections, substance abuse, depression and suicide.
- Victims' and families can be stigmatized and ostracized by their communities; that can adversely affect mental health, inducing depression and psychological trauma.
- Exposure to intimate partner violence can increase the likelihood of girls experiencing GBV as women and boys becoming perpetrators as men, fueling a cycle of violence.

The Human Toll

"With the old road, we could go to school but when it rained it was too muddy. Sometimes it was too dusty. But now, the road is better and it's easier to go around. Still, I'm not happy about the road now. They spoiled my health."

–Under-aged Schoolgirl

"When we first heard about the road, we felt happy. We were excited to have a tarmac road. Some people are still excited about it, but because of the road, girls are having babies with no fathers. A lot of them. I know some others who had babies, too. These guys are working on the road, so they have money. They give us small gifts, we eat [sic] the money."

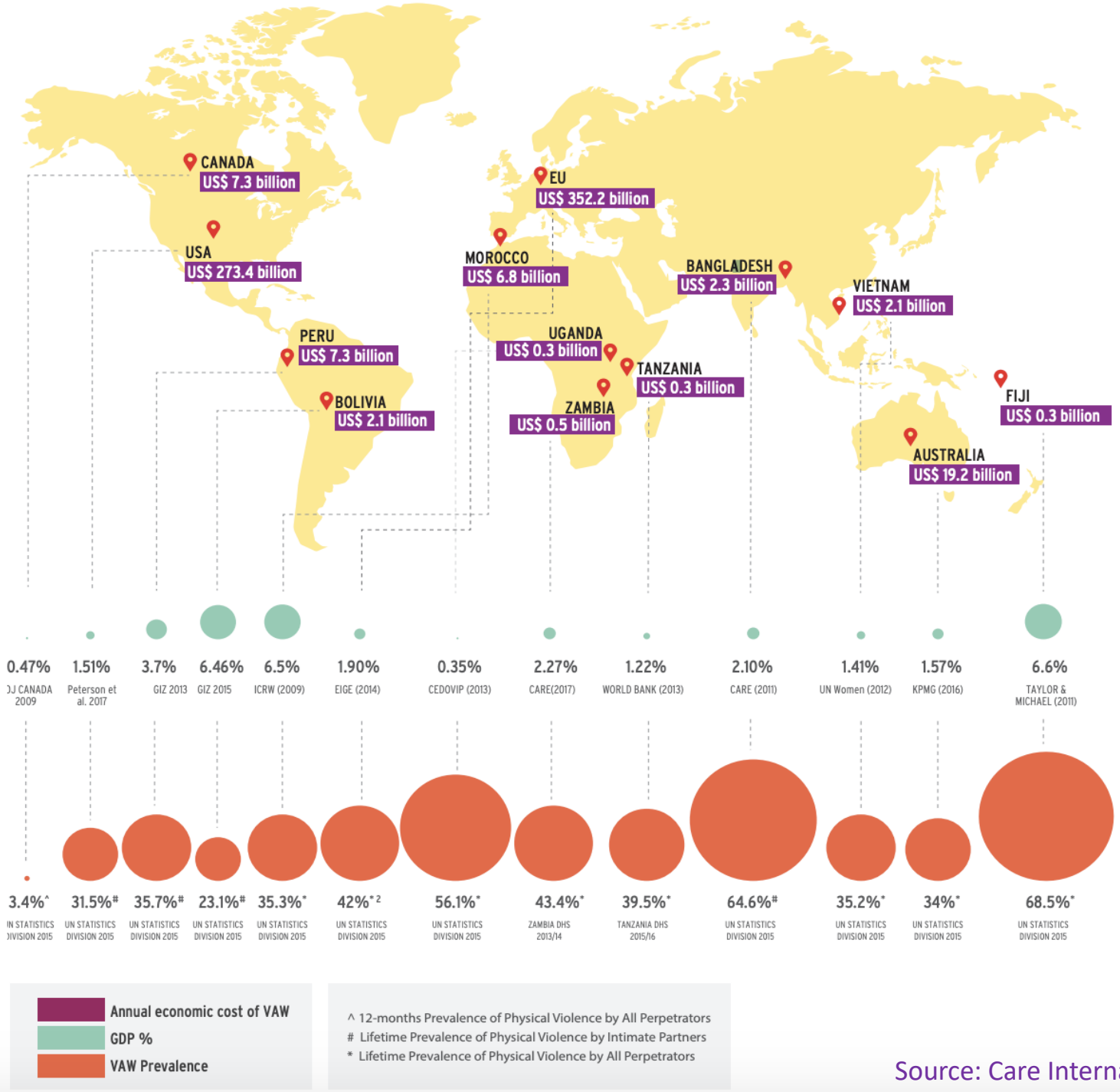
–19-year-old Female

"They treated us as animals. They forced us to have sexual intercourse with them...touched us on the breast, everywhere. When you refused, they threatened to fire you. When you quit your job and go [sic] back home, people start to laugh at you. They consider you a prostitute in your community. Now, no man wants to take us as wives." *–Female Worker*

"I was told that if I did not have sex with the supervisor I would be fired. He would grope me, grabbing my genitalia and breasts often in the kitchen or in [the] pantry. I also saw the supervisor and other foreign workers groping other female workers and making hand gestures that imitate sex and thrusting their pelvises while saying 'Chika-Chika.' I spent the night at the camp and was summoned to the supervisor's room. I was told I must have sex with him. I did not consent. He refused to wear a condom. I was later diagnosed with an STD from the rape at the work camp. I was required to take an HIV test. I worked less than a month and was not paid for my time. I am now ostracized and ridiculed by my community." *–Female Worker*

Costs to Women and Economies

- GBV has significant socioeconomic and intergenerational effects, thereby impeding development goals.
- VAW can cost some countries up to 3.7 percent of their GDP—more than twice what most governments spend on education.
- GBV may also have considerable economic impact on borrowers and on the success of IFI investments.
- Sexual harassment presents serious barriers to women's economic empowerment and increased female labor force participation, impeding the promotion of gender equality.



Source: Care International

GBV in International Organizations

2018

- The GBV "safeguarding crisis" and investigation made findings of sexual misconduct, abuse and sex-trafficking by the organization's staff, against girls in Haiti after the 2011 earthquake.
- OXFAM organized an Independent Commission on Sexual Misconduct, Accountability, and Culture Change in 2018, which recommended significant reforms to accountability measures including updating complaint mechanisms and safeguarding policies.

2019

- WWF launched an investigation into claims that it funds, equips, and works with paramilitary forces accused of beating, torturing, sexually assaulting, and murdering people in national parks across Africa and Asia.
- WWF's new Policy on Accountability and Grievance Mechanism has established a GM, not only to allow project-affected people to complain about the implementation of its projects, but also to ask questions about projects.

2019

- *UNDP's SECU Investigation into the Malawi: National Registration and Identification System Project* found that the project had failed to appropriately assess and mitigate key social risks, including GBV risks to women employed as Ros.
- The lack of privacy and security provided to female project employees left them in a vulnerable position, requiring the IAM to investigate GBV harms and recommend service provision as a result of non-compliance with relevant gender standards.

GBV is an increasingly important issue for IFIs

- GBV is an increasingly important issue for IAMs, international NGOs and similar bodies.

- Most IAMs have not investigated GBV allegations to date. Although they have received various complaints, some were either ruled inadmissible or ineligible for investigation for technical reasons.
  - Three IAMs—the Inspection Panel, SECU (UNDP), and MICI (IDB) — have completed four investigations involving GBV. In all cases they found their parent institutions had failed to put in place relevant safeguards to protect women and children.

- Although IAMs are no substitutes for courts of law, when project-related harm occurs IAMs may provide some form of additional accountability for GBV victims/survivors to seek redress from IFIs.

Uganda Case

Harm experienced by women and children

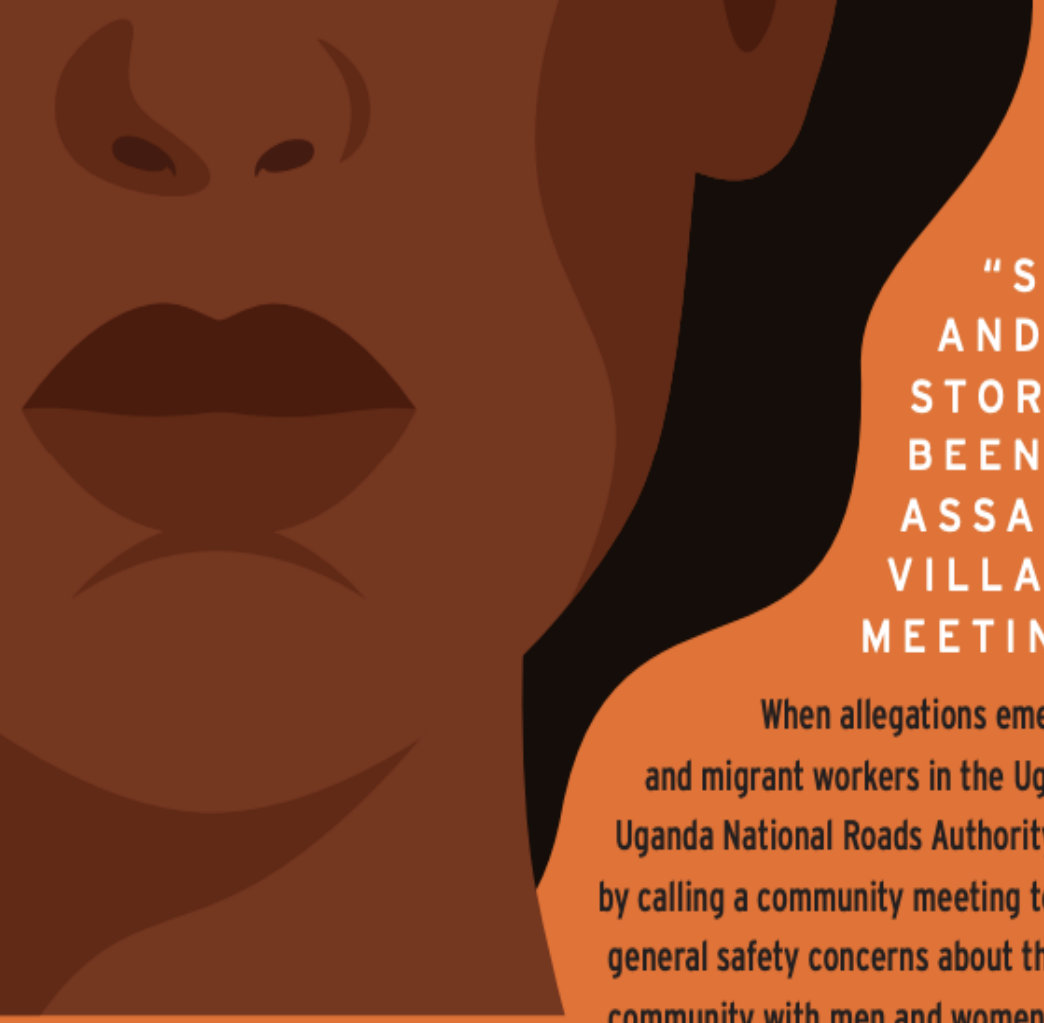
- Perpetrators were road workers
- Child sexual abuse, sexual exploitation by offering money and small gifts in exchange for sex
- Victims were women and girls in the community and female workers
- School dropout of girls due to teenage pregnancies and economic opportunities

Panel investigation found

- Inadequate assessment/mitigation of labor influx and other GBV contextual risks
- Weak capacity assessment and strengthening measures
- No consultation with project-affected people
- Lack of health and safety measures leading to accidents
- Delayed and insufficient compensation
- No operational GRM
- Late recognition of the issues
- Inadequate supervision and lack of appropriate expertise

Management Actions

- Bank cancelled the project in December 2015
- Commitment to work with the Government to redress harm:
  - Bolster community response to GBV and provide support for survivors of sexual violence
  - Support Government in addressing GBV at national level



"STAND-UP AND TELL YOUR STORY IF YOU HAVE BEEN SEXUALLY ASSAULTED"—AT A VILLAGE COMMUNITY MEETING IN UGANDA

When allegations emerged about GBV committed by foreign and migrant workers in the Uganda case, Bank officials and the Uganda National Roads Authority—the country partner—responded by calling a community meeting to discuss the GBV complaints and general safety concerns about the road construction. "It was a mixed community with men and women there, and they were asking for people to stand up and say what had happened to them," such as whether sexual assault occurred, recalls Zeinab El Bakri, a Panel member from 2012 to 2017 who led the Panel investigation. "Of course, no one did in that setting."

As a result, the Bank accordingly reported that no complaints related to GBV were raised at the meeting, which the community perceived as ignoring the issue. Only when the Panel later registered the community's complaint did the Bank substantiate instances of GBV with the help of gender specialists.

Uganda Case

Investigating GBV Issues – Panel's Methodology

- Local and international GBV experts
- Global good practice and ethical standards
- Focus group discussion; in-depth interviews with survivors; interviews with key informants
- Use of local women's NGO
- Consistent with survivor-centric approach
- Confidentiality and informed consent
- Prioritizing safety of interviewees
- Mitigating risk of re-traumatization and ensuring referrals
- Evaluating credibility of interviewees by substantiating with two independent sources and identifying similar fact patterns and profiles

DRC Case

Harm experienced by women and girls

- Perpetrators were both national and international workers.
- Use of security forces created environment of intimidation.
- Harm experienced by workers at the contractor's permanent camp; all female workers interviewed were subjected to sexual harassment.
- Harm experienced by women and girls in communities along the road: sexual exploitation and abuse, teenage pregnancies.

Panel investigation found

- Inadequate assessment/mitigation of GBV risks
- No assessment of risks associated with security forces
- Inadequate capacity assessment
- Weak stakeholder engagement
- Lack of compensation for livelihood impacts
- Weak supervision
- No operational GRM

Management actions

- Disbursements for all road works financed under the project were suspended from November 27, 2017, until December 3, 2018
- Local NGOs hired to provide support to survivors, regardless of linkage with the project

Labor Influx

Challenges

- Social conflict
- Illicit behavior and crime
- Change in community dynamics
- GBV
- Risk of STIs
- Burden on public services
- Inflation of local prices, especially housing
- Child labor and school dropouts
- Traffic impacts

Mitigation Measures

- Reduce labor influx by employing local workforce
- Assess labor influx risks:
  - Type and significance of potential labor influx impacts
  - Project location, contextual factors, legal and policy framework
- Manage labor influx risks:
  - Develop management plan in consultation with local communities
  - Incorporate social and environmental measures in the civil works contracts
  - Implement mitigation programs
  - GRM for workers and host community
  - Monitoring and supervision and adaptive management

Transformative Impact of the Inspection Panel Cases

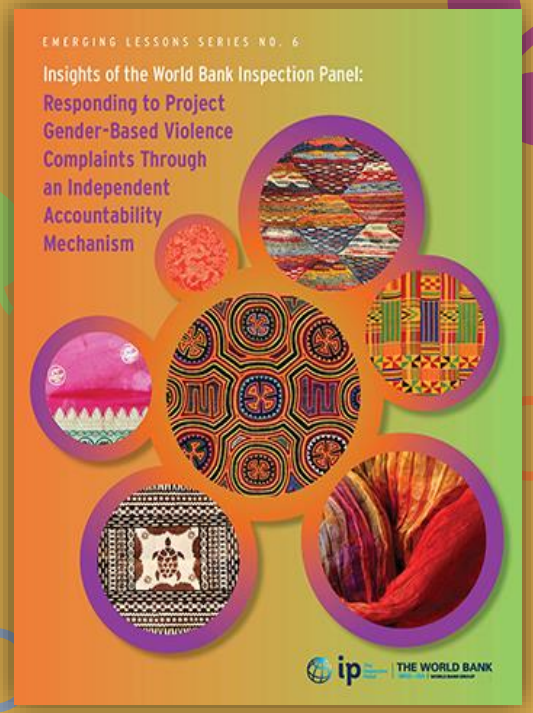
Institutional and Operational Changes at the World Bank

- Global Gender-Based Violence Task Force
- Labor influx guidance note
- Good practice note on Addressing SEA/SH in Investment Project Financing of Major Civil Works
- Adapted grievance mechanisms
- Improvement in the procurement process
- Strengthening oversight of high-risk projects
- SEA/SH risk-screening tool

KEY INSIGHTS FROM THE PANEL'S EXPERIENCE

Key Takeaways

- Without a project-specific GBV analysis or gender diagnostics development may come at a significant human and gender-specific cost to women.
- The persistence of GBV exacts a steep cost on victims, economies, and IFIs and MDBs working toward poverty reduction.
- Low levels of gender equality, high rates of GBV in the area generally, an influx of male construction workers, poor law enforcement, impunity from prosecution for GBV, and often an FCV context can be an early warning sign of high risk of project-related GBV.
- IAMs may provide an additional avenue and a safe space for victims of project-related incidences to seek redress and accountability.
- There is a need for a survivor-centered approach to investigations with well-designed methodology.
- IAM investigations of GBV should operate on the premise that victims' claims are plausible.
- Seeking accountability, remedies, and institutional action can have positive and long-lasting effects on development institutions working toward poverty reduction, and the communities they seek to support.



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Contact us

The Inspection Panel
The World Bank, MSN : MC 10-1007, 1818 H Street, NW, Washington, DC 20433, USA
Tel : +1- 202 458 5200 | Fax:+1- 202 522 0916
Email : ipanel@worldbank.org

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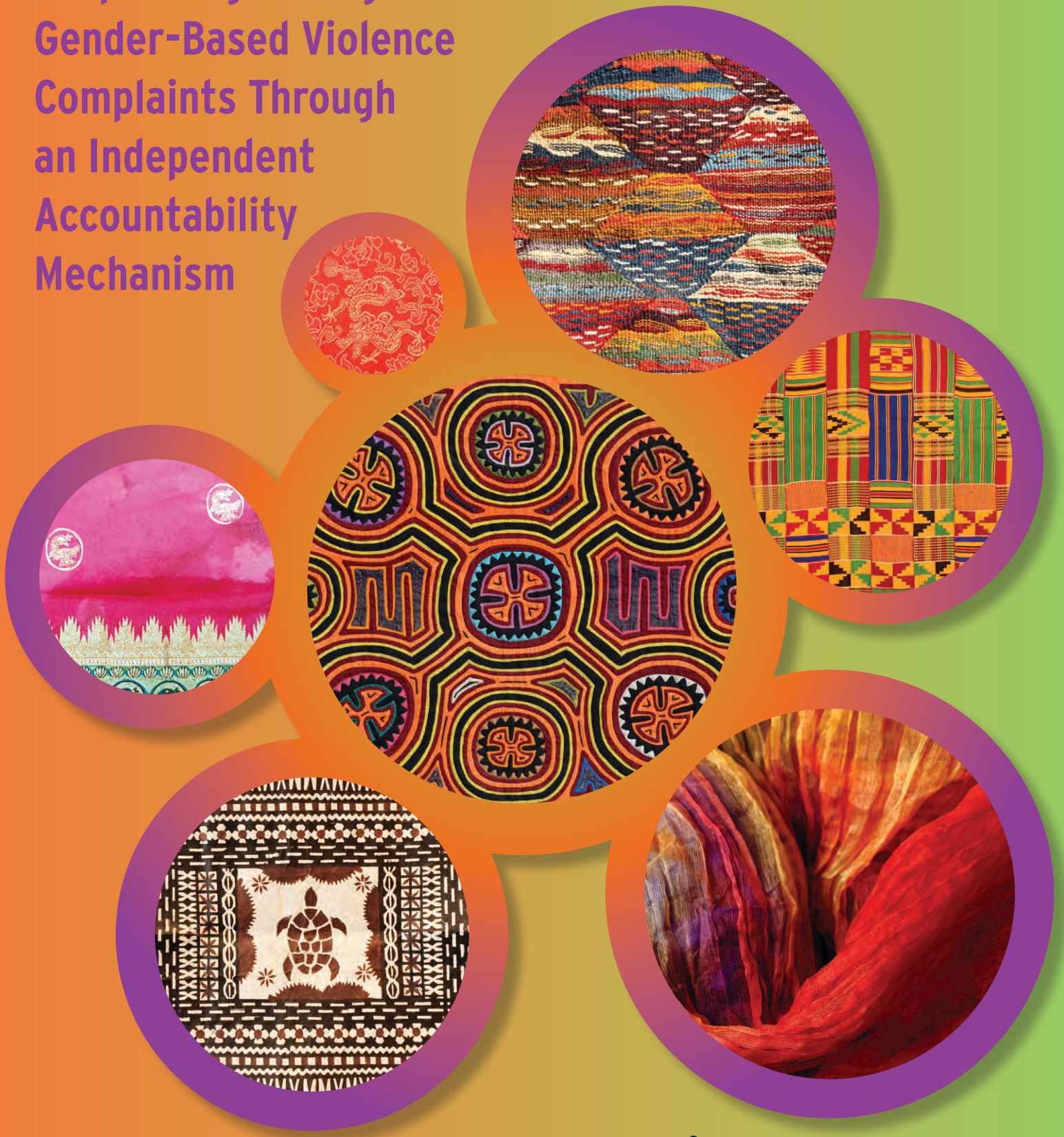
EMERGING LESSONS SERIES NO. 6

Insights of the World Bank Inspection Panel:

Responding to Project Gender-Based Violence Complaints Through an Independent Accountability Mechanism



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No. 5: Insights from the Kalagala biodiversity offset associated with the Bujagali power project in Uganda—May 2020

All reports can be found on the Inspection Panel website: www.inspectionpanel.org/publications

The primary colors of this publication are purple, green and orange. Purple and green represent feminism, and orange is used to symbolize November 25 as the International Day for the Elimination of Violence against Women. The images of fabrics used on the cover and at the start of Chapters 1 through 8 represent the regions of the world. Women dominate the textile industry worldwide, whether as artisans or garment factory workers, and their work is largely underpaid and unappreciated. Textiles are interwoven into women's lives, their traditional oral storytelling, and their livelihoods.

EMERGING LESSONS SERIES NO. 6

Insights of the World Bank Inspection Panel: Responding to Project Gender-Based Violence Complaints Through an Independent Accountability Mechanism

DECEMBER 2020

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This report commemorating
the annual 16 Days of Activism Against

Gender-Based Violence

(November 25–December 10, 2020)

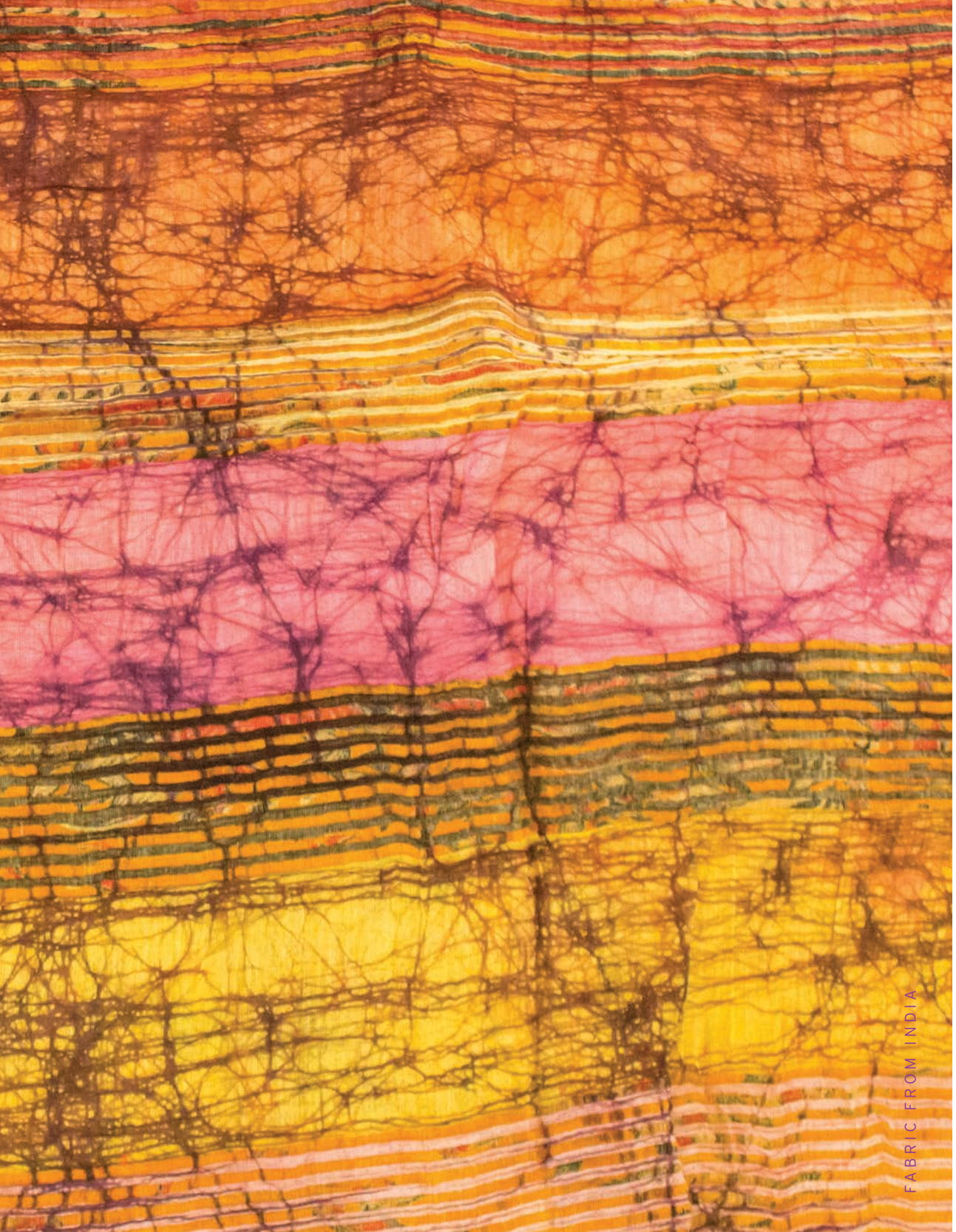
is dedicated to the memory of
U. S. Supreme Court Justice

Ruth Bader Ginsburg,

a tireless advocate for
gender equality under the law.

ABBREVIATIONS AND ACRONYMS

CoC	Code of Conduct
CSO	Civil Society Organization
DRC	Democratic Republic of Congo
ECPR	Emergency Child Protection Response
ESF	Environmental and Social Framework
ESIA	Environmental and Social Impact Assessment
ESS	Environmental and Social Standards
FCV	Fragile, Conflict, and Violence-affected Countries
FGD	Focus Group Discussion
GBV	Gender-Based Violence
GM	Grievance Mechanism
GoU	Government of Uganda
GPN	Good Practice Note
GRM	Grievance Redress Mechanism
IAM	Independent Accountability Mechanism
IFI	International Financial Institution
IPV	Intimate Partner Violence
JFCU	Joy for Children Uganda
MDB	Multilateral Development Bank
MGLSD	Ministry of Gender, Labor, and Social Development
MICI	Independent Consultation and Investigation Mechanism
NGO	Non-Governmental Organization
OHCHR	UN Office of the High Commissioner for Human Rights
PAD	Project Appraisal Document
PRO-ROUTES	Second Additional Financing for the High-Priority Roads Reopening and Maintenance Project
SCOPE	Supporting Children's Opportunities through Protection and Empowerment
SEA/SH	Sexual Exploitation, Abuse, and Sexual Harassment
STD	Sexually Transmitted Disease
TSDP	Transport Sector Development Project
UN	United Nations
UNDP	United Nations Development Programme
UNRA	Uganda National Roads Authority
VAW	Violence Against Women
WHO	World Health Organization


FABRIC FROM INDIA

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CHAPTER 1

BACKGROUND AND CONTEXT

(a) Introduction

FABRIC FROM PERU

The World Bank Inspection Panel ("the Panel") is an independent complaints mechanism for people who believe they have been—or will be—adversely affected by the World Bank (the "Bank") not complying with its operational environmental and social safeguard policies in projects that it funds. The Panel's process seeks redress for affected communities. It investigates the Bank, not its member or borrower[1] countries. Although the Bank has a 2003 operational directive that seeks to narrow gender gaps and a gender strategy that sets targets, assesses progress toward gender equality, and incorporates gender dimensions into its operations,[2] the directive does not explicitly target harm[3] such as gender-based violence (GBV). However, under the *Directive for Addressing Risks and Impact on Vulnerable and Disadvantaged Groups*—pursuant to the 2018 Environmental and Social Framework (ESF)—the Bank now has additional coverage, including a requirement that staff conduct due diligence on the risks to individuals and groups who might be adversely affected or excluded from project benefits due to gender, sexual orientation, or gender identity.

The insights contained herein reflect the past, and provide a history and analysis of Panel investigations conducted before the transformative changes that took place at the Bank after August 4, 2016, when the Panel's Uganda Investigation Report[4] was submitted to the Bank's Board of Executive Directors (the "Board"). This report is the sixth in the Panel's Emerging Lessons Series. It draws on the main lessons of two ground-breaking investigations in which Bank operations faced allegations of inadequate social risk assessment, management, and supervision that contributed to project-related GBV and

harm in two transport projects. The insights provided here explain how these investigations inspired institutional transformation of the Bank's approach to GBV and the importance of Independent Accountability Mechanisms (IAMs)—such as the Panel—for responding to claims of project-related GBV. As with all reports in the series, this publication aims to use the lessons from Panel cases to contribute to institutional learning at the World Bank and in the broader development community, including at other IAMs.[5] Please note that the GBV-related investigations described below assessed project compliance with the environmental and social safeguards governing Bank projects approved before October 2018, when the Bank's ESF took effect.

Prior to 2016, the Panel had investigated only one explicit, gender-specific allegation of harm,[6] and made only one gender-specific finding of non-compliance in the more than 110 complaints it had looked into as of then.[7] This meager statistic perhaps had more to do with the lack of a gender-specific focus and gender expertise in Panel investigations than the absence of such gender-specific harm. Furthermore, to that point no other IAM of an international financial institution (IFI) or multilateral development bank (MDB) had yet to receive or document an allegation of project-related GBV or violence against women (VAW).[8] Therefore, in 2015 the Panel became the first IAM to deal with such a complaint when it received a Request for Inspection ("Request") of the Transport Sector Development Project (TSDP) in Uganda.[9] This complaint was followed by allegations of GBV in the Pro-Routes Project in the Democratic Republic of Congo (DRC) in 2017.[10] These complaints both underwent Panel investigations, which ultimately led to critical institutional learning on gender and GBV by the Panel, the Bank, and the IAM Network.

(b) Why Share These Insights on GBV?

By relating the Panel's experiences, this report may help other IAMs—and similar mechanisms—conduct more effective investigations into IFI compliance with policy by learning from the Panel's successes, mistakes, and employment of good practices. An IAM's response to project-related GBV can render an additional supportive service, providing victims/survivors[11] with a measure of accountability and a venue for redress and/or gender-justice. This is particularly important in countries where legal processes are gender-insensitive, or where there is sex-discrimination in GBV laws, or where victims desire anonymity to avoid reprisals, expulsion from their communities, stigmatization or unfair treatment by justice agencies if they file formal criminal complaints. At the same time as this report recounts the Panel's efforts, it pays tribute to the hitherto unacknowledged courage and compelling voices of survivors by providing some of their direct testimony. The Panel believes this testimony may interest the global gender practice community, the women's movement, and non-governmental organizations (NGOs) working on GBV, sexual orientation, and gender identity issues.[12] In the interest of maintaining confidentiality, all victims' names, locations, and identifying information have been redacted.

In addition, the Panel believes the GBV insights presented in this document will assist development colleagues working in fragile, conflict, and violence-affected (FCV) countries[13] with poor gender equality and high incidences of GBV. More specifically, it will help developers of major infrastructure projects, which tend to import significant numbers of male construction workers and—with them—higher risks of GBV.[14]

(c) Report Structure

The first two chapters below briefly outline the GBV terminology used in the Panel's investigations and reports, and the prevalence, impact, and social and economic costs of GBV globally. Chapter 3 addresses gender issues in Panel cases prior to 2016, the process followed in those cases, and their main findings. Chapter 4 reveals critical lessons from the Uganda experience and how the Panel's approach and methodology evolved in the subsequent DRC investigation. Chapter 5 explores the main factors and non-compliance the Panel found in both projects. Chapter 6 outlines the Bank's transformative institutional and operational changes, highlighting the positive outcomes of the investigations discussed here, and how IAMs may contribute to essential institutional learning and evolution of their parent IFIs. Chapter 7 shows the significant role IAMs can play in providing safe places where victims can seek some form of accountability when IFI project grievance redress mechanisms (GRMs) fail. It further defines the levels of evidence and proof the Panel used to establish project-related GBV, expands on these questions

> "I was raped by a national worker from outside the community who had rented a house next to mine. After the incident the perpetrator left the community unannounced. I am a minor and became pregnant because of this incident. I am concerned about having to care for the baby in addition to taking care of my younger siblings, who are orphans."
>
> *—Under-aged Girl*

and the role of IAMs in strengthening IFIs' approach to GBV in projects they finance. In Chapter 8 the Panel shares the approach it took to investigate GBV in both cases, and documents crucial questions that should be asked during IAM investigations. Finally, Chapter 9 summarizes the main insights from the Panel's experience.

CHAPTER 2

INTRODUCTION TO KEY TERMS AND CONCEPTS

(a) GBV Terminology

GBV takes many forms and inflicts a broad range of harm on its victims, some of whom may experience multiple types of GBV simultaneously (Box 1). The investigations in Uganda and the DRC substantiated many kinds of project-related GBV—including sexual exploitation, abuse, and sexual harassment[15] of women and girls in project areas.

FABRIC FROM BALI

Various institutions have different terms and definitions to describe the forms of GBV. The terminology documented below was used by the Panel for its Investigation Reports in 2016 and 2018. Please note that terms are often used interchangeably throughout this report. As of 2018, the Bank adopted the concept "Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH) to define forms and manifestations of GBV. SEA occurs against a beneficiary or member of the community, whereas SH occurs between personnel/staff and involves any unwelcome sexual advance or unwanted verbal or physical conduct of a sexual nature." However, in this report the Panel uses the terms from the two Investigation Reports, sourced from United Nations (UN) and World Health Organization (WHO) publications.[16]

BOX 1: GBV CONCEPTS USED IN THE PANEL INVESTIGATION REPORTS AND TESTIMONY FROM SURVIVORS

GBV is "an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (gender) differences between females and males."[17] It "is primarily used to underscore the fact that structural, gender-based power differentials around the world place women and girls at risk for multiple forms of violence. This includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty, whether occurring in public or private life."[18]

Sexual Violence is defined as "any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work."[19]

"One day the workers came to my house garden and as I was by myself, I felt scared that something could happen to me. I ran and locked myself in the house. Now I am scared to be home by myself. Workers have offered me money in exchange for sex and have threatened me. I have nightmares because of this. I used to do my tailoring work at home, but now I work in the...because I feel safer there." —*Young Girl*

Sexual Abuse is defined as "the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions."[20]

"I was asked to deliver a towel after dinner to the living quarters of a [foreign] worker, who was my supervisor. When I went to his room, he began undressing me. I pleaded with him to wear a condom and verbally and physically demonstrated my refusal to consent to intercourse without the use of a condom. The foreign worker proceeded to forcibly engage in sexual intercourse without my consent, and I felt I had no choice but to submit, for fear of physical injury and losing my employment. The next day my supervisor told me I was dismissed." —*Female Worker*

Sexual Exploitation is defined as "any actual or attempted abuse of a position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another."[21] Sexual exploitation that occurs when someone consents to sex for survival because they lack other options is known as "survival sex." It may include the exchange of sex for food, clothes, money, shelter, school fees, books, rent, or other basics.

"He promised to help me with the school items I needed. He gave me money regularly to buy books and shoes. I agreed to have sex with him because he threatened to withdraw the support. I knew the consequences, but I had nothing to do." —*Under-aged Schoolgirl*

Sexual Harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.[22] Sexual harassment typically occurs in the context of employment, between personnel and staff.[23]

"They treated us as animals. They forced us to have sexual intercourse with them...touched us on the breast, everywhere. When you refused, they threatened to fire you. When you quit your job and go [sic] back home, people start to laugh at you. They consider you a prostitute in your community. Now, no man wants to take us as wives." —*Female Worker*

Sexual Assault is defined as "sexual activity with another person who does not consent. It is a violation of bodily integrity and sexual autonomy and is broader than narrower conceptions of 'rape,' especially because (a) it may be committed by means other than force or violence, and (b) it does not necessarily entail penetration."[24] "Consent" occurs when an adult makes an informed choice to agree freely and voluntarily to do something.[25] Consent is irrelevant when the victim is a minor.

"I was told that if I did not have sex with the supervisor I would be fired. He would grope me, grabbing my genitalia and breasts often in the kitchen or in [the] pantry. I also saw the supervisor and other foreign workers groping other female workers and making hand gestures that imitate sex and thrusting their pelvises while saying 'Chika-Chika.' I spent the night at the camp and was summoned to the supervisor's room. I was told I must have sex with him. I did not consent. He refused to wear a condom. I was later diagnosed with an STD from the rape at the work camp. I was required to take an HIV test. I worked less than a month and was not paid for my time. I am now ostracized and ridiculed by my community." —*Female Worker*

THE LINK BETWEEN GBV, JUSTICE AND ECONOMIC EMPOWERMENT

> Sexual and gender-based violence is more prevalent in countries facing conflict or war. Access to justice is closely linked to economic empowerment. The more empowered they are, the less likely women are to face SGBV. That's just a fact.[38]
>
> *–Sandie Okoro, Senior Vice President and General Counsel, World Bank Group*

(b) The Prevalence and Impact of GBV

GBV is widespread and has an insidious impact on women around the world. Globally some 35 percent of women have experienced physical and/or sexual violence.[26] Seven percent have reported sexual assaults by someone other than a partner, while intimate partners commit 38 percent of murders of women.[27] In many developing countries, the prevalence of GBV is far higher than the global average:[28] In Bangladesh it is 64.6 percent, and in Fiji it is 68.5 percent.[29] Nevertheless, worldwide only seven percent of women and girls experiencing GBV report the incident to a formal source.[30] The most common reason for this underreporting is survivors' assumption they will "not be believed." Furthermore, they often fear being blamed for causing the violence.[31] Other reasons include embarrassment (25 percent in Bolivia and 41 percent in Cambodia), certainty that reporting will change nothing (47 percent in Cameroon and 30 percent in Mali), and the resigned belief that violence is a normal part of women's lives.[32]

The detrimental effects of GBV on women, children, and families are far-reaching. The violence directly damages the health of survivors, posing risks of injury, chronic pain, unwanted pregnancies, gynecological problems, and sexually transmitted diseases and infections.[33] The social stigma and ostracization of GBV victims can also adversely affect mental health, inducing depression and psychological trauma.[34]

WHO has shown that GBV prevalence directly correlates with higher rates of HIV and sexually transmitted infections (STIs), substance abuse, depression, and suicide.[35] Furthermore, victims' families can be stigmatized by their communities. For children, exposure to intimate partner violence (IPV) can increase the likelihood of girls experiencing GBV as women and boys becoming perpetrators as men, fueling a cycle of violence.[36] Children with mothers exposed to violence are at greater risk of neglected vaccinations, low birth weight and development, and future abuse in their own lives.[37]

(c) The Costs of GBV to Women, Economies, and Bank Investments

GBV can also have significant socioeconomic and intergenerational effects, thereby impeding development goals.[39] Its victims become less productive, earn less income, and pay high costs for health services to address physical and emotional harm.[40] Girls exposed to the threat of GBV are more likely to drop out of school, while sexual harassment in the workplace can deter women from employment.[41] These consequences became evident in the DRC case discussed below, when some sexually harassed women lost jobs after refusing advances from their supervisors, while others left in fear of retaliation.

GBV imposes a well-documented, high economic cost globally. Australia spent about AUD22 billion (USD15.7 billion) in 2015–16 on women and children who suffered violence,[42] challenging the notion that GBV is solely a problem of poor or low-income countries.[43] The infographic on page 11 (Figure 1) shows the prevalence of GBV and its costs in different regions. More broadly, in 2016 the UN estimated the worldwide cost of VAW at USD1.5 trillion, equivalent to approximately two percent of the global Gross Domestic Product (GDP), and about the size of the entire Canadian economy.[44] The World Bank has pointed out that VAW can cost some countries up to 3.7 percent of their GDP—more than twice what most governments spend on education.[45]

Besides restricting development, GBV may also have considerable economic impact on borrowers and on the success of IFI investments. When risk assessments and responsive project design inadequately consider GBV prevalence and project risks, the IFI or the borrower may incur significant remedial costs or additional financing to address what was predictable, project-related harm. As became clear after both Panel investigations, it is more expensive to inspect and redress such harm—and then retrofit projects—than to anticipate possible GBV in the project design stage.

Sexual harassment presents serious barriers to women's economic empowerment and increased female labor force participation, not only in borrower economies but also in project-related work. Because sexual harassment can significantly compromise the safe employment of women and their tenures on the payroll,[46] its presence—or its potential for being present—in IFI projects can impede the promotion of gender equality.

BOX 2: THE ECONOMIC COST OF SEXUAL HARASSMENT AT A WORKERS' CAMP

The Panel substantiated several cases of sexual harassment, exploitation, and abuse of female workers employed by the contractor in a labor camp. The women interviewed described harassment that included incessant sexual comments, groping, and gestures. The contractor failed to implement an appropriate Code of Conduct (CoC), and the power dynamics between the male and female workers harmed the latter. They faced dismissal threats if they resisted this gender-discriminatory environment, and many of them experienced psychosocial trauma, STIs, and stigmatization as a result of their employment. Sexual harassment, therefore, has significant opportunity costs for women workers, who forgo income when they avoid sexual harassment, and imposes direct economic costs on them, their countries, and the Bank.

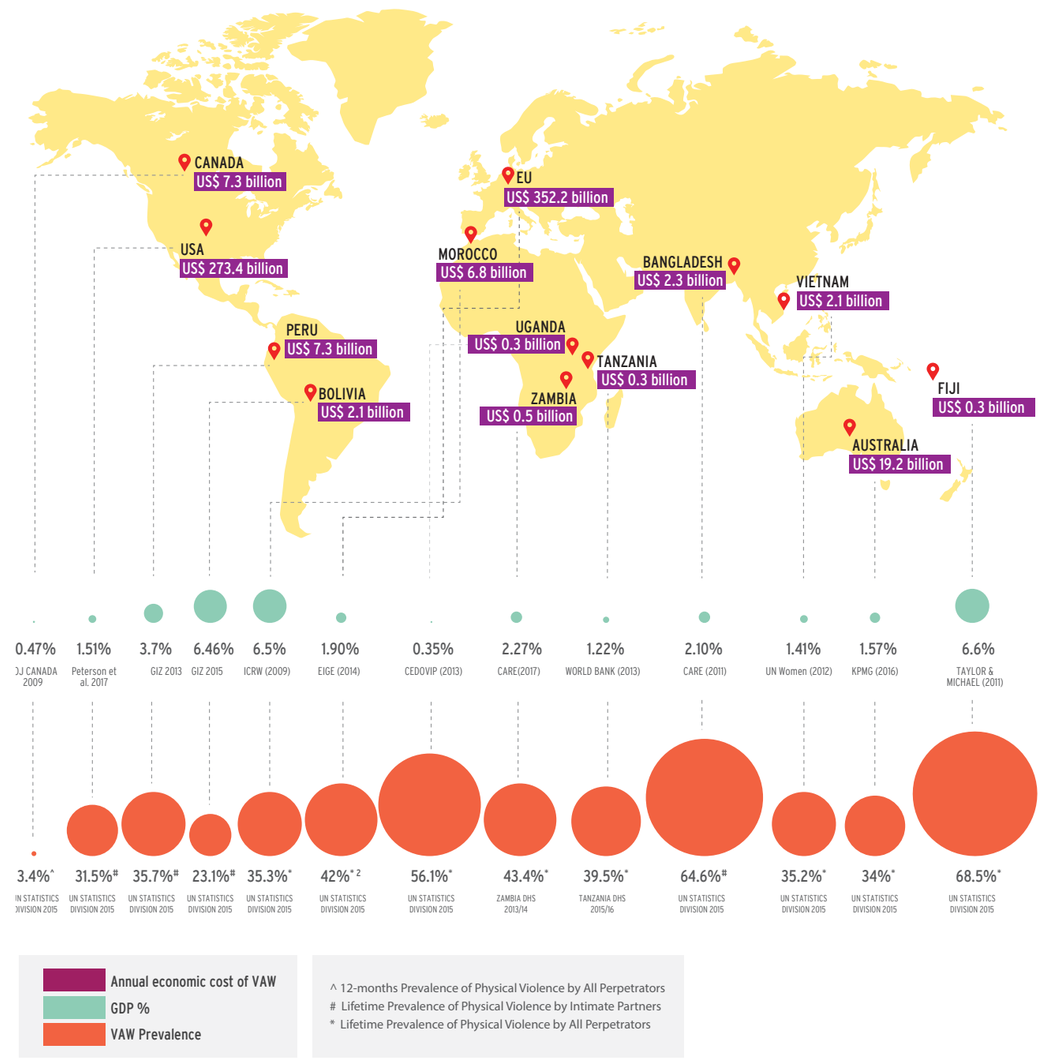
> "One day I was in the kitchen cutting onions. One foreign man came and started touching me. [Ano]ther five foreign men were there and started laughing. When I complained, the supervisor told me that if I was unhappy, I could leave."
>
> *—Female Worker*

> "Whenever they demanded sex, I would refuse. One even tried to get me in the house, and I refused. I told [a coworker] and he told me this was the culture here. If I didn't want to have sex, I could get a job somewhere else. They also deducted from my pay because I refused to have sex. They would keep doing this until it was only 80,000 of local currency. Girls who had sex got all their pay. There were girls working there too, under 18. They also had to have sex. All the men do this."
>
> *—Female Worker*

FIGURE 1

HOW MUCH DOES VIOLENCE AGAINST WOMEN COST THE GLOBAL ECONOMY?

This graphic shows the range of estimates on how much violence against women (VAW) costs the national economy. We show figures in US$ billions from 13 studies ranging from 2009 - 2017, from both the global south and global north, both in terms of the % of gross domestic product (GDP) that violence against women costs the country, and in terms of the prevalence of violence against women.



[1] While the studies used in this graphic all deal with the economic cost of violence against women, the focus of each study was not necessarily the same. The range of focus areas included the following: costs of gender based violence; costs of domestic violence to individuals, non-state actors, and state actors; cost of lost earnings due to partner violence; costs for businesses due to a reduction in labour productivity as a result of violence against women; and costs of intimate partner violence to households and communities.

[2] The VAW prevalence figure for the EU is the figure for the UK, as the EU costing study (EIGE 2014) extrapolated a costing to the whole of the EU from UK figures, from a UK-specific study.

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CHAPTER 3

GENDER ISSUES IN PANEL CASES PRIOR TO THE UGANDA INVESTIGATION

Over its 27-year history, the Panel conducted its investigations with attention to gender-neutrality, which may have paradoxically impeded its ability to discern gender-specific harm[47] such as GBV. Gender-specific harm refers to harm that, although not limited to women in any biological sense, are risks they are more likely to face than men. These include rape, sexual harassment, sexual exploitation, spousal abuse, and domestic violence. Until 2016, when the Panel issued the Uganda Investigation Report, only its Vishnugad Pipalkoti Hydro Electric Project case in India had findings of gender-specific harm resulting from non-compliance with Bank policy.[48]

The Panel reviewed its past cases self-critically to assess its performance as an accountability institution, and as part of an IFI committed to promoting gender equality. Since the Panel's mandate allows a broad analysis of harm, it believes involving gender specialists in past investigations would likely have revealed additional gender-specific harm in complaints primarily related to environmental damage, involuntary resettlement, livelihood restoration, consultation, and participation of indigenous peoples.

Until the Uganda and DRC cases, the Panel and Bank Management have had little explicit experience investigating gender-specific harm (see Figure 2). Furthermore, rather than alleging gender-specific harm, past Requests for Inspection have raised issues only tangentially related to gender and mostly within the context of other Bank policies. The India case mentioned above stressed the importance of continuous monitoring of gender-differentiated project effects and the need to remedy any adverse impact through regular supervision missions that should include gender expertise.

FIGURE 2: INSPECTION PANEL CASES AND RECOGNITION OF INSTANCES OF GENDER-SPECIFIC HARM, EXCLUDING THE UGANDA AND DRC INVESTIGATIONS

2001 Panel Case	2012 Panel Case	2013 Panel Case	2018 Panel Case
Chad-Cameroon Petroleum and Pipeline Project	Vishnugad Pipalkoti Hydro Electric Project	Nepal: Enhanced Vocational Education and Training Project	Mongolia: Mining Infrastructure Investment Support Project
Complaint—The Panel received a Request for Inspection from Chad that alleged that the construction of a pipeline constituted a threat to livelihoods, the local environment and cultural property. **Notes** The investigation noted the project would increase social risks related to the influx of people from outside of the area and the transmission of HIV and sexually transmitted diseases but did not analyze how these vulnerabilities intersected with gender inequality, given the marginalization of women and girls in the project areas. Furthermore, the Panel advised Bank Management to collect regional community health data but did not specify GBV risks nor the need for sex-disaggregated data for assessment.	**Complaint**—The Panel received a Request for Inspection from India that claimed socioeconomic harm and gender-specific impact related to livelihoods and security. **Findings** The Panel noted the importance of monitoring, supervision and public consultation and information to ensure that Bank policy requirements for livelihood restoration were being met and that women were not disproportionately affected by any possible changes to their community forest land during project implementation. The Panel also found that insufficient attention had been given to the issue of women's security as fenced labor camps alone could not be viewed as an adequate mitigation measure.	**Complaint**—The Panel received a Request for Inspection alleging that LGBTQI++ people were being excluded from project benefits. According to the Requesters, the project discriminated against the LGBTQI++ community as it only considered men and women for the training offered under the project, excluding those who prefer to be classified as "other" when a gender option is to be selected. **Notes** The Panel did not register the case as the matter was resolved quickly by Management, the borrower and the complainants, with the result being that "any person" could benefit from the project.	**Complaint**—The Panel received a Request for Inspection that alleged a potential increased risk of GBV and human trafficking due to a labor influx of 3,000 to 5,000 foreign workers brought to work on the Baganuur mine expansion. **Notes** The Requesters stated that without a proper canvassing of social risks in the technical assistance project's analysis and design, there would be an adverse gender impact on women. The project had not started; it was a technical assistance pre-project. The Panel did not register the Request since it concerned an issue on which the Panel had made a recommendation in 2017.

The two GBV cases the Panel investigated produced many valuable lessons—such as the need to identify hidden gender issues, to probe deeper for gender-specific harm, and to use trained investigative GBV specialists for such investigations. These insights coincided with institutional changes at the Bank, which had become more gender responsive over the last decade, and the appointment of Panel Members and secretariat staff who were more gender aware.

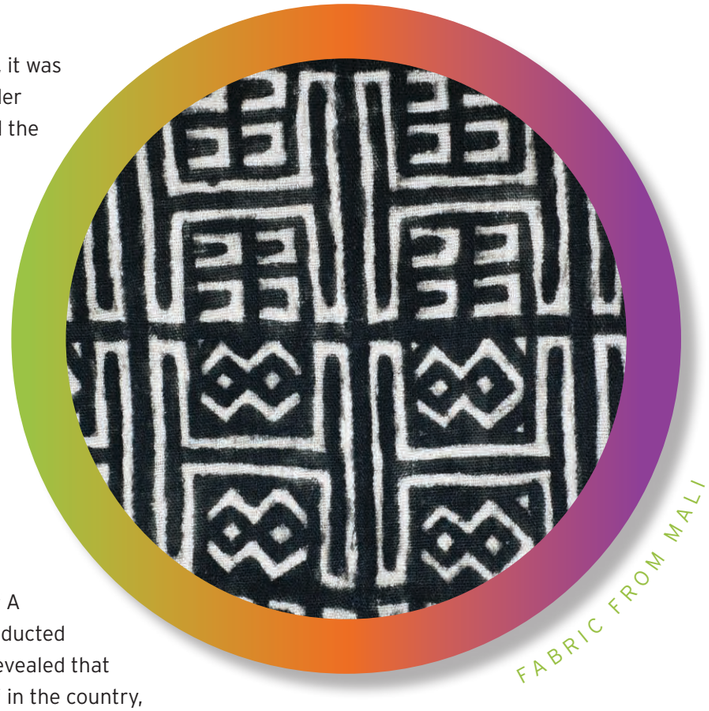
BOX 3: CHAD-CAMEROON PETROLEUM AND PIPELINE PROJECT—LACK OF GENDER SCRUTINY IN INVESTIGATIONS

The Chad-Cameroon Petroleum and Pipeline Project exemplifies past inattention to gender-related issues in Panel investigations. In 2001, the Panel received a Request for Inspection from a Chadian Member of Parliament on behalf of communities claiming the pipeline construction threatened their livelihoods, local environment, and cultural property.[49] In its 2002 Investigation Report, the Panel found the Bank to be in non-compliance with appropriate environmental, economic, and poverty reduction assessments and risk analyses.[50] However, the Panel made no findings about the project's potential to cause gender-differentiated harm. While the investigation noted that the project would increase social risks related to the influx of people from outside of the area and the transmission of HIV and sexually transmitted diseases (STDs), it did not examine how these vulnerabilities intersected with gender inequality, notwithstanding the marginalization of women and girls in the project areas.[51] Furthermore, the Panel encouraged Bank Management to collect regional community health data but did not suggest assessing either GBV risks or sex-disaggregated data.[52] Despite acknowledging the consequences of population influx and HIV/STD transmission, the Panel did not investigate gender-specific health, livelihood, or security risks, thereby losing an important opportunity to explore issues related to gender and GBV.

CHAPTER 4

THE INSPECTION PANEL'S INVESTIGATIONS IN UGANDA (2016) AND THE DRC (2018)

(a) Background



During these two investigations, it was essential that the Panel consider GBV prevalence in Uganda and the DRC and the gender equality factors affecting GBV. When the Panel first registered the complaints about the Uganda Transport Sector Development Project, Management acknowledged that its initial response was found wanting, writing that "the measures taken by the Bank and the Government of Uganda (GoU) to address the identified risks of sexual misconduct were insufficient and that actions taken in response were inadequate and too slow given the gravity of the allegations and emerging evidence."[53] A proper, gendered risk assessment conducted during the design stage would have revealed that the extremely high prevalence of GBV in the country, combined with poor gender equality and a large influx of male workers in the project area, could create a high GBV risk in the project. In Uganda, GBV remains pervasive, with 56.1 percent of women reporting violence against them.[54] According to the Uganda Demographic and Health Survey, two-thirds of women who have experienced physical violence since the age of 15 say it was IPV.[55] The same survey states that almost one in four women aged 15–49 said their first sexual intercourse was forced on them.[56] Uganda also has a high incidence of child marriage, with 40 percent of girls marrying before the age of 18. Reports of defilement[57] and domestic violence are on the rise and were among the top 10 crimes registered by police in 2013.[58]

The Gender Inequality Index ranks the DRC 153 out of 159 countries in terms of gender equality. It routinely appears on the list of the 10 most dangerous countries for women, primarily due to its widespread and systemic sexual violence. Harmful social attitudes toward women, impunity for perpetrators, and weak governance contribute to rampant GBV.[59]

As the Panel learned, it is essential for accountability mechanisms—as well as project grievance mechanisms (GMs) or GRMs[60]—to assess such dangerous precursors when receiving complaints and seeking solutions. The very presence of these factors suggest victims are telling the truth about project-related GBV. Thus, the starting point for addressing the harm is believing the reports of it. Given the highly idiosyncratic milieu of GBV, if a GBV investigation commences with initial suspicion of a victim's story, the truth is unlikely to be unearthed.

This was a problem in Uganda, where the complaints were initially disregarded or doubted. The Panel found that "Management's actions since receiving the Request (the initial complaint arrived in December 2014) points to late recognition of the issues and delayed—and often inappropriate—responses due to a lack of requisite expertise and inadequate understanding of community dynamics,"[61] and that this "led to ineffective action by key players within the Bank, lack of attention from Senior Management, and the resulting late response to a serious issue which required prompt action."[62] Unfortunately, additional harm—including GBV—occurred after receipt of the first Request and even after registration of the second complaint in September 2015.[63] The Panel found Management's supervision, including its response to the December 2014 Request, to be in non-compliance with Bank Policy on Investment Project Financing, OP/BP 10.00.[64]

This non-compliance may have been due to a lack of expertise. Management at first considered the claims "criminal issues to be dealt with by the courts in Uganda."[65] However, after gender experts visited the field five months later, Management found three credible cases with the help of Joy For Children Uganda (JFCU)[66] and took positive action to address the complaints.

Similarly, Management's response to the allegations in the DRC case initially held that it could not substantiate any GBV claims or find links to the project,[67] and that such human rights violations were common in the region. Despite this, by the time the Panel team arrived in the DRC for its investigation visit, Management had taken the situation seriously, hired gender specialists, and was hiring local NGOs to provide support to the survivors.[68] Management's early doubts did not prevent it from developing an appropriate GM and Management Action Plan after the Panel's investigation—as is required—to provide remedial measures in response to findings of project-related harm. In March 2020, nearly two years after the Panel's DRC Investigation Report was submitted, Management said further incidences of GBV had been recorded: "Over the past 12 months, 33 additional allegations of rape or sexual assault have been received through the specialized GBV NGOs contracted by the project, bringing the total number of alleged GBV incidents to 67. Of these 67 alleged incidents, 65 have been reviewed by the specially established review mechanism and closed to date, of which 18 incidents were found to be likely linked to the project." [69] How the Bank transformed as an institution, changing its operations and procedures in response to the investigations, is covered in Chapter 6.

(b) The Investigation—Uganda: Transport Sector Development Project

In 2014, the Panel received a Request for Inspection from members of the Bigodi and Nyabubale-Nkingo communities living along the project-affected road in western Uganda. They alleged several project-related issues, including lack of community

participation, poor resettlement practices, rising criminality in the community, sexual violence against children by road workers, increased child labor, and school dropouts.[70] The Panel did not initially register the Request, since its process requires that it give Management time to address the Requesters' concerns.[71] However, in September 2015 the Requesters filed a new complaint reiterating their previous claim, and alleging additional, sexual misconduct, exploitation, abuse, and other forms of GBV.

The Panel's GBV Conclusions. The Panel investigation verified project-related harm to women and children, including cases of child sexual abuse, sexual exploitation, and teenage pregnancies caused by road workers. It also found sexual harassment by road workers of female employees within the workers' camp[72] and of women and girls in the community to be a pervasive problem.[73] Such harm was due mostly to inadequate project assessment, anticipation, and mitigation of the adverse effects of the influx of large numbers of workers from outside the community.

The Panel interviewed girls who reported constant harassment when on their way to school, and while they were working at restaurants or informal businesses that catered to these workers.[74] Some young girls were lured by the workers' offers of money and small gifts—including food, clothing, and cash for school fees, books, and beauty products—which the Panel found to be sexual exploitation.[75] Young boys also reported sexual harassment, physical assaults, and threats by workers as they walked by the construction site.[76] Victims and their families faced many obstacles to holding these perpetrators accountable. Families told the Panel they avoided the police due to the stigma associated with reporting rape, the bureaucratic hurdles, the costs, and their general distrust of the judicial system.[77]

The investigation found that project documents neither assessed risks nor adequately considered human health and safety, and that the project lacked appropriate mitigation measures to address social impact related to GBV and child protection.[78] The Panel also noted the absence of

a GRM/GM that could enable community members to voice concerns about the project, which increased their isolation, vulnerability, and exposure to harm.[79] Therefore, Management was found to be in non-compliance with several Bank policies.[80]

Remedial Actions. In response, the Bank suspended disbursements of funds to the project in October 2015 and canceled it altogether in December 2015.[81] Notwithstanding these steps, the Government of Uganda, the Uganda National Roads Authority (UNRA), and the Bank continued to address and supervise the outstanding issues and to support several remedial actions,[82] including assisting victims of abuse and strengthening child protection in project communities.[83] In December 2015, a Bank-supported program—the "Emergency Child Protection Response" (ECPR)—was created to provide victims of abuse with support tailored to their needs and circumstances. The program offered sexually abused girls psychosocial counseling, help with school reintegration, additional training, assistance with pre- and post-natal care, and a monthly stipend to help meet basic needs.[84] The Bank and GoU continued enhancing child protection with the Supporting Children's Opportunities through Protection and Empowerment (SCOPE) project.[85] The Bank urged that all allegations of sexual misconduct be investigated and prosecuted[86] and Management noted recent improvements in GoU's efforts to identify and hold perpetrators legally accountable.[87] UNRA has also been instrumental in creating partnerships between government and NGOs, playing a critical role by increasing community support and mobilization in defense of women's legal and civil rights and access to justice, strengthening networks of legal rights services, and escalating community action to bring perpetrators to justice.[88] (See video opposite on the Panel's Uganda investigation.)

As a result of the complaint, the Bank also commissioned an internal report on the lessons from the project and the investigation, and established a task force to develop recommendations to prevent and mitigate the impact of SEA/SH in Bank-financed development projects.[89] Following the investigation, the GoU committed to addressing GBV by sponsoring a national campaign to reduce violence against women and girls, and by establishing a National Policy and Action Plan on the Elimination of Gender-Based Violence.[90]

(c) The Investigation—Democratic Republic of Congo: Second Additional Financing for the High Priority Roads Reopening and Maintenance (Pro-Routes) Project

In August 2017, about a year after the Uganda Investigation Report was completed, the Panel received a Request for Inspection regarding a road works project in the DRC.[91] Complainants living near Goma alleged the construction of the Bukavu-Goma Road had caused several types of harm, including GBV, impact on livelihoods and resettlement, labor issues, and retaliation from local authorities.[92]

The Panel's GBV Conclusions. The Panel's investigation substantiated many project-related GBV allegations. Female workers in the contractor's permanent camp in Sake experienced sexual harassment, exploitation, abuse, and rape by the project's male workers.[93] Female employees endured constant harassment, including unwanted sexual comments, sexually overt gestures, and groping. They also reported being sexually exploited, made to expose intimate body parts, and forced to spend nights at the camp, with threats of dismissal from work if they refused. This created a hostile and coercive work environment marked by extended work hours, withholding of salaries, and dismissal without cause. Unlike their male colleagues, female workers were required to take HIV tests to remain employed. This fact was later used to corroborate the allegations of GBV. As a result of the constant presence of GBV or the threat of it, female workers suffered psychosocial trauma, STIs, and social stigma that led some to move from the area. Additionally, there was weak community engagement by the project due to the presence of security forces in the contractor's camp and the absence of an operational project GRM. This left no avenue for communities or workers to complain about such harm. After the Request was received, Management established local GRM committees along the road. These could register grievances but were unable to handle sensitive GBV complaints because they could not guarantee confidentiality for complainants and were not staffed with GBV experts.

The Panel also found that girls and women in the communities surrounding the Bukavu-Goma Road had experienced GBV.[94] Due to the influx of national and foreign male workers, many victims entered coercive relationships with workers and the militarized security personnel engaged by the contractor. In an environment marked by low gender equality, high poverty, and the vulnerability of women and girls in the area, victims often felt financially pressured into "survival sex" (see Box 2). The investigation also uncovered instances of GBV—some involving minors—which in some cases lead to STIs and pregnancies. The presence of security personnel heightened the risk of GBV by armed guards, increasing the anxiety felt by women and girls. The victims were often abandoned by the workers and security personnel, left to face stigmatization, ostracization, and burdensome medical costs related to the violence.

> "I used to go to school but stopped to start selling prepared food to the foreigners. The men would run a tab and promised to pay their bill later. When I heard that they were leaving, I went to ask for the money I was owed. I spoke to a...worker. He asked me to come inside the house. One foreign worker was inside. He said, 'If you sleep with me, I will pay you.' After we had intercourse, I was paid 20,000 francs for the debt and was given an additional 3,000 francs."
>
> *—15-year-old Girl*

Remedial Actions. The investigation found Management to be in non-compliance with Bank policies for not properly assessing and mitigating GBV risks, which led to serious community harm.[95] Due to the complaint, the Bank suspended disbursements against all civil works components under the project, enlisted GBV and HIV/AIDS experts to support contractor sensitization training and investigations, updated the project's safeguard documents, and established

a CoC for workers that addressed GBV risk. Management then arranged for six local NGOs to receive GBV complaints and referred all complainants to medical, psychosocial, and legal services.[96] The project followed a survivor-centered approach[97] that facilitated reporting of cases by creating a new GBV-specific GRM—managed by an expert—that provided full confidentiality to victims, and by taking disciplinary action against perpetrators linked to the project. In recognition of the contextual factors that contributed to GBV, Management reviewed its portfolio at large to mitigate GBV risks[98] and supported broader GBV services and prevention activities in the general area to ensure that the project created institutional learning about better protecting women and girls.[99] As a result of the remedial actions taken by the Bank, the contractor, and the Congolese authorities, full funding for the project was reinstated in December 2018.[100] Since then, there has been close Management supervision of worker training, disciplinary action under the CoC, and complaints to the GRMs.[101] To ensure that GBV victims are properly supported, they continue to receive necessary services from two stand-alone GBV projects, whether or not their case is linked to the project. Through the Project Implementation Unit (PIU) and United Nations Population Fund, the Bank monitored legal proceedings—51 of the 67 survivors of alleged rape or sexual assault accepted and received legal counseling. Of these, only seven filed a complaint in the legal system.[102]

(d) The Panel's Evolving Approach to GBV Investigations

In Uganda, the community believed the girls' complaints, but did not know how to raise the issues with the Bank or the local authorities until a credible, local NGO—JFCU—assisted them. This well-organized NGO provided considerable support to the girls, the community, and the Panel before and during the investigation. This was especially helpful so early in the Panel's own exploration of the subject. Such community support and NGO assistance was not readily available to the DRC investigation. There the Panel improved its approach to the claims by hiring GBV investigative specialists.

The Panel adopted different forms of expertise for the two investigations. In the Uganda investigation, the Panel used a GBV public health expert and a lawyer experienced in gender-based violence research and programming, rather than a specialized GBV investigator. Investigating in the eastern part of DRC—an FCV country with security forces hired by the contractor in the project area—was significantly more challenging. The Panel therefore retained both a gender expert and a GBV investigative specialist who took a survivor-centered approach and applied best practices outlined in the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict.[103] The main consultant on the Panel team in the DRC was skilled in conducting SEA investigations in FCV situations, such as in Syria. The Panel also tapped local resources—gender experts and NGOs—to learn the local context. The DRC investigation looked for stronger and more corroborative evidence partly because Management initially said "it could not substantiate any GBV claim," that "allegations have remained general," and that since GBV and other human rights abuses are common in eastern DRC "it has been difficult to ascertain any link to the project."[104] In light of this response, the evidence collected had to be solid enough to withstand expected scrutiny.

Unlike in Uganda, where most of the girls asked that interviews take place in private settings near their communities, some DRC victims refused to talk in their communities for fear of retaliation or stigmatization. Therefore, at their request the Panel arranged travel to meet with them in Goma, some two hours away by road, where they felt safer. The Panel team's corroboration of evidence in the DRC was also considerably more extensive.[105] However, the Panel could not substantiate some charges, such as the claims of rape by road workers at an abandoned school. Chapter 7 discusses the methodology and level of proof adopted by the Panel investigations.

The subsequent Panel investigation in the DRC was more cautious and methodical, and relied on appropriate investigative expertise to ensure that the survivor-centered methodology was applied. Other reasons for the more rigorous investigation in the DRC included the following:

i. Management in this case had rejected the allegations of project-related GBV harm, said such abuses were common in the country, and questioned the link to the project,[106]
ii. the DRC's FCV context was exacerbated by the presence of military forces and the related fear of retaliation,
iii. there was "humanitarian dependency" in the region, and some community members expected monetary compensation for their involvement in the investigation,
iv. the affected community was more dispersed across a large geographical area, and lacked cohesion, strong leadership, and community structure,
v. community members were divided about the victims' credibility and the project's impact, leading to instances of hostility toward certain victims,
vi. no credible, established, local NGO or community group had worked with the victims from the beginning as was the case in Uganda and, significantly,
vii. the Panel had learned useful lessons about how to conduct GBV investigations from its Uganda investigation and had improved its approach (e.g., by hiring GBV specialists with explicit experience investigating sexual violence—who carefully followed protocols for interviewing victims in FCV situations—and by collecting more corroborating evidence).

CHAPTER 5

LESSONS FROM PANEL FINDINGS ON POLICY APPLICATIONS RELATED TO GBV

(a) Introduction

As mentioned above, the Uganda and DRC investigations assessed compliance with the Bank environmental and social safeguards in place prior to implementation of the 2018 Environmental and Social Framework and before the transformative changes that were inspired by those very investigations. Therefore, the history described below does not reflect the Bank's current approach, which has since applied lessons learned, made comprehensive operational changes, and implemented institutional measures to reduce the risk of project-related GBV. The following chapter details some of those institutional measures. However, an analysis of the contexts, factors and non-compliance found by the Panel is critical for IAMs to understand potential indicators of GBV the Panel looked for during investigations. The Panel learned—from the investigation reports and notes, interviews, and dialogue with Bank staff, survivors, and others—that the convergence of certain risk factors is a warning to prepare for likely project-related GBV.

THE WORLD BANK PRESIDENT'S RESPONSE TO THE UGANDA COMPLAINT

"The multiple failures we've seen in this project—on the part of the Bank, the government of Uganda and a government contractor —are unacceptable....
It is our obligation to properly supervise all investment projects to ensure that the poor and vulnerable are protected in our work. In this case, we did not. I am committed to making sure we do everything in our power—working with other stakeholders—first to fully review the circumstances of this project and then to quickly learn from our and others' failures so they do not happen again."

—Jim Yong Kim, World Bank President, December 21, 2015[107]

In most developing or borrower countries—where all Bank-financed development occurs—evidence suggests that the greater the gender inequality, the higher the risk of violence perpetrated by men against women.[108] Therefore, an early signal of possible project-related GBV—especially in infrastructure projects—is the cautionary combination of high gender inequality, high prevalence of GBV, and an influx of male workers.

The two investigations show how the projects' social risk assessments missed critical determinants of gender-specific harm. Indeed, the Panel's reports identified seven factors that increased the possibility of GBV in project areas, and that should be considered when conducting investigations. These are:

i. insufficient gender and GBV analysis during project design,
ii. inadequate engagement with local experts—e.g., NGOs,
iii. poor or missing analysis of labor influx risks,
iv. GRM/GMs inadequate and/or ineffective to deal with GBV complaints,
v. lack of consideration of the legal contexts and impunity,
vi. poor acknowledgment and analysis of the FCV environment, and
vii. failure to consider the role of security forces in the FCV context.

This report does not focus on the typical non-compliance found in investigations of projects—including lack of supervision, human and financial resources, or issues with capacity, all of which were present in both cases. Rather, it examines the gender-specific factors that were overlooked when assessing the explicit possibility of project-related GBV.[109]

The submission of the Uganda Investigation Report to the World Bank Board on August 4, 2016, led directly to the creation of the World Bank Global Gender-Based Violence (GGBV) Task Force, a seminal moment in the Bank's history. On October 13, 2016, Bank President Jim Yong Kim launched the GGBV Task Force to strengthen the institution's response to sexual exploitation and abuse issues.

(b) Analysis of Gender and GBV in the Project Area, GBV Expertise, and GBV Action Plans

The Panel found that considering the gender and social contexts during the design of both projects could have mitigated—and possibly avoided—project-related GBV. In the Uganda Investigation Report, for example, the Panel observed that the 2011 environmental and social impact assessment and appraisal documents "lacked required analysis of risks to women and children caused by labor influx, in particular those risks related to sex with minors, teenage pregnancies, sexual harassment, child labor, and school dropouts. As stated in the Panel's Findings 9–12, Management's approach failed to meet the standards of systematic or holistic assessment of risks, which aim, among other objectives, to identify adequate risk management measures for affected communities."[110] A proper assessment would have revealed how high gender inequality and high rates of GBV in the project areas could combine with a large, male, labor influx to elevate the risk of project-related GBV. This oversight was aggravated by failing to develop and supervise adequate mitigation measures.[111] Had such analyses, diagnostics, and social risk assessments been conducted, they might have prompted inclusion of pro-active GBV action plans or measures as part of project design and implementation to mitigate the risk of GBV.[112] As it was, the project lacked the capacity to respond to the complexity of GBV and child protection issues. For example, the Panel's Finding 12 states that "the composition of these supervision teams lacked the requisite expertise to address issues related to gender-based violence and child protection. Effective supervision (including an adequate understanding of the community) could have resulted in earlier detection of some problems caused by the project."

In the Uganda case, Management waited five months after responding to the initial complaint before engaging gender specialists. Only then, with this expertise, could Management find credible evidence of GBV and defilement.[113] The project's Environmental and Social Impact Assessment (ESIA) had typically focused on HIV/AIDS prevention, but ignored the multidimensional problem of GBV and child protection in civil works. Management's response to the complaint acknowledged this, stating "[g]iven the endemic problem of child marriages and teenage pregnancies in Uganda, the Bank should have

been especially vigilant in assessing the extent to which the project might aggravate the problem and ensured that robust mitigation measures were in place, along with appropriate staffing."[114]

In the DRC, the Panel's analysis of the project appraisal document (PAD),[115] which includes a summary of the assessment of social issues that might affect the project, found that its examination of gender dimensions addressed only legal and regulatory issues affecting women and how these might affect the investment climate. The PAD also said steps would be taken to promote access for women to road works but failed to mention GBV—a critical oversight. The ESIA contained some limited information about the situation of women and girls in the project area but did not analyze how a large infrastructure project could exacerbate the GBV endemic in the Kivu regions. While it recognized some risks to women and girls associated with the project, and envisioned some mitigation measures, these were insufficiently robust considering the well-known vulnerability of females due to local violence. The Panel thus found Management in non-compliance with several policies "for not properly assessing the gender-based violence risks considering the endemic GBV rates and the high vulnerability of women and girls in the project area, and for the lack of appropriate mitigation measures to address the high risks of GBV that led to serious harm to women and girls in the community."[116]

These examples of policy non-compliance[117] led the Bank to develop its Good Practice Note (GPN) on GBV in 2018[118] to help staff identify and manage the risks of SEA/SH that might arise in future major civil works contracts,[119] preceded by the *Directive for Addressing Risks and Impacts on Vulnerable and Disadvantaged Groups.*[120]

(c) Engagement of and Collaboration with Sector Expert NGOs and CSOs

The projects in both Uganda and the DRC had minimal engagement with local expert NGOs in project design and implementation. The Panel used such NGOs to advance its investigations, provide critical local knowledge, and assist survivors. This was not done by Management until *after* the complaints were received. Earlier inclusion of local NGOs and groups dedicated to women's rights—in the consultation process or even during implementation—could have amplified victims' voices and advertised the services and facilities available to them. Consultations with women's NGOs during preparation of the environmental and social assessments and throughout project implementation could have helped Management understand and address the project risks to women and girls. It could also have warned the community about project risks and increased their ability to withstand them. Local partners' involvement is especially crucial in FCV regions, where the rule of law and social support services have often deteriorated. In some cases, NGOs and civil society organizations (CSOs) can strengthen project appraisal and planning, then later serve as third-party monitors either to receive complaints or ensure that mitigation is carried out as intended.

Local expert NGOs could have helped monitor the possibility of project-related GBV in both cases. This was not done until *after* the complaint was made in Uganda, when the Bank hired expert NGOs to help implement remedial measures. During its investigation, the Panel worked closely with a local NGO—JFCU—which was also the Requesters' official representative in the complaint. JFCU had already mapped the victims, helping the Panel considerably. Management also utilized JFCU's services *after* the complaint. Had Management engaged the NGO earlier, there might have been better outcomes sooner.[121]

Borrower countries have abundant expert NGOs and CSOs, many of which are dedicated to eliminating GBV and improving gender equality. These organizations could have provided important third-party monitoring and served as informal watchdogs for potential project-related human rights violations in both cases, thereby helping to protect the Bank's investments and reputation. Instead they were not engaged until after the complaints were made.

In the DRC, the Panel noted that, due to serious shortcomings in the consultations and disclosure of information, the local population could not voice their views on project design and implementation.[122] It was only *after* the complaint was filed that Management partnered with local NGOs to create a system to refer all complainants to medical, psychosocial, and legal services.

The policy non-compliance in failing to establish a GRM led to Panel Findings 8–11 in its Uganda Investigation Report, including that "The RAP (Resettlement Action Plan) set out a procedure for establishing a GRM that included employing a RAP Implementation Consultant with field presence along the road in collaboration with a local NGO funded to monitor RAP effectiveness. This was not implemented." [123]

(d) Analysis of the Consequences of Male Labor Influx for Construction

Given the many risks of GBV associated with the presence of numerous male workers, any project requiring a large, temporary workforce should automatically receive greater scrutiny and safeguards. While project-connected population changes might indeed benefit the community—bringing welcome trade, employment, and other economic opportunities—it can also have unintended, negative social, cultural, and health-related consequences. This double-edged phenomenon is often referred to as the "boomtown effect," and is well-documented in development literature.[124] The Panel noted that the Uganda project's rapid influx of foreign and migrant construction workers simultaneously brought the Bigodi community opportunities for both informal businesses and GBV, [125] also acknowledged in a subsequent Bank guidance note.[126]

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> "If a World Bank project is going to lead to bringing in hundreds of male construction workers, both foreign and migrant, who are not from this area, what does that mean for women and children who are living there? It is a very basic question which was not asked in either of the design[s] of the two projects."

—Imrana Jalal, Inspection Panel Chair, May 23, 2019

The Uganda road construction occurred along a route many young girls took to school. Extreme poverty in the area meant the relatively affluent workers could lure local girls into exploitive sexual relationships with offers of money and gifts. It is important to note that in Uganda those younger than 18 cannot legally give consent, and most of these girl victims were minors. Girls who rejected such temptations were nevertheless forced into sexual encounters and raped. As a result, several contracted STIs such as HIV and/or became pregnant.

All nine pregnant girls interviewed by the Panel were forced to drop out of school. This trend was also seen along the Bukavu-Goma Road in the DRC. The community members spoke of prevalent "survival sex" as the women and girls who walked along the road were pressured into relationships with the foreign construction workers to obtain money or other basic necessities.

The Panel also learned about sexual harassment in Uganda of boys unconnected with the road. Boys in Focus Group Discussions (FGDs) described the workers as threatening, and they related several incidents of male youth being physically assaulted while walking past construction sites. They added that the workers used confrontational language and mocked their masculinity.[127]

The Panel's Investigation Reports for both projects found that Bank Management did not properly evaluate or anticipate the potential impact of labor influx in the environmental and social assessments. There was no analysis of where workers would live, how they would interact with the local communities, and the pressures they might place on the availability of services. There was also no awareness-raising or sensitivity training of the workforce on gender issues. Furthermore, in the DRC no CoC—describing expected behavior and disciplinary actions for misconduct—had been implemented. And both projects failed to consider how legions of workers might contribute to GBV against women and children, with the Panel finding in Uganda that project documents "lacked required analysis of risks to women and children caused by labor influx...."[128]

Similarly, the DRC Investigation Report said "the project was operating in a complex context of instability, high rates of poverty and vulnerability. In this environment local communities were even less resilient to withstanding the well-known impact of labor influx, which in this case was exacerbated further [by] using military personnel. In the absence of mitigation measures implemented by the project, sexual exploitation and abuse occurred."[129]

Such policy non-compliance[130] is now recognized by the Bank, which developed a guidance note—*Managing the Risks of Adverse Impacts on Communities from Temporary Project Induced Labor Influx,*[131] published on December 1, 2016—as a direct outcome of the Uganda complaints in 2014 and 2015 and the Panel's Investigation Report.[132] According to the note, it is important that the contractor in a Bank-supported project implement robust measures to address the risk of GBV, introducing, among other things, a workers' CoC as part of the employment contract, and including sanctions such as termination for non-compliance.

(e) Project Grievance Mechanisms (GMs)

Bank safeguard policies at the time of both investigations called for projects involving involuntary resettlement and indigenous peoples to include a GM responsive to local communities. Nevertheless, neither project had an adequate GM, and it took formal complaints filed with the Panel for Management to address these oversights and to prompt investigations that revealed the GBV that had occurred.

In Uganda,[133] the Panel found the project's GRM was not in compliance with Bank policies.[134] The Panel noted that a fully functioning and truly representative mechanism could have helped identify problems early on. In the DRC, the Panel learned that community members were unaware of the existence of a functioning GRM[135] and that the local grievance redress committees did

not ensure confidentiality of complaints. It is essential to recognize that a GRM without gender or GBV expertise cannot effectively deal with GBV complaints, which require high levels of confidentiality and sensitivity. GBV expertise is also necessary to discern and address the different kinds of GBV experienced by women and children, including boys. For GRMs to succeed, they must be accessible to all victims and offer appropriate responses. The Panel noted in the DRC Investigation Report that "although the safeguard documents laid out the establishment of a GRM, the mechanism was not operational prior to receipt of the Request [for Inspection] and community members had no avenue to raise their concerns."[136] Management acknowledged this mistake.[137]

These occurrences of non-compliance[138] have led Management to outsource responsibility for operating GMs to expert NGOs, since the ESF now requires GMs for all projects.[139] NGOs may also redress allegations serving as intermediaries, or as independent GMs responsible for implementing a GBV action.[140]

(f) Consideration of Legal Context and Impunity

Many countries have well-documented and pervasive legal gender discrimination, impunity from prosecution for perpetrators, and related poor law enforcement.[141] Referring to credible studies and analysis, the Panel noted this in both investigations when it examined the context of the law and how it might affect accountability. When considering the country reports of women in Uganda and the DRC, the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) concluded that legal gender discrimination persists, that perpetrators of GBV often enjoy impunity,[142] and urged both countries to address these problems.

In their complaints, the Requesters explained the barriers to holding perpetrators accountable for GBV.[143] The Panel noted in its Uganda Investigation Report that "[t]his community is largely dependent on subsistence agriculture and suffers from under-resourced government institutions, weak law enforcement, tolerance of VAW [Violence Against Women] and [abuse of] girls, lack of access to appropriate sexual and reproductive health knowledge and services for adolescents, and high prevalence of HIV/AIDS."[144] Management thus urged the GoU to attend to the allegations of sexual misconduct and to ask law enforcement and child protection agencies to follow up the complaints immediately.[145]

In its DRC report, the Panel observed that "project-related harm occurred in a community suffering from persistent poverty, forcing children (and girls in particular) to seek alternative income sources and [tolerating] institutional weaknesses that do not encourage law enforcement to protect the community's girls."[146] It further noted that "[d]espite such legal protections law enforcement remains weak"[147] and that there was "widespread distrust of the legal system."[148] It cited the "systemic sexual violence Congolese women endure…[and the] impunity for the perpetrators…."[149]

In Uganda, the Panel identified only one case in which the perpetrator was held accountable for his actions through the legal system and sentenced to four years in prison. After the Panel's investigation in the DRC, Management reported in 2018 that three of six female survivors of GBV committed in the contractor's labor camp had filed legal complaints.[150] However, all three of these cases were dismissed by the court due to "insufficient evidence."[151]

In countries where law enforcement is challenging, civilian men, security forces, and military personnel are often *de facto* exempt from punishment for their crimes, including GBV. The laws and justice system in such countries often treat women unfairly, embedding gender discrimination in the legal system. This is an even greater barrier for underage girls, who face difficulty dealing with law enforcement or GRMs. Such was the case in both projects studied here but this was not considered by the Bank design teams when assessing risk. Neither project asked the critical questions: In these contexts, if females are raped or sexually exploited by contract workers, will legal accountability be possible? If not, how should this be reflected in project design?

Although there is a degree of *de jure* equality in both countries' legislation, there is a chasm between law and practice, and the reality on the ground is far from equal. For example, although a Ugandan Defilement Law was enacted to protect girls and establish punishment for having sexual intercourse with a girl younger than 18, and reports of defilement increased after the passage of the law, enforcement remains weak and older men allegedly often bribe the police or the victim's family to settle cases out-of-court.[152]

As the Panel found, fear of retaliation and stigmatization, bureaucratic hurdles, high costs, and distrust of the legal system encourage victims and their families to accept out-of-court settlements with perpetrators.[154] Survivors were routinely ostracized by their communities, forcing some to move away. Many did not report GBV, fearing they would be unable to marry or that their partners would end their relationships due to the stigma.[155] As an example of these barriers, according to the Bigodi Police, a rape victim must show proof of age—which can be challenging where many people lack birth certificates—and pay for photocopying the police form and possibly even the costs of police transportation used to search for perpetrators. Often the government health center is far away and under-resourced, and victims must pay for testing at a private health service provider.[156] Impunity from accountability for project-related GBV went unexamined by both projects, losing opportunities for better project preparation and targeted GBV responses in action plans. The Panel therefore made several findings of policy non-compliance in Management's failure to assess risks properly in both the DRC[157] and in Uganda.[158] Remedial measures were only taken after complaints were made to the Panel in both cases. Since the investigations, however, the Bank has adapted GMs to improve the handling of complaints of SEA/SH in the projects it finances.

BOX 4: UGANDA LEGAL CONTEXT FOR GBV

"The path of victims' access to justice is strewn with obstacles, including inadequate or dismissive responses by police, medical and judicial personnel. Some official responses reflect widely held attitudes that a woman is to blame if she is subjected to violence and that it is more important to preserve the family unit than to protect the safety and the rights of the woman. The result is that many women are reluctant to report violence to the authorities. Survivors claim that in some cases, police promote family reconciliation instead of criminal justice."

—Amnesty International Report[153]

(g) Analysis of Consequences on Projects in Areas of Fragility, Conflict, and Violence (FCV)

Much of the DRC is a conflict area where the presence of state and non-state fighters, security forces, and local militia increase the

risk of violence against women and children. The Panel found the fact that the project was being implemented in an FCV-affected country was not considered, so the project design lacked relevant project response measures. It noted that the Bank must deploy its best skills and resources and make every effort to ensure that its projects do not exacerbate existing risks. This was not the case for this project.[159]

GBV in FCV-affected communities can manifest in several forms, from forced and child marriages to SEA/SH exacerbated by weak or nonexistent rule of law.[160] The DRC case is a valuable example of how an FCV environment can breed GBV. In its Investigation Report, the Panel dissected the rampant gender inequality and subsequent "pervasive, systemic sexual violence" caused by many factors, including "harmful attitudes toward women, a context of impunity, and weak governance."[161] Gender inequality is magnified by FCV environments, which feeds a pernicious cycle: Many girls drop out of school due to pregnancy or early marriage, with the result that only 10.7 percent of women are educated to the secondary level.[162] Unable to use an education to enter the formal labor market, women must engage primarily in informal and agricultural labor, which deprives them of the legal and social protections and other benefits associated with formal work. The extant gender inequality is further aggravated by conflict in eastern DRC, where state and non-state armed guards place women and girls at high risk of violence and GBV. In 2016, the UN Stabilization Mission in the Democratic Republic of Congo verified 514 incidents of conflict-related sexual violence, with 68 percent of these incidents attributed to non-state armed groups and 27 percent blamed on the Congolese Armed Forces.[163] Access to services for victims of GBV remains limited, particularly in the eastern conflict-affected provinces of North and South Kivu.[164]

These risks were examined by the Panel's investigation into the GBV experienced along the Bukavu-Goma Road. In its Investigation Report, the Panel described how security forces working for the contractor perpetrated GBV. The Panel team spoke to a girl who told of being raped by a foreign worker while a military guard hired by the project contractor guarded the door. Her mother was afraid to complain to authorities because another community member who had done so had been beaten by security force members. However, the project team had failed to explore these issues. The Panel found that "the project's overall analysis of risks and their impacts, particularly regarding the security risks, was inadequate. Therefore, the mitigation measures fell short of adequately protecting affected communities from harm."[165] This non-compliance with Bank policy[166] led to the inclusion of GBV in the new World Bank Group FCV Strategy,[167] as explained in more detail in Chapter 6.

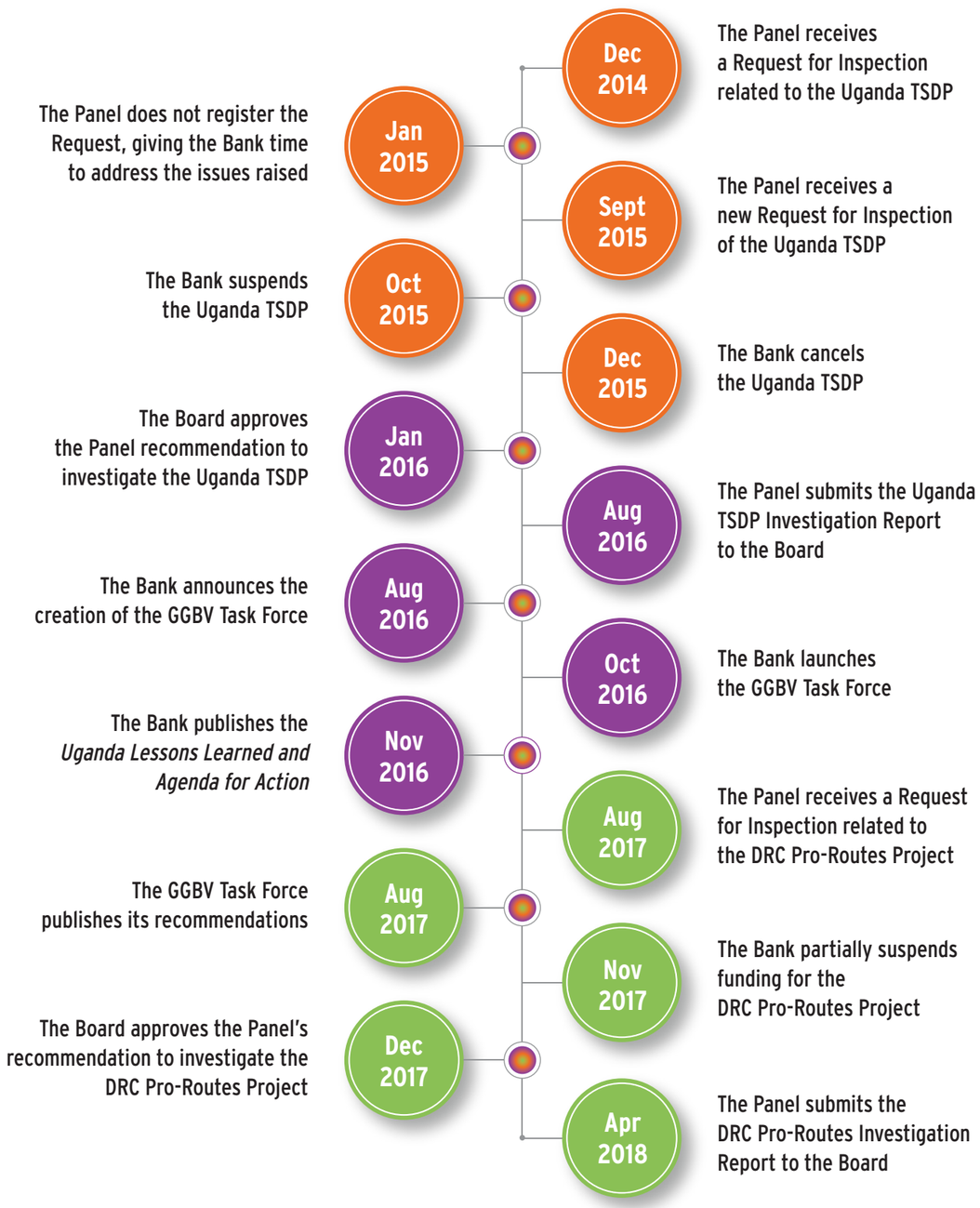
(h) Analysis of Consequences of the Use of Security Forces

The inadequate risk analysis mentioned above[168] occurred even though the DRC's fragile, post-conflict context posed major challenges for project preparation and implementation and the institutional capacity constraints in DRC were well known.

As the Panel found, a thorough review of gender considerations is a prerequisite for any decision to use security forces in a project since local women often have poor experiences with security personnel, who tend to be male. The risk of GBV or intimidation against women may increase as the number of security forces in the project area grows,[169] and that risk closely correlates with the issues of FCV and labor influx—or, more generally, population shifts—outlined above.

The Panel noted how the use of security forces increased the risk of GBV in the DRC case. In one instance a girl reported being raped by a military guard hired by the foreign contractor to provide security for foreign workers in a temporary labor camp. She said, "I was assaulted while returning from the local manioc mill after dark. I screamed for help, but no one came to my rescue." Even in cases when no violence occurred, the contractor's employment of security forces—whether government soldiers or private militia—helped create an environment of insecurity and intimidation. In the DRC case, the Bank was unaware the contractor had engaged security forces until after the Panel received the Request for Inspection. As a result, the social impacts associated with security forces, including those related to GBV, were not assessed when preparing the project. Furthermore, there was neither a formal agreement between the contractor and the Congolese Armed Forces (CAF) outlining their respective roles and responsibilities nor a mechanism for handling incidents that might arise. No vetting of security personnel or training was conducted, despite the CAF's well-known record of abuses. The Panel thus found that "Management failed to identify risks and mitigation measures associated with excessive use of force by military personnel engaged by the contractor in an adequate and timely manner in non-compliance with the Bank policies on Environmental Assessment (OP/BP 4.01) and Investment Project Financing (OP/BP 10.00)."[170] This non-compliance led the World Bank to publish its 2018 Good Practice Note: Assessing and Managing the Risks and Impacts of the Use of Security Personnel.[171]

FIGURE 3: THE PANEL'S UGANDA & DRC INVESTIGATIONS AND THE BANK'S ACTIONS—A TIMELINE

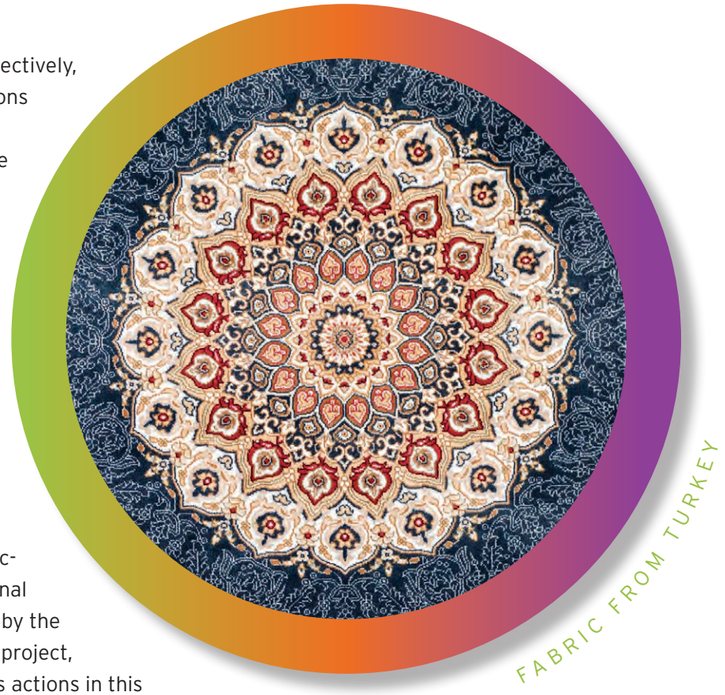


CHAPTER 6

THE TRANSFORMATIVE IMPACT OF THE PANEL CASES

(a) Introduction

In August 2016 and April 2018, respectively, the Panel concluded its investigations in the Uganda and the DRC cases. The Panel's findings highlighted the Bank's non-compliance in identifying, preventing, and responding to GBV in these projects, which helped prompt group-wide and transformational changes at the Bank, as well as some changes at other institutions.


FABRIC FROM TURKEY

Intense Media Scrutiny and Internal Pressure. Although the Panel played "a decisive role in driving institutional change around the Uganda case,"[172] it was not the only factor. The Bank faced intense international media scrutiny over the harm caused by the project. The World Bank canceled the project, and the Board "condemned the Bank's actions in this case and provided strong oversight of management's response, pushing it to do more and better at all stages."[173] Jim Yong Kim, the World Bank Group president at the time, issued a statement on the institution's inadequate supervision of the project (see Box 5). JFCU and the Bigodi community continued to play important roles monitoring the Bank response. These factors combined to spark the transformative institutional changes that followed.

Since the investigations, the Bank has committed to preventing and addressing project-related SEA/SH harm and risks by implementing several systemic and operational reforms. This chapter discusses these institutional and operational changes and their impact on the World Bank Group, IFIs, IAMs, and other institutions.

BOX 5: WORLD BANK GROUP PRESIDENT JIM YONG KIM ON THE INSPECTION PANEL REPORT ON THE UGANDA PROJECT

WASHINGTON, August 11, 2016—The World Bank Group issued the following statement from World Bank Group President Jim Yong Kim regarding the Inspection Panel report of its investigation of the TSDP:

"The Inspection Panel has delivered to the World Bank Board its investigation report on the Uganda Transport Sector Development Project. The failures in this project have prompted us to assess all similar projects to ensure that we are upholding the principle of doing no harm. Last December, we took the highly unusual step to cancel the project before the Inspection Panel investigation was completed. We made this decision because of the seriousness of the allegations, especially concerning sexual misconduct that involved contractors hired by the Ugandan government. We informed the Board, and since then we have taken concrete actions to support the affected communities, prevent retaliation against those who raised concerns about the project, and assist the government of Uganda's efforts to address deeply rooted social problems.

As is customary following Inspection Panel reports, the World Bank management now will prepare a thorough response to this investigation, which we will present to the Board this fall. And according to our normal procedure, both the report and response will be publicly disclosed following the Board meeting. But it has become clear to me and my senior leadership team that we must immediately take additional steps.

...As an immediate step, we are in the process of creating a Global Gender-Based Violence Task Force to advise the institution on best practices for reducing risks to community safety in connection with our development projects.

The new Task Force...will include outside experts on gender-based violence and World Bank staff...focusing on strengthened approaches to identifying threats and applying lessons in World Bank projects; more robust gender assessments; and improved approaches....

...The timing of the conclusion of this Inspection Panel investigation, coming so close to the passage of our new safeguards, could not be more poignant for me....That is precisely why I have announced that we will significantly increase resources devoted to implementing the new framework, and why I am putting in place this new Global Gender-Based Violence Task Force."

(b) Institutional and Operational Changes at the World Bank

After the Panel received complaints and conducted investigations, Management and the Board discussed broader lessons and proposed an agenda of actions to address systemic and institutional constraints, strengthen oversight of high-risk projects, and prevent recurrence of project non-compliance and GBV harm. These included (i) toughening environmental and social provisions for Bank operations when civil works are carried out in, or near, vulnerable communities and in other high-risk situations, (ii) issuing staff guidance and good practice notes to manage risks related to labor influx, (iii) strengthening oversight arrangements and staffing for safeguards, and (iv) instituting better tracking of and responses to community complaints.[174]

The Global Gender-Based Violence Task Force. On October 13, 2016, two months after the Panel submitted its Uganda Investigation Report to the Bank's Board, the Bank launched its Global Gender-Based Violence Task Force[175] to improve the institution's response to sexual exploitation and abuse issues. The task force included members from academia, NGOs, foundations, the United Nations Children's Fund, and government. It published a report in 2017[176] that made recommendations for protecting women, children, and other populations at risk where Bank projects occur. The Bank then developed an action plan[177] for implementing these recommendations. The plan specified key steps to address the institutional priorities of enhancing social risk management, strengthening operational systems to improve accountability, and building staff and client capacity to deal with GBV risks through training and guidance materials. The plan led to several diverse, transformational changes at the World Bank.

Lessons Learned. The Bank reviewed the performance of environmental and social safeguards in all relevant, Bank-financed projects in Uganda, and conducted a complementary examination of the risks of sexual abuse involving minors and child labor. These led to publication[178] of the results of Management's internal, lesson-learning initiative to address the problems revealed by investigation of the TSDP.

Managing the Risks of Project-Induced Labor Influx. As mentioned above, after submission of the 2015 Uganda complaint and the Panel's investigation, in December 2016 the Bank disseminated a guidance note[179] to its staff on labor influx challenges. The Bank then carried out a portfolio-wide review of projects to ensure that relevant issues were being appropriately managed.

Addressing SEA/SH in Investment Project Financing of Major Civil Works. The Bank's Good Practice Note *on Addressing Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH) in Investment Project Financing involving Major Civil Works*[180] was prepared in 2020 to strengthen the environmental and social provisions of Bank operations, and to help staff identify and manage the GBV risks—including SEA/SH—that can arise in major civil works contracts.[181] This note supplemented the introduction of the Bank's 2018 ESF by providing staff with good practices on GBV risks and their impact both on projects prepared using the ESF standards[182] and those adhering to the earlier safeguard policies. The note was informed by and builds on the GGBV Task Force Report's recommendations, further contributing to the growing knowledge base of the subject.

Code of Conduct. Since September 2018, the personnel of all large works contractors must sign a CoC that describes the values the Bank promotes and defines the behavior expected from employees of a Bank-funded project. The CoC also stipulates provisions for addressing SEA/SH, which include prohibitions against sexual activities with legal minors (i.e., anyone younger than 18), how allegations will be handled, the appropriate time frame for processing complaints, and the range of possible consequences for perpetrators.[183] All workers must complete relevant training courses on the environmental and social requirements in the contract, including on health and safety matters, sexual exploitation, and sexual abuse.[184]

Disqualification of Contractors. On November 24, 2020, just as this publication was being completed, the World Bank announced in a press release that it had become the first multilateral development

bank to disqualify contractors for failing to comply with GBV-related obligations. Such contractors will not receive Bank-financed contracts anywhere in the world for two years. After this period, the contractors will have to demonstrate their capacity to meet the Bank's requirements for preventing GBV before receiving a new Bank-financed contract. The World Bank said the disqualification mechanism will apply to large works contracts procured after January 1, 2021, under infrastructure projects rated high risk for GBV.

Directive for Addressing Risks and Impact on Vulnerable and Disadvantaged Groups. The ESF applies to projects approved on or after October 1, 2018.[185] While it does not explicitly mention SEA/SH, several Environmental Social Standards (ESSs) align with the SEA/SH recommendations in the Good Practice Note, including:

- ESS1: Assessment and Management of Environmental and Social Risks and Impacts,
- ESS2: Labor and Working Conditions,
- ESS4: Community Health and Safety, and
- ESS10: Stakeholder Engagement and Information Disclosure.[186]

The ESF makes it easier to establish GBV non-compliance findings for new projects, and includes a directive[187] requiring staff to conduct due diligence on the risks to individuals and groups who might be adversely affected or excluded from project benefits due to gender, sexual orientation, and gender identity. The ESF aims to enhance equal opportunity and nondiscrimination toward project-affected individuals or communities, and to consider the needs of indigenous peoples, minority groups, and the disadvantaged or vulnerable, especially where adverse effects may arise.[188]

Good Practice Note on Assessing and Managing the Risks and Impacts of Using Security Personnel. The ESF requires borrowers to evaluate and prepare to handle potential environmental and social risks and the consequences that may arise from Bank-supported projects—including threats to human security from personal, communal, or interstate conflict, crime, or violence. Possible dangers to project workers, sites, activities, and project-affected communities must be identified, assessed, and mitigated by the borrower throughout the project's lifecycle. If security personnel will be hired, the potential risks and impacts stemming from that decision must be assessed and managed. The GPN *Assessing and Managing the Risks and Impacts of Using Security Personnel* supports implementation of these ESF requirements.[189]

Adapted Grievance Mechanisms. The ESF mandates borrowers to provide a GM process or procedure to receive and resolve the concerns and complaints of project-affected parties.[190] Since the investigations of GBV allegations by the Panel, the Bank has required GMs to improve treatment of SEA/SH complaints in projects that it finances. The Bank has presented three different models of GMs: In the first model, the project GM—established under ESS10—is adapted to address SEA/SH cases. In the second model, the project GM links to an existing intermediary for redress of grievances. The third model builds an independent GM by outsourcing responsibility to a third party—e.g., a specialized NGO. The appropriate model (or a hybrid) will depend on a project's context and the local SEA/SH risk.[191]

Improvement in the Procurement Process. As a result of the Panel's investigations, GBV-related requirements were embedded in the Bank's procurement process. Among other changes, bidders must now declare whether they have had a contract terminated, suspended, or subjected to a performance security check due to previous poor handling of environmental, social, health, and safety issues, including GBV. The procurement bidding document also includes specific requirements for SEA/SH prevention, including a CoC. These bidding documents are now used by borrowers to ensure these obligations are imposed on contractors and have thereby given legal effect to the Bank's SEA/SH prevention agenda with contractors and their personnel.

FCV Strategy. The gender-based violence examined in both Panel cases has led the Bank to address GBV specifically in its *World Bank Group Strategy for Fragility, Conflict, and Violence 2020–2025,* stating "[t]he Bank will continue to scale up engagement to prevent gender-based violence, learning especially from its work on the issue over the last five years."[192] GBV declines when violence in general drops but, in some cases, it also requires tailored approaches by Bank design teams covered elsewhere in this report.

SEA/SH Risk Screening Tool. The Bank has also designed a tool to screen major civil works projects during their project concept stage, helping Task Teams understand and identify project-related SEA/SH risks. This living document rates the project as low, moderate, substantial, or high risk based on a score weighing 25 fact-based indicators. The ratings will help project management assess the need for appropriate mitigation measures. If the project is considered high risk, Management is advised to hire a GBV specialist and to identify relevant local actors or potential partners working with SEA/SH issues—from ministries to CSOs to women's NGOs and other groups.[193]

BOX 6: THE IMPORTANCE OF LEADERSHIP IN TRANSFORMING INSTITUTIONS. SEMINAR, GREEN CLIMATE FUND

"From interviews with people involved in the GBV Task Force, including one of its chairs, Kathy Sierra, and Caren Grown, global director of gender at the World Bank, it is evident that leadership played a significant part in the transformations that took place at the Bank after the Panel investigations. The institution took its cue from President Jim Kim, who made it very clear from the beginning that he wanted to see immediate significant transformations at both institutional and operational levels. Important to this transformation was the senior leadership who took the issue seriously, and beyond that, to heart. These seismic institutional shifts would not have occurred without this critical senior leadership."

—Imrana Jalal, Inspection Panel Chair, May 2019

Other Impact. Since receiving the complaints examined by the Panel, the Bank has formalized its survivor-centered approach,[194] responding to allegations by respecting survivors' confidentiality and their choices. One of the most effective ways of addressing SEA/SH risks and potential harm is to work with GBV service providers, community-based organizations, and specialists to prevent such cases. Accordingly, the number of GBV specialists within the Bank has grown from one in 2015 to eight in 2020. The Bank has also developed training for its staff, raising awareness of SEA/SH risks and familiarizing staff with new measures and requirements.

(c) Impact on Other Institutions

The Bank's recent institutional transformation has inspired other IFIs to take actions to prevent and address projected-related

SEA/SH within their own institutions. Some of this has occurred through the inter-bank MDB Working Group on Gender—whose roster consists of many MDBs and IFIs—as it seeks to apply World Bank lessons on GBV to its members' operations.

The International Finance Corporation (IFC). Following the launch of the GGBV Task Force, the IFC published a GPN on *Managing Contractors' Environmental and Social Performance,*[195] incorporating key recommendations from the task force regarding codes of conduct, training, GMs, and support for SEA/SH survivors. The Environmental & Social Policy and Risk Department (CES)[196] gender team coordinated with environmental and social specialists, the IFC Gender Secretariat, and World Bank GBV specialists to expand learning and collaboration. Together they developed an internal tip sheet[197] providing background on GBV, outlining CES's commitment to addressing GBV in IFC projects, and providing guidance on how to address GBV with clients. The IFC's IAM—the Compliance Advisor Ombudsman (CAO)—also prepared a guidance note[198] on how to adopt a gender-inclusive approach in its dispute resolution process. The note was developed to respond to insufficient gender parity in CAO's mediator network, to enhance gender diversity in community representation, to comply with Bank and UN policies requiring gender inclusivity, and to incorporate the data from the peacebuilding arena showing the relevance of gender inclusivity to successful dispute resolution outcomes.

> "The IRM's first Advisory Report to the GCF, based on the two cases investigated by the Panel from Uganda and DRC on sexual exploitation, abuse and harassment, allows us to draw lessons from good international practice. The Panel can certainly claim this as a good outcome where its impact is felt farther than the World Bank itself."
>
> *—Lalanath de Silva, Head, Green Climate Fund, IRM*

The Green Climate Fund (GCF). Galvanized by the Panel cases and lessons learned, the GCF's independent accountability mechanism—the Independent Redress Mechanism (IRM)—recently published an advisory report[199] titled *Prevention of Sexual Exploitation, Abuse and Harassment in GCF Projects or Programmes (P&PrSEAH): Learning from the World Bank's Inspection Panel Cases.* The GCF's Secretariat submitted a positive management response that acknowledged the lessons on preventive actions and potential systemic changes.[200]

The Asian Development Bank (ADB). An eligibility report prepared by the ADB's IAM—the Compliance Review Panel—in the case of the Georgia Nenskra Hydropower Project,[201] which was not investigated, suggested that the findings of the two Panel cases discussed above gave ample warning of the social risks to women and children associated with a massive arrival of male workers during the construction period.[202] It noted that this influx would create a security risk for which the project had provided no mitigation measures to protect women and children.

(d) The Impact in Uganda

Following the fallout from the investigation of the TSDP, Bank Management started working with the GoU to implement actions supporting the project-affected communities—addressing the needs of children at risk and protecting accusers of transgressions from retaliation. The Bank also contributed to institutional reform at UNRA by providing technical assistance to develop an Environmental and Social Management System, and a Community Engagement Strategy and Work Plan which includes a GM specifically for child survivors and populations at risk of GBV.[203]

The Government of Uganda. Since the Panel's investigation, the GoU has commenced a national campaign to reduce violence against women and girls, and the cabinet has approved a National Policy and Action Plan on the Elimination of Gender-Based Violence. The GoU further confirmed to the Bank that it is committed to ensuring that social and environmental safeguard policies are followed when undertaking large infrastructure projects.[204]

The Emergency Child Protection Response Program. The Bank also supported GoU's efforts to develop and implement an ECPR program to respond to non-compliance and strengthen community structures to improve handling of the needs of both children at risk in the affected communities and survivors of GBV. It was financed by the Bank and implemented by a Ugandan NGO—BRAC Uganda.[205] In line with emerging best practices, BRAC's services were not restricted to the survivors of TSDP-related GBV but were available more widely. The ECPR program's support reached 1,061 local girls through 35 Empowerment and Livelihoods for Adolescents Clubs. Its activities concluded in July 2017 with the introduction of a more sustainable and comprehensive program.

The SCOPE Project. Coordinated by Uganda's Ministry of Gender, Labor and Social Development (MGLSD) in close collaboration with line ministries, departments,

agencies, Kamwenge and Kabarole district local governments, and CSOs, the SCOPE project—Supporting Children's Opportunities through Protection and Empowerment—has reactivated the efforts of many actors in the target districts and motivated them to talk openly and report cases of child abuse and GBV. Since its implementation, the District Action Centers have been renovated and have registered significant progress on the cases reported through the Uganda Child Helpline. Data collection and documentation of cases has also improved at police, District Action, and health centers.[206]

Uganda National Roads Authority. In December 2015, the Bank canceled funding for the TSDP. However, in June 2017 it lifted suspension of the components of the civil works of the North Eastern Road-corridor Asset Management Project and the Albertine Region Sustainable Development Project. This decision resulted from the Bank's conclusions that UNRA had made sufficient progress strengthening its capacity to manage its roads program, and had changed its culture and commitment to engage communities and deliver projects that both enhance social impact and address labor influx issues. Based on the lessons learned, UNRA adopted corrective measures to improve its responses to gender, GBV, and other types of non-compliance.[207] UNRA continues to process contentious, complicated cases related to compensation for project-affected people, and to recruit reputable local NGOs to work on enhanced social impact management along all Bank-financed road corridors.

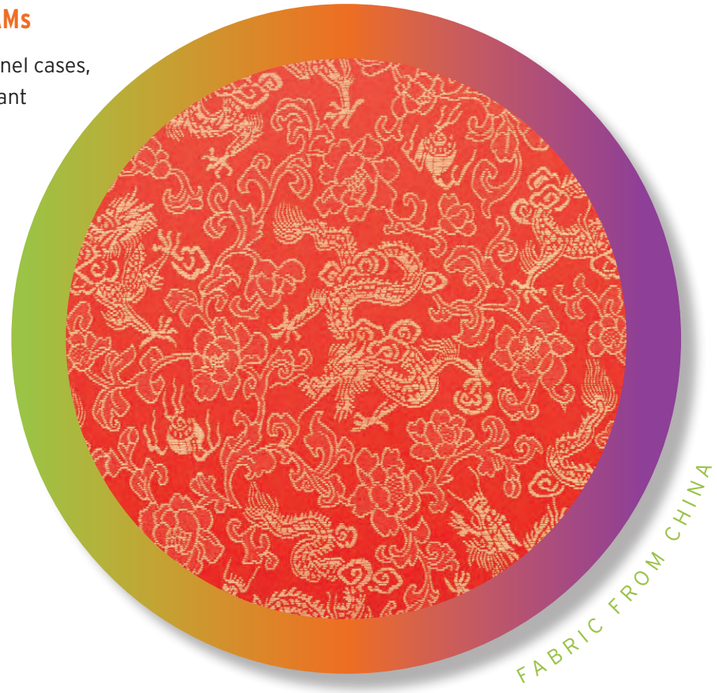
UNRA and MGLSD Cooperation. The Bank has supported UNRA and the MGLSD in identifying and stipulating the roles and responsibilities of different parties to make GBV responses more systematic.[208] In January 2018, UNRA signed a memorandum of understanding with the MGLSD defining their cooperation on addressing the negative impacts of road works and the influx of labor in road construction projects.[209]

CHAPTER 7

THE ROLES THAT IAMS PLAY IN PROVIDING ACCOUNTABILITY FOR PROJECT-RELATED GBV

(a) GBV—An Emerging Issue for IAMs

As demonstrated by the two Panel cases, GBV is an increasingly important issue for IAMs, international NGOs, and similar bodies.[210] The United Nations Development Programme's (UNDP) complaint mechanism—the Social and Environment Unit (SECU)—also investigated a GBV complaint for the first time, issuing its findings in October 2019. In that case, the investigation found that UNDP Malawi did not meet appropriate gender equality standards, as female Registration Officers were made vulnerable to SEA/SH during their assignments.



BOX 7: UNDP'S SECU INVESTIGATION—MALAWI: NATIONAL REGISTRATION AND IDENTIFICATION SYSTEM PROJECT

In 2017, UNDP's SECU received a complaint concerning labor issues in the Malawi National Registration and Identification System Project.[211] The project involved the employment of Registration Officers (ROs) who traveled around the country to register and issue national IDs to Malawian citizens. SECU's investigation found that the project had failed to assess and mitigate key social risks appropriately, including GBV risks to women employed as ROs. The project randomly combined ROs, which paired female officers with male officers they did not know.[212] The project also failed to ensure that the female ROs had access to separate, safe housing with secure doors and windows. SECU found that these housing arrangements discriminated against women by increasing their vulnerability to GBV as well as potentially violating their cultural norms.[213] The female ROs believed they had no choice but to sleep in the same room as their male partners, making many feel uncomfortable and unsafe.[214] SECU found that several ROs described credible sexual harassment or sexual assault incidents as a result of these arrangements, but feared retaliation if they shared this information.[215]

SECU rooted its specific findings in the Social and Environmental Standards Overarching Policy and Principles: Principle 2. Gender Equality and Women's Empowerment. Due to the GBV risks, the investigation found that UNDP Malawi did not meet appropriate gender standards, as female ROs were made vulnerable to sexual harassment and assault during their assignments.[216] SECU then recommended that UNDP Malawi assess assault allegations and ensure that the appropriate services were made available to victims.[217] In this case, the lack of privacy and security for female project employees left them vulnerable, requiring the IAM to investigate GBV harm and recommend provision of services as a result of non-compliance with relevant gender standards.

In an ongoing compliance review in Colombia, the Inter-American Development Bank's (IDB) IAM—the Independent Consultation and Investigation Mechanism (MICI)—is analyzing the allegation of an increase in GBV incidents against women, including street harassment, sex work, and rape, since commencement of construction on the Ituango Hydropower Plant.[218] In a compliance review for another project in Chile, MICI found that after IDB received allegations of sexual violence and prostitution, its efforts did not reflect an appropriate gender perspective[219] because it failed to assess the impact of flooding the district's communities with workers and to design appropriate project design measures, including building trust among women and girls.

Although most of the 20 IFI IAMs have not investigated GBV allegations to date, they have received various complaints, some of which were either ruled inadmissible or ineligible for investigation for technical reasons. These included cases[220] where the complainants appear to be seeking dispute resolution for GBV—one involving allegations of sexual violence and another involving harassment against a pregnant worker. Another IAM reported that a subcontractor dismissed a female worker, allegedly because she reported a supervisor's sexual harassment toward female colleagues. Although the grievance focused on unlawful dismissal, the alleged reasons were linked to SEA/SH. However, for non-related technical reasons, the IAM neither investigated the complaint nor pursued the claims.[221] IFC's IAM—the CAO—is also dealing with two ongoing, GBV-related cases.

From 2016 to date, three IAMs—the Panel, SECU, and MICI—have completed four investigations involving GBV. In all cases they found their parent institutions had failed to put in place relevant safeguards to protect women and children. Given the stark underreporting of GBV, these examples may represent only a small fraction of actual GBV violations. The recent increase in GBV-related complaints received by IAMs suggests these organizations might prudently prepare for more of them.

(b) IAMs—An Additional Form of Accountability for Project-Related GBV

Although IAMs are no substitutes for courts of law, when project-related harm occurs IAMs may provide some form of additional accountability for GBV victims/survivors to seek redress from IFIs. IAMs have limited mandates to assess compliance with IFI policies and cannot replace national judicial proceedings. However, where gender discrimination, impunity, and potential retaliation raise barriers to obtaining justice, IAMs may sometimes afford a safe accountability space when GBV occurs in the context of an IFI-supported project. In many places, legislation and its interpretation—even by related enforcement agencies—exhibit widespread historic and systemic gender-discrimination against women.[222] As stated by the UN Office of the High Commissioner for Human Rights (OHCHR), "discriminatory laws against women persist in every corner of the globe and new discriminatory laws are enacted. In all legal traditions many laws continue to institutionalize second class status for women and girl[s]," and "[v]iolence against women throughout the world and in all cultures prevails on an unimaginable scale, and women's access to justice is often paired with discriminatory obstacles—in law as well as in practice."[223] Furthermore, reporting GBV to justice agencies to seek legal recourse against perpetrators can bring significant risks of retaliation and further abuse, which can be exacerbated by unresponsive or under-resourced law agencies,[224] as recognized by the countries themselves (see Box 8 below). In FCV-affected countries, victims are even more susceptible to ongoing threats of GBV, and that can worsen their sense of security and mobility.[225]

BOX 8: LEGAL CONTEXT—EAST AFRICAN MAGISTRATES AND JUDGES ASSOCIATION

The association said that access to justice for women is a critical component of the delivery of justice globally and at the national level. In Uganda, the Justice Law and Order Sector conducted an audit that revealed, among other factors, the limited capacity of the judiciary to deliver gender-sensitive justice to the general population of Uganda, and more specifically to women. The treatment of women in GBV cases in the courts of law was singled out as particularly discriminatory.[226]

When examining the contextual issues the Panel's Uganda report noted the challenging legal context for victims of violence: "Harm thus occurred in a community suffering from persistent poverty that led girls to seek alternative income sources, and from *institutional weaknesses that do not encourage law enforcement to protect girls* [emphasis added]."[227] According to a joint Uganda MGLSD and UNICEF report, "[t]here are many factors that contribute to or hinder the implementation of [GBV] laws and

policies, ranging from the adequacy of programs, to their level of funding, the human resources available, and decision makers....''[228]

As stated previously, the Panel identified only one case in Uganda in which a perpetrator was held accountable for his actions through the legal system. In 2018, after the Panel's DRC investigation, Management reported that three of six female survivors of GBV committed in the contractor's labor camp had filed legal complaints, and that all these cases[229] were dismissed in court due to "insufficient evidence." Of the 67 survivors of alleged rape or sexual assault in the DRC, only seven filed a complaint in the legal system, as reported by Management in March 2020.[230]

Although redressing legal gender discrimination has improved overall, many countries still tacitly tolerate impunity from prosecution for GBV offenders, especially where law enforcement is challenging.[231] Cases of GBV are commonly decided according to parallel or traditional forms of legal justice—which can be hostile to female victims, and which espouse patriarchal customary or religious norms that often favor perpetrators.[232] In many non-secular legal regimes, GBV unproven in formal legal venues or in customary or religious courts can result in severe punishment for female victims, including execution, imprisonment for adultery, or forced marriage to their assailants.[233] For example, a UN Working Group on Discrimination against Women in Law and in Practice report has pointed out that "[m]any of the communications to governments by the mandate holders [UN special rapporteurs] have been in relation to honor crimes committed by family members, or to the action/inaction of the State with regard to stoning, flogging or death by hanging of women for suspected premarital sex, for adultery, for failing to prove rape, and for acts deemed incompatible with chastity."[234]

The United Nations Office on Drugs and Crime's Handbook on Effective Prosecution Responses to Violence Against Women and Girls documented the widespread impunity for GBV crimes against women, stressing that "[t]he rule of law is undermined when impunity characterizes the criminal justice response to violence against women and girls." It further observed that "prosecutors have a key role to play in reducing the high level of impunity for perpetrators of violence against women and girls by ensuring accountability and sending a message to society that such violence will not be tolerated," and pointed out how GBV-related impunity weakens the rule of law generally: "Violence against women and girls is a complex social problem deeply rooted in structures of gender inequality and flourishes in a culture of impunity. Such impunity ends up normalizing this type of violence and undermining the rule of law."[235]

These many factors—in addition to fear of retaliation—often deter women from accessing justice through the legal system, denying any accountability for their perpetrators. In the DRC Investigation Report, the Panel noted that "[d]espite such legal protections, law enforcement remains weak."[236] In July 2013, CEDAW found that women lacked effective access to justice in the DRC due to continual delays in judicial and criminal justice reform, and the high costs of legal proceedings. Furthermore, many women are unaware of the relevant laws or how to navigate judicial labyrinths. Women also fear reporting cases of sexual violence due to possible stigmatization, retaliation, and a widespread distrust of the legal system.[237]

Given the well-documented, widespread, historic, and systemic gender discrimination in the law that is experienced by women globally, IAMs may offer additional safe spaces for victims of project-related GBV to seek accountability. Challenging rule-of-law contexts, under-resourced judicial processes, gender-discriminatory legislation or legal agencies may unwittingly foster impunity from prosecution and distrust of the legal system. Where a victim wishes to preserve anonymity, or there is significant risk of banishment or ostracization, or there is fear of retaliation and reprisals for trying to hold perpetrators individually accountable, IAMs may prove useful additional venues for project-related victims in some limited situations. IAMs:

- have confidential processes to protect the identities of victims (and perpetrators) and reduce the likelihood of retaliation;
- do not require victims to face their perpetrators;
- can prove project-related harm without attributing personal blame;
- base their findings on credible evidence corroborated by other victims, witnesses, or events;

- can tap the expertise of gender and GBV specialists;
- investigate their parent institutions for non-compliance with their operational policies and procedures and deliver project-related findings quickly, usually in less than a year, and
- do not burden victims financially, except for costs they might incur traveling to interviews with IAM investigation staff.

Sometimes, the borrower—supported by the IAM's parent IFI—may deliver relief to GBV victims even absent any official finding of abuse or project involvement, as seen in the two Panel cases where victims received assistance regardless of their connection to the projects. In Uganda, as part of the Bank-supported ECPR program, the borrower provided counseling and therapy sessions, assistance with school reintegration, additional training programs, support for pre- and post-natal care, and a monthly stipend to help meet basic needs[238] of project-related GBV survivors and other victims.[239] An IAM can also protect the reputation of its parent IFI by responding quickly to GBV complaints, consistent with the institution's stated goals on gender equality.

Although some IAMs do not conduct investigations on policy noncompliance by their parent institutions if a case is pending or sub judice before a formal court of law, for many—including the Inspection Panel—an investigation does not preclude simultaneous legal action if the victim wishes to pursue both avenues. Going forward, heightened publicity about all resources available to victims could help them pursue some form of accountability. Furthermore, IAMs wishing to provide such outcomes must consider developing more gender-inclusive, speedy, and effective responses, and include GBV in their outreach events and in-staff training.

(c) The Panel's Approach to Investigating GBV, Including Methodology

Due to the serious risks victims face when reporting GBV—particularly in FCV areas—it is critical that IAMs adopt a gender-inclusive and responsible strategy for investigating this type of harm. They must be sensitive to the fact that investigations and compensation to victims can have unintended, adverse consequences. This damaging prospect surpasses the risk of revictimization and can hamper the chances of improving community dynamics. As the experience in the Uganda case described in Box 9 shows, working with project stakeholders and community members to uncover and substantiate GBV allegations can be ineffective if conducted in gender-insensitive ways.

Recognizing these challenges, the Panel's paramount concern was victim protection as it investigated the GBV allegations in Uganda and the DRC, and it consciously improved its methods by using specialist investigators, among other changes, as outlined in a chapter above on the DRC. The investigations sought to answer the following questions:[240]

- Were there instances of project-related sexual and gender-based violence (including rape, child sexual abuse, sexual exploitation, and sexual harassment)?
- What were the extent and consequences of such occurrences?
- Was the risk of GBV harm properly identified and assessed in the project?
- Did the project include preventive and mitigation measures?
- If so, were they adequate and implemented?
- Were remedial actions taken to address the harm?

BOX 9: "STAND-UP AND TELL YOUR STORY IF YOU HAVE BEEN SEXUALLY ASSAULTED"—AT A VILLAGE COMMUNITY MEETING IN UGANDA

When allegations emerged about GBV committed by foreign and migrant workers in the Uganda case, Bank officials and the Uganda National Roads Authority—the country partner—responded by calling a community meeting to discuss the GBV complaints and general safety concerns about the road construction. "It was a mixed community with men and women there, and they were asking for people to stand up and say what had happened to them," such as whether sexual assault occurred, recalls Zeinab El Bakri, a Panel member from 2012 to 2017 who led the Panel investigation. "Of course, no one did in that setting."

As a result, the Bank accordingly reported that no complaints related to GBV were raised at the meeting, which the community perceived as ignoring the issue. Only when the Panel later registered the community's complaint did the Bank substantiate instances of GBV with the help of gender specialists.

"Who would I tell about this? There's nobody who can help. Nobody seems to be responsible for these men's behaviors [sic]. They walk how they want, where they want."
—Under-aged Girl

"At first I didn't tell anyone what had happened. I was scared and thought I would be punished by my mum. I didn't think he would be punished. Can that happen? I knew I was pregnant because I didn't feel well and didn't get my period."
—15-year-old Rape Victim

"The women who work there, they have had to accept the practice. They want to keep their jobs, so they have to have sex. The men give jobs to the ones they like and if they don't like you anymore, they chase you away. I hear from others who worked there before me that it was always this way. The biggest problem is that the men didn't even use condoms. I know that many of the men suffered from sexual diseases."
—Young Woman, Workers' Camp

> I was doing laundry and cleaning offices at the camp. I had to put in 50,000 shillings to get a job there. The Ugandan man who recruited me was working in HR, I think. He told me I had to pay a deposit to get the job, so I did. I left a few months ago. I had very strong reasons for leaving that work. My superiors wanted to have sex with me.
>
> *—Young Woman, Workers' Camp*

The Panel investigations adhered to the "ethical principles governing human subjects," namely: respect for persons, pursuit of justice, and application of beneficence.[241] In both cases, the Panel followed global good practices for conducting research on gender-based violence by prioritizing victim safety, anonymity, confidentiality, and protection from re-traumatization and stigmatization. An earlier chapter of this report detailed the differences between the Panel's approach to the two investigations. The DRC project posed more challenges—the need to investigate a longer road segment, working with less organized communities than in Uganda, and dealing with the presence of security forces. Building on its experience, the Panel used specialist investigators and took a more rigorous, survivor-centered approach in the DRC. The details of the methodology used as described below are from the Panel Investigation Report.[242]

In the DRC case, in addition to an extensive review of project documentation, the Panel held focus group discussions and individual, in-depth interviews with victims, community members, service providers, and government officials. At the start of each interview or FGD, the Panel explained that taking part was voluntary, and participants could decline to answer any question or withdraw at any stage. The consultants framed the FGDs in a general manner by initially asking about "community trends" rather than individual experiences. The interviews with victims carefully followed the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, which describes global good practices for conducting investigations.[243] Experts with significant prior experience in fact-finding and data collection on GBV issues conducted all individual interviews related to sexual violence.

Confidentiality and Informed Consent. To ensure privacy and confidentiality, the Panel worked with local intermediaries to arrange a convenient and safe location and time for the interviews and FGDs. This was particularly important for girls divulging extremely sensitive information about their experiences. The Panel obtained interviewees' informed consent prior to commencing an interview or collecting external records. For minors, the team obtained informed consent from a parent or guardian where appropriate and considered the age, needs, and sophistication of each interviewee. The Panel told all interviewees the purpose of the interview, the nature of the information sought, how confidentiality applied to the investigation, and what might be disclosed in the resulting report, stressing that no personal information would be publicly released without the interviewees' prior consent.

Mitigating Risk of Re-Traumatization. The Panel took a conversational approach, beginning each interview with open-ended questions that gave the interviewee some control of the discussion. The Panel approached topics by "funneling" events and establishing timelines. This technique starts with general questions to obtain as much information as possible, asking for more detail at each pass, and culminates with direct, specific, closed questions. Investigators worked to prevent or minimize any unintended effects of interview-related activities and monitored interviewees for signs of trauma. The Panel informed interviewees of available referral services and put them directly in touch with such services when desired.

Evaluating the Credibility of Interviewees and Identifying Fact Patterns and Profiles. GBV is significantly underreported, largely because, as noted earlier, the women who reveal it often endure stigmatization and ostracization. This must be considered when evaluating victim testimony. The courage required to provide this information—particularly in a context of victim vulnerability and poverty in a fragile state—deserves appreciation.

The Panel strived to maintain impartiality at all times. Investigations were not required—and did not seek—to satisfy a legal burden of proof. Rather, the Panel established a uniform and careful mechanism for confirming interview information by repeating questions and validating pertinent answers with at least two independent sources. In some instances, the Panel asked interviewees to verify information through drawings, and to identify specific details of people, events, or locations. The Panel recognized that inconsistencies in statements could signal trauma, nervousness, or reluctance. After the interviews, the Panel assessed the credibility of each interviewee, evaluating:

i. what the interviewee may have said on a different occasion,

ii. the accounts of witnesses, first responders, or other interviewees in the same or similar situations,

iii. whether the GBV was project-related, and

iv. the typologies of the behavior by alleged perpetrators and of the harm suffered by victims.

In order to verify testimonies with information from secondary sources, the Panel also held interviews with service providers, community members, NGO workers, and government officials. The Panel debriefed on each interview at the end of each day, analyzing information gathered from individuals, FGDs, site visits, material documentation, and reports.

> "I was told I had to stay the night at the...camp. A foreign worker bought alcohol and pressured me to drink. I became severely intoxicated and was sexually assaulted. The next morning when I reported to work other foreign workers showed me photos of myself on their cellphones. The photos showed me naked and passed out in bed. The foreign workers laughed and made disparaging gestures while continuing to share the photos, speaking in a foreign language amongst themselves."
>
> *–Female Worker*

The Panel then designed a case matrix to reveal patterns of behavior and profiles of alleged perpetrators and victims. This matrix helped identify common and practices of perpetrators, the groups involved, the kinds of harm committed, and its effects on victims, as well as the frequency, location, and major events associated with the harm. The Panel combined this general evidence with expert opinion to substantiate project-related GBV ranging from sexual harassment to sexual assault. This survivor-centered approach may be suitable for other IAMs preparing to investigate such complaints.

(d) The Evidence and Levels of Proof Required to Establish GBV Adopted by the Panel

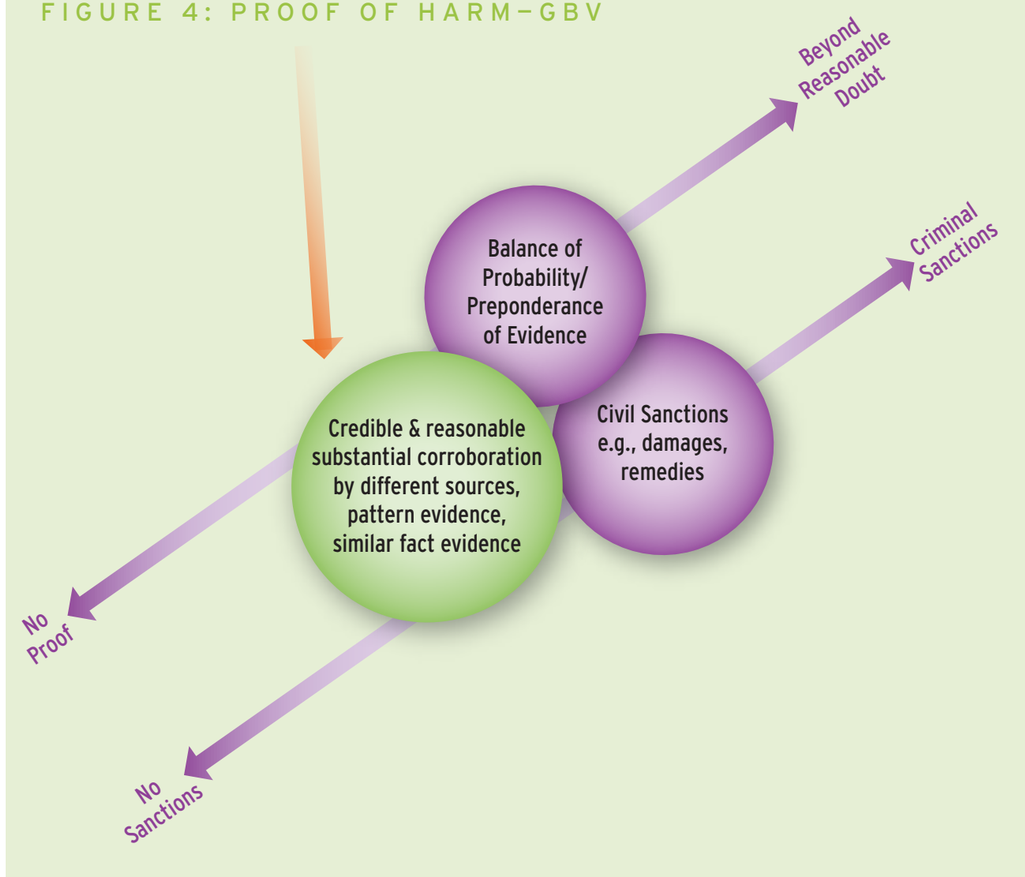
The Panel struggled with whether GBV, which in most countries is also a crime, should be substantiated like any other environmental or social harm—such as biodiversity degradation from construction or income losses due to involuntary resettlement. Or does it require a higher standard of proof or greater evidentiary burden?

While Management in the Uganda case eventually found that project-related GBV had occurred, in the DRC it had initially claimed in October 2017 that it could not substantiate the GBV allegations.[244] Although the Panel interviewed 22 victims in Uganda and substantiated a majority of their claims of project-related rape, sexual exploitation, and sexual harassment,[245] in the DRC matter Management accepted that only two of 39 GBV cases were linked to the road at the time the Panel's Investigation Report was submitted to the Bank's Board.[246] However, Management did accept the cases of alleged sexual harassment in the workers' camp in the DRC.

In many borrower countries, official reporting and prosecution rates do not accurately describe the scale of the existing GBV problem due to the suppression of these numbers by the stigma surrounding GBV and the sluggish pace of gender equality reforms.[247] For example, in 2016 as many as 22 percent of Ugandan women ages 15 to 49 had experienced some form of sexual violence, while annually only 13 percent report such abuse.[248] This gap indicates how daunting the legal process can be for victims. In the DRC, the United Nations Population Fund recently reported that humanitarian actors assisted an estimated 30,000 victims of GBV per year, including cases of rape, trafficking and sexual exploitation.[249] In such environments it is difficult to understand why project-related SEA/SH was not considered highly likely in the cases investigated by the Panel, or why a higher standard of proof seemed necessary to establish the existence of GBV harm than was needed for other environmental and social safeguards.

As mentioned in its two Investigation Reports, the Panel did not seek to satisfy a legal burden of proof since it is neither mandated nor equipped to do so. Rather, the Panel contended that IAMs need not document GBV beyond the level of proof required to establish any other social or environmental project-related harm. The diagram below (Figure 4) demonstrates the level of proof sought by the Panel.

FIGURE 4: PROOF OF HARM—GBV



The Panel chose to establish a level of proof captured by the following question: Is there reliable, credible, and reasonable, first-person testimony of GBV, corroborated by other sources and/or supported by analogous facts or patterns of evidence? If yes, the inquiry leads to a finding of project-related GBV based on probability, as shown in the diagram's green circle above.

This is similar, if not identical, to the methodology and burden of proof used by many fact-finding bodies—including national human rights commissions—when gathering evidence for non-judicial inquiry and research, or when studying patterns for future mitigation measures in projects, advocacy truth-telling, and reporting to human rights tribunals.[250] CEDAW accepts this level of evidence when examining the reports of member states during its tribunal hearings on gender equality, as does the Human Rights Council when compiling its Universal Periodic Review of countries' human rights records and reports.[251]

The Panel recognized that the higher burden of proof required in a criminal trial is there to protect the accused perpetrator's rights to a fair trial. However, the Panel considered more rigorous collection of evidence unnecessary to establish GBV for the following reasons:

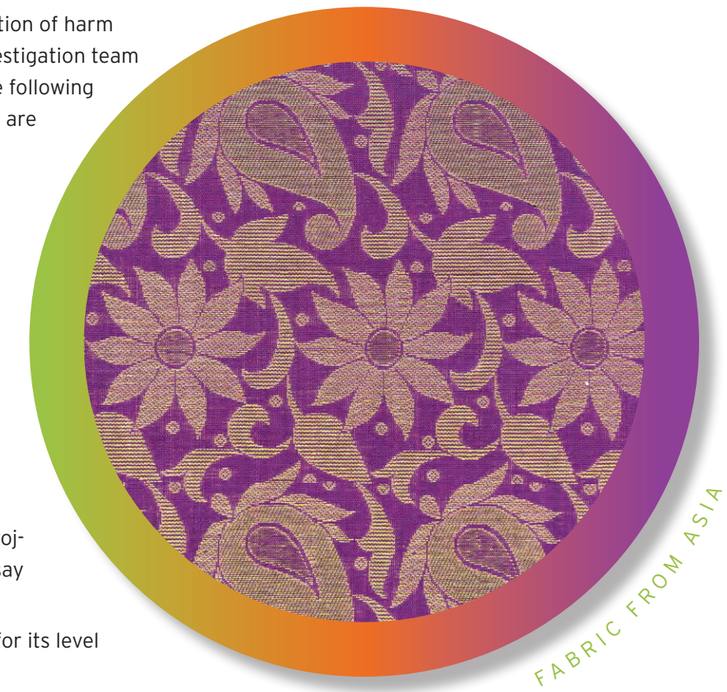
- The aim of IAM investigation is neither to prosecute nor to assign criminal responsibility and punish the perpetrator, but rather to establish the existence of harm because of violations of an institution's policy.
- The IAM process is non-judicial, pursued for purposes of accountability, mitigation, and effective IFI response, including helping victims choose appropriate ways forward for themselves.
- Legal corroboration of sexual violence is no longer required in international law and in many national courts, although it is helpful in convicting perpetrators and redressing harm.
- The accused perpetrators are not being put on trial, questioned, or cross-examined by the IAM; thus, their rights are not being compromised or prejudiced.
- The IAM process investigates claims of harm to establish policy non-compliances and so that IFIs can provide remedial measures—such as psychosocial, legal, and health support—and not to establish individual fault.

There is no logical reason why allegations of GBV should face greater hurdles than claims of other social or environmental harm. To require a higher level of proof reinforces the stereotypical myths [e.g., that women "ask" for GBV by their dress and behavior] about women and GBV and ignores the historic and systemic discrimination women face globally. Consequently, the Panel required evidence similar to grounds for prevailing under civil law—i.e., proof sufficient to pass a probability test.

Adopting a similar burden of proof may assist other IAMs in dealing with project-related GBV allegations. The Panel's approach to GBV more generally, therefore, is to consider the victim's allegation plausible from the start, and to change its views if contrary evidence is found. This method is much more gender-inclusive and consistent with IFIs' stated policies and strategies on gender equality in development.

CHAPTER 8

USEFUL QUESTIONS WHEN APPROACHING A GBV INVESTIGATION



When considering an allegation of harm due to GBV, the Panel investigation team found it useful to pose the following broad question first: What are the potential indicators that might establish the likelihood of project-related GBV? The Panel learned that a confluence of pertinent factors may help an IAM recognize whether there is GBV in a project. The following non-exhaustive, gender-specific questions describe indicators germane to the Panel's investigations:

(a) Project Information

- What did the PAD or relevant project, loan document, ESIA, etc., say about the risk of GBV?
- Has the project been screened for its level of GBV/SEAH risk?
- Do "high-risk" projects have a GBV action plan?
- Was there a GBV specialist on the screening team?
- Has the PIU been sensitized to GBV?
- Was the capacity of the PIU to implement the action plan assessed?
- Was a project GRM set up with the technical capacity to receive GBV complaints?
- If so, did it allow for confidential complaints?
- Were local expert NGOs consulted during project design and implementation?
- Were there any GBV or gender CSOs or NGOs involved in the project—e.g., as third-party monitors?

(b) Status of Gender Equality in the Project Area

- What is the status of gender equality in the country and in the project area?
- What are the existing GBV rates in the country and project area?
- Is the project in an FCV area where GBV is likely to be exacerbated?
- What are the views of local CSOs or NGOs about gender equality and GBV in the area?
- What is the existing gender or social analysis context regarding law in the country?
- What is the legal context in relation to GBV complaints?
- Are there security forces present in the project area?
- How do they behave toward women and children in the area?
- Are there traditional governance mechanisms—e.g., a traditional dispute resolution mechanism—at the community level to which females can complain?
- How are they treated by such mechanisms?
- Do women and children have voice and agency through such mechanisms?
- Is there any pressure from community leaders on females and children to accept traditional apologies and compensation for harm?
- Does the resolution of the dispute at the community level prevent criminal prosecution?
- Is there a consistent view from women, children, and community members that GBV harm occurred in the project?
- What is the potential for retaliation against victims who complain to the IAM, GRM, or traditional governance mechanism?
- Are there confidential grievance channels to protect victims?

(c) Project Labor Force and Contractors

- What is the source of labor recruitment for the project?
- Is there a large labor influx of male construction or other workers from abroad or outside the area into the project area?
- Is there an analysis of housing/lodging availability and how an influx of workers will affect local communities?
- Does the contractor have a mechanism to consider GBV complaints in projects that should or have been considered "high risk?"
- Is there a GRM set up to consider GBV?
- Is there a gender or GBV expert on the project GRM?
- Is there a specialized GBV GRM?
- Was there any GBV or SEA/SH training provided to the contractor's employees, PIU staff, et al. on GBV?
- Were there CoC requirements included in the bidding documents and management plans?
- Was a CoC signed and understood by the contractor's workers?
- Was a CoC enforced and was misconduct sanctioned?
- Are private or public security forces employed by the project contractor or operating in the area?
- If so, how do they behave toward women and children and what is their human rights track record in general?
- Was vetting for past abuses conducted during the hiring of security personnel?
- Does the CoC also apply to security personnel and did they receive adequate training?
- Is there a procedure to handle security-related incidents?

CHAPTER 9

KEY INSIGHTS FROM THE PANEL'S EXPERIENCE

1. Gender-inclusive infrastructure is a critical need in borrower countries, and has direct impact on women's empowerment, especially in terms of "time poverty."[252] However, the Panel found that without a project-specific GBV analysis or gender diagnostics—including an assessment of GBV risk, and corresponding gender-responsive project design—development may come at a significant human and gender-specific cost to women. Although women and girls saw the benefits of the two Bank-supported projects discussed above and indeed welcomed the new roads which would make walking to water, school, markets, goods, services, hospitals and paid employment easier—thereby decreasing their time poverty—the roads came at a significant personal cost to many.[253]
2. GBV has far-reaching consequences for women, families, and communities, including harmful effects on a survivor's health and well-being, economic development, and gender equality. GBV is closely connected to overall gender equality, and the advance or retreat of one encourages the advance or retreat of the other. Apart from impeding the security, mobility, and livelihoods of women and children worldwide, the persistence of GBV exacts a steep cost on victims, economies, and IFIs and MDBs working toward poverty reduction. It will remain a challenge for development activities, and a pertinent issue for IAMs.
3. The confluence of specific factors—low levels of gender equality, high rates of GBV in the area generally, an influx of male construction workers, poor law enforcement, impunity from prosecution for GBV, and often an FCV context—can be an early warning sign of high risk of project-related GBV.
4. IAMs may in some cases provide an additional avenue and a safe space for victims of project-related incidences to seek redress and accountability. If IAMs are to offer such accountability, they must consider the need for more gender-inclusive, speedy, and effective responses, as well as targeted staff training.
5. A survivor-centered approach to investigations with well-designed methodology can help protect victims, substantiate cases of GBV, and reveal where IFIs have not appropriately mitigated GBV risks.
6. IAM investigations of GBV should operate on the premise that victims' claims are plausible and hold them to a standard of proof similar to that used for findings of non-compliance on other environmental and social policies in development projects.
7. As the Panel learned through the two seminal cases presented above, seeking accountability, remedies, and institutional action—on behalf of women, children, and potentially gender minorities, affected by project-related GBV—can have positive and long-lasting effects on development institutions working toward poverty reduction, and the communities they seek to support.

"When we first heard about the road, we felt happy. We were excited to have a tarmac road. Some people are still excited about it, but because of the road, girls are having babies with no fathers. A lot of them. I know some others who had babies, too. These guys are working on the road, so they have money. They give us small gifts, we eat [sic] the money."

–19-year-old Female

"With the old road, we could go to school but when it rained it was too muddy. Sometimes it was too dusty. But now, the road is better and it's easier to go around. Still, I'm not happy about the road now. They spoiled my health."

–Under-aged Schoolgirl

Endnotes

Chapter 1 ▶

1. A borrower or recipient of the Bank's financing of investment projects that strives to promote poverty reduction and sustainable development, and any other entity involved in the implementation of a project financed by the Investment Project Financing.
2. World Bank, 2015, World Bank Group gender strategy (FY16-23): Gender Equality, Poverty Reduction and Inclusive Growth.
3. Gender-based harm, while not biologically limited to women, refers to risks more likely incurred by women than men, including the risk of rape, sexual harassment, sexual exploitation, and spousal abuse or domestic violence. Conaghan, J., 1996, Gendered Harm and the Law of Tort: Remedying (sexual) Harassment, Oxford Journal of Legal Studies, 16(3), pp. 407–431.
4. World Bank, Uganda Transport Sector Development Project.
5. Information on IAMs is available on the website of the IAMnet Independent Accountability Mechanisms Network.
6. Inspection Panel, 2014, Inspection Panel Report on India Vishnugad Pipalkoti Hydro Electric Project.
7. The Uganda Transport Case, 98th received by the Panel on 19 December 2014. Until then, the Panel had registered 80 cases and undertaken 33 investigations, including the Ugandan Transport case. As of mid-2016, the Panel had 110 cases, of which it registered 86 and undertook 35 investigations.
8. See Chapter 4 of this report for two GBV investigations recently completed by IAMs in 2019–2020.
9. World Bank, Uganda Transport Sector Development Project.
10. World Bank, DRC High Priority Roads Reopening and Maintenance - 2nd Additional Financing.
11. Both terms are used interchangeably in this Report.
12. When the Investigation Reports were published the Panel learned many victims were disappointed that "their voices were not heard in the Reports." The NGOs who assisted the Panel with the investigations support inclusion of victims' voices in this Report.
13. World Bank, 2019, World Bank Group Strategy for Fragility, Conflict, and Violence 2020–2025 - Concept Note.
14. World Bank, 2016, Managing the Risks of Adverse Impacts on Communities from Temporary Project Induced Labor Influx Note.

Chapter 2 ▶

15. These are the current definitions used by the World Bank.
16. UN Glossary on Sexual Exploitation and Abuse, October 2017, p. 10; World Health Organization, World Report on Violence and Health (2002); U.N. Secretary General, Special measures for protection from sexual exploitation and sexual abuse, UN Doc. ST/SGB/2003/13; ECHA/ECPS UN And NGO Task Force on Protection from SEA, Preventing Sexual Exploitation and Abuse (SEA) by Agency Personnel During The Haiti Emergency: First Steps For Humanitarian Agencies (2010); GBV IMS classification tool.
17. World Bank, 2017, Working Together to Prevent Sexual Exploitation and Abuse: Recommendations for World Bank Investment Projects, p. 12.
18. UN, 2017, UN Glossary on Sexual Exploitation and Abuse, p. 10.
19. WHO, 2002, World Report on Violence and Health, p. 149.
20. UN, 2017, UN Glossary on Sexual Exploitation and Abuse, p. 5.
21. Ibid., p. 6.
22. UN Secretary General's Bulletin, 2008. Prohibition of Discrimination, Harassment, Including Sexual Harassment, and Abuse of Authority (ST/SGB/2008/5).
23. UN, 2017, UN Glossary on Sexual Exploitation and Abuse, p. 10.
24. Ibid., p. 6.
25. Gender-Based Violence Information Management System Classification Tool.
26. UN Women, 2016, The economic costs of violence against women. WHO, 2013. Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence. World Bank Internal Training Session on Mitigating SEA/SH Risks in Projects.
27. WHO, 2013, Violence against women: a 'global health problem of epidemic proportions.
28. Amnesty International, 2010, I Can't Afford Justice' Time to Address Violence Against Women in Uganda.
29. Care, 2018, Counting the Cost: The Price Society Pays for Violence Against Women, p. 13.
30. WHO, 2013, Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence. World Bank Internal Training Session on Mitigating SEA/SH Risks in Projects.
31. Amnesty International, 2010, I Can't Afford Justice,' Time to Address Violence Against Women in Uganda.
32. Palermo, T., Bleck, J. and Peterman, A., 2014, Tip of the iceberg: reporting and gender-based violence in developing countries. American journal of epidemiology, 179 (5), p. 607.
33. World Bank, 2016, Working Together to Prevent Sexual Exploitation and Abuse: Recommendations for World Bank Investment Projects, p. 13.
34. Ibid.
35. WHO, 2013, Global and Regional Estimates of Violence Against Women: Prevalence and Health Effects of Intimate Partner Violence and Non-partner Sexual Violence, p. 21.
36. World Bank Group, Klugman et al., 2014, Voice and Agency: Empowering Women and Girls for Shared Prosperity, p. 75.
37. Ibid.
38. International Law Development Organisation. 2018. High-Level Group Seeks Action To Close Justice Gap for Women.
39. "Studies indicate, for example, that in India women can lose an average of at least five paid workdays for each incident of intimate partner violence. This fact would mean the affected woman would get 25 percent less of her salary each time an incident of violence happens." Also: "In Uganda, about 9 percent of violent incidents forced women to lose time from paid work, amounting to approximately 11 days a year, equivalent to half a month's salary, affecting not only the incumbent person but her family and dependents." UN Women, 2016, The economic costs of violence against women.
40. World Bank Group, Willman & Corman, 2013, Sexual and Gender-Based Violence: What is the World Bank Doing and What Have We Learned: A Strategic Review, p. 5.
41. World Bank Group, 2016, Working Together to Prevent Sexual Exploitation and Abuse: Recommendations for World Bank Investment Projects, p. 13.
42. KPMG, 2016, The Cost of Violence against Women and their Children in Australia, p. 4.
43. CARE International, 2018, Counting the Cost: The Price Society Pays for Violence Against Women, p. 4.
44. Ibid.; UN Women, 21 September 2016, The Economic Costs of Violence Against Women.
45. World Bank, 2019, Gender-Based Violence (Violence Against Women and Girls).
46. "Losses from stress and sexual harassment in the workplace are estimated at 1%–3.5% of GDP over a range of countries," Care, 2018, Counting the Cost: The Price Society Pays for Violence Against Women, p. 119; "Faley et al (1999) measured the cost to the American Armed Forces of sexual harassment within the organization during 1988. Surveys were mailed to a large representative sample of both men and women enquiring about their actual experiences of sexual harassment while in the Armed Forces. The usable sample size included over 20,000 active-duty personnel. Costs were determined relating to recruiting, training, transfers, grievances, counselling, quitting and other administrative costs. Based on the actual behaviors reported by the survey respondents, Faley et al estimated the annual total costs in 1994 dollars for the whole Army to be over $250 million," Day, T., McKenna, K. & Bowlus, A., 2005, The economic costs of violence against women: An evaluation of the literature, p. 24.
47. Conaghan, J., 1996, Gendered harms and the law of tort: Remedying (sexual) harassment. Oxford Journal of Legal Studies, 16(3), pp.407–431.

◀ Chapter 3

48. The Inspection Panel, 2014, Investigation Report: India Vishnugad Pipalkoti Hydro Electric Project.
49. Inspection Panel, 2002, Investigation Report: Chad-Cameroon Petroleum and Pipeline Project (Credit No. 4558-CD); Management of the Petroleum Economy Project (Credit No. 3373-CD); and Petroleum Sector Management Capacity Building Project (Credit No. 3316-CD), p. ix.
50. Ibid., pp. x-xxi.
51. Ibid., pp. 96–99.
52. Ibid., pp. 21–22.

Chapter 4 ▶

53. Management Response, December 2015, p. 5, para 17. See also Panel Compliance Finding 12 on p. 106 of the Investigation Report.
54. CARE International, 2018, Counting the Cost: The Price Society Pays for Violence Against Women, p. 13.
55. Amnesty International, 2010, 'I Can't Afford Justice,' Time to Address Violence Against Women in Uganda.
56. Ibid.
57. "Defilement" is the term used in Ugandan legislation to describe sexual abuse of children aged under 18. Inspection Panel, 2016. Inspection Panel Investigation Report. Republic of Uganda Transport Sector Development Project – Additional Financing (P121097). Report 106710-UG, p. 60, paras 269 and 273.
58. Uganda's 2016 police crime report indicates that defilement cases alone rose by 34%, from 13,118 in 2015 to 17,567 in 2016. UN, Africa Renewal, Violence against women unabated despite laws and policies.
59. Inspection Panel, 2018, Investigation Report 124033-ZR: Democratic Republic of Congo Second Additional Financing for the High-Priority Roads Reopening and Maintenance Project (P153836), p. 75, para 268.
60. Terms used interchangeably in this document; however, the Bank now uses the term GM. Grievance redress mechanisms can be effective tools for early identification, assessment, and resolution of complaints on projects. World Bank. 2014. The World Bank's Approach to Grievance Redress in Projects.
61. Inspection Panel, 2016, Inspection Panel Investigation Report. Republic of Uganda Transport Sector Development Project – Additional Financing (P121097). Report 106710-UG, p. x, para 25.
62. Ibid., p. x, para 26.
63. Ibid., p. x, para 26.
64. Ibid., p. 106, Finding 12.
65. Communication to the Panel.
66. Inspection Panel, 2016, Inspection Panel Investigation Report. Republic of Uganda Transport Sector Development Project – Additional Financing (P121097). Report 106710-UG, p. vii, para 13.
67. Inspection Panel, 2018, Investigation Report: Democratic Republic of Congo Second Additional Financing for the High-Priority Roads Reopening and Maintenance Project (P153836), p. 6. Management stated that it "takes the allegations of GBV very seriously." However, despite its best efforts, it has not been able to substantiate any GBV claims. Management explained that the "allegations have remained general" and, given that GBV and other human rights abuses are common in eastern DRC "it has been difficult to ascertain any link to the Project."
68. Management was in the process of hiring four local NGOs (Collectif Alpha Ujuvi, SARCAF, ADMR, and SOPROP) to facilitate the identification of incidents, receive complaints related to GBV, and ensure provision of services to victims. Heal Africa in North Kivu and the Panzi Foundation in South Kivu were also being hired to receive the most complex cases and to provide holistic support to survivors.
69. Inspection Panel, March 2020. Second Progress Report on the Implementation of Management's Action Plan in Response to the Inspection Panel Investigation Report (Insp/R2018–0002) on the Democratic Republic of Congo Second Additional Financing for the High-Priority Roads Reopening and Maintenance Project (P153836), p.10. The Report states that 18 of 67 rape/sexual assault and 23 of 46 other cases were "found to be likely linked to the project."
70. Ibid., p. 4.

71. Ibid., p. 1.
72. Ibid., p. 76.
73. Ibid., p. ix.
74. Ibid., pp. 67–87.
75. Ibid., p. 69.
76. Ibid., p. 77.
77. Ibid., p. 70.
78. Ibid., p. 106.
79. Ibid., p. 101.
80. World Bank, 2016, Management Report and Recommendation in Response to The Inspection Panel Investigation Report of the Uganda TSD Project – Additional Financing, p. 11.
81. Ibid., p. 54.
82. Ibid., p. 2.
83. Ibid., p. 11.
84. Ibid., p. 7.
85. Launched in March 2017, SCOPE's full implementation began in September and was set to run through the end of November 2018. SCOPE is coordinated by the Ministry of Gender, Labour, and Social Development (MGLSD) in close collaboration with line ministries, departments, and agencies, Kamwenge and Kabarole District Local Governments, and CSOs.
86. World Bank, 2017, Uganda Transport Sector Development Project: Fact Sheet (Updated).
87. Second Management Progress Report, p. 10.
88. Ibid., p. 11.
89. World Bank, 2016, Management Report and Recommendation in Response to The Inspection Panel Investigation Report of the Uganda TSD Project – Additional Financing, p. 34.
90. World Bank, 2017, Uganda Transport Sector Development Project: Fact Sheet (Updated).
91. Inspection Panel, 2018, Investigation Report 124033-ZR: Democratic Republic of Congo Second Additional Financing for the High-Priority Roads Reopening and Maintenance Project (P153836), pp. 2–3.
92. Ibid., p. 4.
93. Ibid., pp. 81–85.
94. Ibid., pp. 85–89.
95. Ibid., pp. 96–99. Without an operational policy dealing with gender-related harm or GBV, the Panel found Management in non-compliance with Bank policies on Environmental Assessment (OP/BP 4.01) and Investment Project Financing (OP/BP 10.00).
96. World Bank, 2018, Management Report and Recommendation in Response to the Inspection Panel Investigation Report, pp. 19–24.
97. According to UN Women, a survivor-centered approach means all who are engaged in violence against women programming prioritize the rights, needs, and wishes of the survivor. Essentially, a survivor-centered approach applies the human rights-based approach to designing and developing programming that ensures survivors' rights and needs are first and foremost. The survivor has a right to: (i) be treated with dignity and respect instead of being exposed to victim-blaming attitudes, (ii) choose the course of action in dealing with the violence instead of feeling powerless, (iii) privacy and confidentiality instead of exposure, (iv) non-discrimination instead of discrimination based on gender, age, race/ ethnicity, ability, sexual orientation, HIV status, or any other characteristic, and (v) receive comprehensive information to help her make her own decision instead of being told what to do. The survivor-centered approach is based on a set of principles and skills designed to guide professionals—regardless of their role—in their engagement with women and girls who have experienced sexual or other forms of violence. The survivor-centered approach aims to create a supportive environment in which the survivor's rights are respected and in which she is treated with dignity and respect. The approach helps to promote the survivor's recovery and her ability to identify and express her needs and wishes, as well as to reinforce her capacity to make decisions about possible interventions (UNICEF, 2010). Providers must have

the resources and tools they need to ensure that such an approach is implemented. https://www.endvawnow.org/en/articles/652-survivor-centred-approach.html

98. World Bank, 2019. First Progress Report on the Implementation of Management's Action Plan in Response to the Inspection Panel Investigation Report, p.20.
99. Ibid., pp. 9–11.
100. Ibid., pp. 7–8.
101. World Bank, 2020, Second Progress Report on the Implementation of Management's Action Plan in Response to The Inspection Panel Investigation Report, pp. 3–4.
102. Ibid., p.10.
103. UK Foreign Commonwealth Office, 2014, International Protocol on the Documentation and Investigation of Sexual Violence in Conflict.
104. Inspection Panel, 2018, Investigation Report 124033-ZR: Democratic Republic of Congo Second Additional Financing for the High-Priority Roads Reopening and Maintenance Project (P153836), p.73, para 258 and Management Response in FN 374–378.
105. See Chapter 7 of this Report for more details.
106. Inspection Panel, 2018, Investigation Report 124033-ZR: Democratic Republic of Congo Second Additional Financing for the High-Priority Roads Reopening and Maintenance Project (P153836), p. 73, para 258.

Chapter 5 ▶

107. World Bank, 2015, World Bank Statement on Cancellation of the Uganda Transport Sector Development Project.
108. WHO, 2009, Promoting gender equality to prevent violence against women, Overview, p. 1.
109. Please see the Panel's Investigation Reports of these two projects for a detailed analysis of these issues.
110. Inspection Panel, 2016, Inspection Panel Investigation Report. Republic of Uganda Transport Sector Development Project – Additional Financing (P121097). Report 106710-UG, p. 106, Findings 9–12.
111. Ibid., p. 60, para 272.
112. Under the Asian Development Bank (ADB) system from 1998, a gender analysis is required for every project, followed by the compulsory election of a gender mainstreaming category, from four categories. For projects such as Uganda and the DRC with significant opportunities to benefit women, and put them at risk, both would have been classified as "effective gender mainstreaming projects" with a compulsory gender action plan. The plan would have addressed both promoting gender equality and mitigating risk. Within this plan GBV would have been addressed given the gender equality contexts. Available: https://www.adb.org/sites/default/files/institutional-document/34131/files/tip-sheet-1-gender-mainstreaming-categories.pdf. See ADB, Gender Action Plan with GBV measures, Ulaanbaatar Urban Services and Ger Areas Development Investment Program 2013: Gender Action Plan for Tranche 2 (available on Request).
113. "Defilement" is the term used in Ugandan legislation to describe sexual abuse of children aged under 18. Inspection Panel, 2016. Inspection Panel Investigation Report. Republic of Uganda Transport Sector Development Project – Additional Financing (P121097). Report 106710-UG, p. 60, paras 269 and 273.
114. World Bank, 2015, Management Response to Request for Inspection Panel Review of the Uganda Transport Sector Development Project – Additional Financing (P121097), p. 8, para 26.
115. Ibid., para 47.
116. Inspection Panel, 2018, Investigation Report 124033-ZR: Democratic Republic of Congo Second Additional Financing for the High-Priority Roads Reopening and Maintenance Project (P153836), p. 121.
117. The Panel found Management in non-compliance with Bank Policies on Environmental Assessment (OP/BP 4.01) and Investment Project Financing (OP/BP 10.00) for not properly assessing GBV risks considering the endemic GBV rates and the high vulnerability of women and girls in the Project area, and for the lack of appropriate mitigation measures to address the high risks of GBV that led to serious harm to women and girls in the community. The Panel also found Management in non-compliance with Bank Policy on Investment Project Financing (OP/BP 10.00) for failing to supervise the implementation of measures to mitigate the risks of GBV, or to identify and propose measures to redress harm caused by the Project.
118. World Bank, 2018, Environment and Social Framework (ESF) Good Practice Note on Gender-based Violence.
119. In July 2020, the World Bank announced it is developing new GPNs on SEA/SH in areas outside of civil works, such as health and education.
120. World Bank, 2016, Bank Directive - Addressing Risks and Impacts on Disadvantaged or Vulnerable Individuals or Groups.
121. Told to the Panel during interviews.
122. Inspection Panel, 2018, Investigation Report 124033-ZR: Democratic Republic of Congo Second Additional Financing for the High-Priority Roads Reopening and Maintenance Project (P153836), p. 31, para 115.
123. Inspection Panel, 2016, Inspection Panel Investigation Report. Republic of Uganda Transport Sector Development Project – Additional Financing (P121097). Report 106710-UG, p. 106.
124. Ibid., p. 66.
125. Ibid., p. 5.
126. World Bank, 2016, Managing the Risks of Adverse Impacts on Communities from Temporary Project Induced Labor Influx.
127. Inspection Panel, 2016, Inspection Panel Investigation Report. Republic of Uganda Transport Sector Development Project – Additional Financing (P121097). Report 106710-UG, p. 77, para 306.
128. Ibid., p.106.
129. Inspection Panel, 2018, Investigation Report 124033-ZR: Democratic Republic of Congo Second Additional Financing for the High-Priority Roads Reopening and Maintenance Project (P153836), p. 98, para 362.
130. The Panel finds Management in non-compliance with Bank policies on Environmental Assessment (OP/BP 4.01) and Investment Project Financing (OP/BP 10.00).
131. World Bank, 2016. Managing the Risks of Adverse Impacts on Communities from Temporary Project Induced Labor Influx.
132. Inspection Panel, 2016, Inspection Panel Investigation Report. Republic of Uganda Transport Sector Development Project – Additional Financing (P121097). Report 106710-UG and Inspection Panel, 2018. Investigation Report 124033-ZR: Democratic Republic of Congo Second Additional Financing for the High-Priority Roads Reopening and Maintenance Project (P153836), p. 75, para 266.
133. Inspection Panel, 2016, Inspection Panel Investigation Report. Republic of Uganda Transport Sector Development Project – Additional Financing (P121097). Report 106710-UG, p. 106, Finding 8.
134. The Panel finds the lack of a formal GRM for the project was not in compliance with World Bank OP/BP 4.12 on Involuntary Resettlement.
135. Inspection Panel, 2018, Investigation Report 124033-ZR: Democratic Republic of Congo Second Additional Financing for the High-Priority Roads Reopening and Maintenance Project (P153836), p. 119, finding on GRMs.
136. Ibid., p. xi, para 21.
137. Ibid., p. 24, para 81.
138. World Bank OP/BP 4.12
139. The World Bank Environmental and Social Framework, p. 11.
140. OpsClinics-Adapting GMs to Address Complaints on Sexual Exploitation, Abuse and Harassment in World Bank Financed Projects.
141. UN CEDAW/C/GC/33, General recommendation No. 33 on women's access to justice, 3 August 2015; International Commission of Jurists, Women's Access to Justice for Gender-Based Violence: A Practitioner's Guide, February 2016.
142. CEDAW, 2010, Concluding observations of the Committee on the Elimination of Discrimination against Women – Uganda.; CEDAW, 2010, Uganda denies human rights violations faced by LGBT and disabled women.; CEDAW, 2019, Committee on the Elimination of Discrimination against Women examines the situation of women's rights in the Democratic Republic of the Congo.

143. Inspection Panel, 2016, Inspection Panel Investigation Report. Republic of Uganda Transport Sector Development Project – Additional Financing (P121097). Report 106710-UG, p. 68, para 271.
144. Ibid., p. 83, para 330.
145. Ibid., p. 5, para 20.
146. Inspection Panel, 2018, Investigation Report 124033-ZR: Democratic Republic of Congo Second Additional Financing for the High-Priority Roads Reopening and Maintenance Project (P153836), p. 101, para 411.
147. Ibid., p. 76, para 271.
148. Ibid., p. 77, para 271.
149. Ibid., p. 76, para 268.
150. Inspection Panel, 2016, Inspection Panel Investigation Report. Republic of Uganda Transport Sector Development Project – Additional Financing (P121097). Report 106710-UG, p. 70, para 282.
151. Management, 2018, Management Report and Recommendation in Response to the Inspection Panel Investigation Report, footnote 20, p. 37.
152. Inspection Panel, 2016, Inspection Panel Investigation Report. Republic of Uganda Transport Sector Development Project – Additional Financing (P121097). Report 106710-UG, p. 70, para 255.
153. Amnesty International, 2010, I Can't Afford Justice' Time to Address Violence Against Women in Uganda.
154. Inspection Panel, 2016, Inspection Panel Investigation Report. Republic of Uganda Transport Sector Development Project – Additional Financing (P121097). Report 106710-UG, p. 70, para 271.
155. Ibid., para 309.
156. Inspection Panel, 2016, Inspection Panel Investigation Report. Republic of Uganda Transport Sector Development Project – Additional Financing (P121097). Report 106710-UG, para 281.
157. Inspection Panel, 2018, Investigation Report 124033-ZR: Democratic Republic of Congo Second Additional Financing for the High-Priority Roads Reopening and Maintenance Project (P153836), pp. 119–121.
158. Inspection Panel, 2016, Inspection Panel Investigation Report. Republic of Uganda Transport Sector Development Project – Additional Financing (P121097). Report 106710-UG, pp.104–106.
159. Inspection Panel, 2018, Investigation Report 124033-ZR: Democratic Republic of Congo Second Additional Financing for the High-Priority Roads Reopening and Maintenance Project (P153836), p. 98, para 362.
160. World Bank, 2018, Gender Based Violence in Fragile, Conflict, and Violence (FCV) Situations: Five Key Questions to be Answered, p. 3.
161. Inspection Panel, 2018, Investigation Report 124033-ZR: Democratic Republic of Congo Second Additional Financing for the High-Priority Roads Reopening and Maintenance Project (P153836), para 268.
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Chapter 7 ▶

210. In 2019, the INGO World Wide Fund for Nature (WWF) launched an investigation into claims that it funds, equips, and works with paramilitary forces accused of beating, torturing, sexually assaulting, and murdering people in national parks across Africa and Asia. This was preceded by the OXFAM GBV "safeguarding crisis" and investigation, which made findings of sexual misconduct, abuse and sex-trafficking by the organization's staff, against girls in Haiti after the 2011 earthquake. These investigations led to wholesale changes in the operations and accountability procedures of both organizations. WWF's new Policy on Accountability and Grievance Mechanism has established a GM, not yet functional, to allow project-affected people to complain about the implementation of its projects, and ask questions about projects. Following this, OXFAM organized an Independent Commission on Sexual Misconduct, Accountability, and Culture Change in 2018, which recommended significant reforms to accountability measures including updating complaint mechanisms and safeguarding policies.
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Chapter 9 ▶ 252. Improved infrastructure can significantly change the lives of women and girls by impacting their time allocation. Basic infrastructure has the potential to reduce the time spent on housework and care work and influence the gender division of labor. In most countries, women work longer hours than men, with more hours allocated to unpaid work such as subsistence production (including collection of water and firewood), household chores, and care of children, the elderly, and the sick. Time spent on this unpaid work minimizes the time available for women and girls to engage in paid work, thereby limiting their contribution to the economic welfare of their families. This is considered "time poverty," which effectively limits the contributions of women toward poverty reduction and economic growth, and it perpetuates gender inequalities across generations. ADB, 2015, Balancing the Burden? Desk review of women's time poverty and infrastructure in Asia and the Pacific, Executive Summary and p. 1.

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