

Good  
Practice  
Note

Environmental & Social  
Framework for IPF  
Operations

**Non-Discrimination:  
Sexual Orientation  
and Gender Identity  
(SOGI)**

*Good Practice Notes (GPNs) are produced to help World Bank staff in providing implementation support to Borrowers in meeting the requirements of the Environmental and Social Framework (ESF). They are written in a style and format that is intended for all staff and development partners to use. GPNs are advisory in nature and are not World Bank policy nor are they mandatory. They will be updated according to emerging good practice.*

First Edition

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# Abbreviations

<b>ESA</b>	Environmental and Social Assessment
<b>ESCP</b>	Environmental and Social Commitment Plan
<b>ESF</b>	Environmental and Social Framework
<b>ESP</b>	Environmental and Social Policy
<b>ESS</b>	Environmental and Social Standards (ESS1–10)
<b>GPN</b>	Good Practice Note
<b>ICT</b>	Information and Communications Technology
<b>SEP</b>	Stakeholder Engagement Plan
<b>TORs</b>	Terms of Reference
<b>SOGI</b>	Sexual orientation and gender identity
<b>LGBTI</b>	Lesbian, gay, bisexual, transgender and intersex people
<b>LGBTI +</b>	Lesbian, gay, bisexual, transgender and intersex people and + is a denotation of everything on the gender and sexuality spectrum
<b>VDG</b>	Vulnerable or Disadvantaged Group

This glossary of terms is meant to provide a common basis for understanding, and to provide terminology to describe concepts related to sexual orientation and gender identity.

The SOGI Global Advisor can provide a more detailed glossary of terms on request ([ccortez2@worldbank.org](mailto:ccortez2@worldbank.org)).

## General

<b>Discrimination</b>	Discrimination on the basis of SOGI means creating a distinction, exclusion, or restriction which has the purpose or effect of impairing or excluding a person based on their real or perceived sexual orientation, gender identity, gender expression, or sex characteristics from being on an equal basis with others.
<b>Mitigation hierarchy</b>	Anticipate and avoid impacts, minimize residual impacts, offset or compensate.
<b>World Bank Directive</b>	Addressing Risks and Impacts on Disadvantaged or Vulnerable Individuals or Groups (see Annex 2).

## Sex

<b>Intersex</b>	An umbrella term that refers to people who have one or more of a range of variations in physical sex characteristics that fall outside of traditional conceptions of male or female bodies. Some intersex characteristics are identified at birth, while other people may not discover they have intersex traits until puberty or later in life. Note that intersex is not synonymous with transgender.
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## Gender Identity

<b>Gender</b>	Gender refers to social, behavioral, and cultural attributes, expectations and norms associated with being male or female.
<b>Gender Identity</b>	Each person's deeply felt internal and individual experience of gender (e.g. of being a man, a woman, in-between, neither or something else), which may or may not correspond with the sex they were assigned at birth or the gender attributed to them by society. Note that this sense of self is not related to sexual orientation. Gender identity is internal; it is not necessarily visible to others.
<b>Gender Expression</b>	The way we show our gender to the world around us, through things such as clothing, hairstyles, and mannerisms, to name a few.

**Transgender** Refers to a person whose sex assigned at birth does not match their gender identity. The term “trans” is often used as shorthand.

**Sexual Orientation**

**Sexual Orientation** Each person’s enduring capacity for profound romantic, emotional and/or physical feelings for, or attraction to, person(s) of a particular sex or gender. It encompasses hetero-, homo- and bi-sexuality and a wide range of other expressions of sexual orientation.

**Sexual and Gender Minorities** Persons whose sex, gender, sexual orientation, gender identity and/or gender expression differ from those of the majority of the surrounding society.

**Lesbian** A woman who predominantly has the capacity for romantic, emotional and/or physical attraction to other women.

**Gay** A man who predominantly has the capacity for romantic, emotional and/or physical attraction to other men. The term is sometimes used to also describe women who are attracted to other women.

**Heterosexual** People who are attracted to individuals of a different sex and/or gender identity from their own (also referred to as “straight”).

**Bisexual** People who have the capacity for romantic, emotional and/or physical attraction to person(s) of the same sex or gender, as well as to person(s) of a different sex or gender.

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# 1. Introduction

## Environmental and Social Framework

Under the World Bank's Environmental and Social Framework (ESF), the Bank has strengthened its commitment to working against prejudice and discrimination toward project-affected individuals, groups, and workers, and to enhancing development opportunities, specifically for disadvantaged or vulnerable individuals or groups.

World Bank Good Practice Notes (GPN) accompany the ESF to support its implementation. This note focuses on investment project financing issues relating to discrimination based on sexual orientation and gender identity (SOGI). The GPNs have been developed in partnership with specialist advisers from inside and outside the Bank and are designed to be reviewed and updated periodically, when appropriate. The Note should be read in conjunction with the ESF, including the Policy, the Environmental and Social Standards (ESS1-10), and the accompanying Guidance Notes, and the Bank Directive on "Addressing Risks and Impacts on Disadvantaged or Vulnerable Individuals or Groups".

*"Social development and inclusion are critical for all of the World Bank's development interventions and for achieving sustainable development... inclusion means empowering all people to participate in, and benefit from, the development process. Inclusion encompasses policies to promote equality and nondiscrimination..." (ESF Vision Statement)*

***Discrimination on the basis of SOGI means creating a distinction, exclusion, or restriction which has the purpose or effect of impairing or excluding a person based on their real or perceived sexual orientation or gender identity,<sup>1</sup> from being on an equal basis with others, thereby potentially enhancing the negative impacts of the project or limiting project benefits or being able to voice comments or concerns during stakeholder engagement.***

Discrimination can be direct or indirect. (i) direct discrimination occurs where one person is treated less favorably than another is, has been or would be treated in a comparable situation on grounds of SOGI; (ii) indirect discrimination occurs where an apparently neutral provision, criterion or practice would put persons at a particular disadvantage compared with other persons because of SOGI, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary. An example of direct discrimination is the exclusion of a person from accessing services because they are a transgender woman. Indirect discrimination refers to nonintentional discrimination arising from practices that are not designed to exclude, but result in that outcome, such as holding a stakeholder consultation in a public space from which sexual and gender minorities are commonly excluded, and/or in which sexual and gender minorities feel unsafe. Indirect discrimination is often embedded in institutional and societal policies, norms, and standards.

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<sup>1</sup> Note that SOGI is commonly understood to include sexual orientation, gender identity, gender expression and sex characteristics.

### *Examples of Lifetime Challenges for LGBTI people*

- *Students feel unsafe in schools due to their sexual orientation or gender identity*
- *Intersex people aren't given information about the surgery they received*
- *LGBTI people have a higher risk of suicide and being victims of violence*
- *SOGI-based discrimination in the workplace*
- *Earn less for the same work*
- *Limited in their ability to access bank accounts due to discrimination*
- *Invisible in government data collection*

**The ESF strengthens the Bank's commitment to (i) identify vulnerable or disadvantaged individuals and groups, including sexual and gender minorities, (ii) assess risks and avoid or mitigate negative impacts that could affect them disproportionately, and (iii) remove barriers to accessing project benefits.**

The Bank's role in project identification, appraisal, implementation support and monitoring will assist in realizing these commitments at the project level under five specific mechanisms, prepared by the Borrower:

- a. the Terms of Reference for the Environmental and Social Assessment (ESA)
- b. the Environmental and Social Assessment throughout the project
- c. the Environmental and Social Commitment Plan (ESCP)
- d. adaptive risk management and monitoring and evaluation during implementation, and
- e. the Stakeholder Engagement Plan (SEP) which identifies stakeholders with specific needs and explains how the information disclosed and engagement will be designed to be meaningful.

### **Non-discrimination and SOGI in environmental and social assessment**

The ESA should be initiated as early as possible in order to identify issues and influence project design.



The Borrower's inclusion of SOGI issues in an Environmental and Social Assessment (ESA) is guided by three principles underlying the ESF:

- a. the potential for increased vulnerability of sexual and gender minorities (SGMs) to be affected adversely by the project needs to be avoided and mitigated
- b. SGM's ability to take advantage of project benefits, including employment where skill sets are appropriate and reasonable accommodation can be provided, and
- c. the need to include vulnerable and disadvantaged stakeholders in the information disclosure and consultation process in a meaningful way.



Where risks related to SOGI have been identified, the ESA should detail measures for promoting inclusion in project design.

Sound mitigation measures can not only result in an inclusive project, but also demonstrate good international practice, and raise awareness on SOGI issues and accommodating the needs of vulnerable groups.

**Box 1: Inclusion**

Inclusion as described in the ESF vision statement is “...empowering all people to participate in, and benefit from, the development process. Inclusion encompasses policies to promote equality and nondiscrimination by improving the access of all people, including the poor and disadvantaged, to services and benefits such as education, health, social protection, infrastructure, affordable energy, employment, financial services and productive assets. It also embraces action to remove barriers against those who are often excluded from the development process, such as women, children, persons with disabilities, youth and minorities, and to ensure that the voice of all can be heard.”

**Application of the Bank Directive on Addressing Risks and Impacts on Disadvantaged or Vulnerable Individuals or Groups<sup>2</sup>**

This establishes directions for Bank staff in respect of disadvantaged or vulnerable individuals or groups including those at risk due to their sexual orientation or gender identity. The Directive is relevant for the Bank’s support for the Borrower under each of the stages set out in subsequent sections of this note: scoping, assessment, implementation and stakeholder engagement. The note defines the due diligence by which the Bank’s task team ascertains whether: (i) the environmental and social assessment has properly identified the disadvantaged or vulnerable individuals or groups; and (ii) appropriate differentiated mitigation measures have been incorporated into project design so that adverse impacts are avoided. In particular, the Directive advises on Bank participation in consultation activities and the use of independent third-party specialists. In circumstances where the application of the Directive (including the identification of LGBT individuals or groups) could expose people to harm, the task team seeks the advice of the Bank’s Operations Environmental and Social Review Committee (OESRC)<sup>3</sup>.

**Box 2: World Bank Directive on Addressing Risks and Impacts on Disadvantaged or Vulnerable Individuals or Groups**

The World Bank includes sexual and gender minorities as a category of vulnerable and disadvantaged people. The World Bank *Directive: Addressing Risks and Impacts on Disadvantaged or Vulnerable Individuals or Groups* defines disadvantaged or vulnerable individuals as those individuals who, by virtue of, for example, their age, gender, ethnicity, religion, physical, mental or other disability, social, civic or health status, sexual orientation, gender identity, economic disadvantages or indigenous status, and/or dependence on unique natural resources, may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a projects benefits.

<sup>2</sup> See Annex 2 for the full text of this Directive

<sup>3</sup> Task Team consultation with the Bank’s SOGI Global Adviser on the application of the Directive is recommended.

In general, the Directive should be understood as strengthening the Bank's due diligence and implementation support to the Borrower in addressing the risks of discrimination, by requiring that the Bank's task team:

- (i) reviews the Borrower's Stakeholder Engagement Plan;
- (ii) reviews the Environmental and Social Assessment (including any relevant TORs) conducted by the Borrower to verify that it addresses the relevant project risks and impacts;
- (iii) participates in the consultation activities of the Borrower, if appropriate;
- (iv) considers the potential significance of risks and impacts in order for the Bank to determine whether to retain independent third-party specialists;
- (v) reviews information provided by the Borrower or through the Bank about project risks and impacts; and
- (vi) monitors the Borrower's obligations with respect to disadvantaged or vulnerable individuals or groups.

## 2. Scoping

### Scoping phase

***As defined in ESS1 (paragraph 28), the Borrower's Environmental and Social Assessment will be informed by a scoping of the risks and impacts of the project. The Scoping Phase allows for an initial understanding of potential project environmental and social risks and impacts that are typical for the type of project, location, and context.***

At the outset, scoping identifies relevant project issues and affected stakeholders, including vulnerable individuals or groups. It may also begin to identify potential barriers that need to be assessed, such as attitudes, norms, communication limitations, legal restrictions or failure to implement legal safeguards, that could make them more vulnerable to adverse impacts from the project. Through an understanding of the project context and the institutional and legal frameworks, the ESA can review whether the project area is one where such persons face a high risk of discrimination.

***SOGI is typically addressed in a fragmented way across different national and subnational legal frameworks.*** This is the case even where a national law and/or national policies exist. Therefore, the ESA will need to identify and take into consideration laws and regulations relevant to the project and its workforce, including non-discrimination legislation, laws that criminalize sexual and gender minorities, so-called 'anti-propaganda' laws, family law, labor laws, and housing regulations. The Bank's SOGI Global Adviser can support the production of a SOGI country profile that includes information about the relevant legal framework as well information about the broader social context, as pertains to SOGI.

***Specific needs relevant to the project area and their respective mitigation measures will need to be identified differentially in the ESA. It will be important to recognize that discussions of SOGI may be politically and/or socially sensitive in some country or community contexts and, therefore, care should be taken to protect the confidentiality and safety of sexual and gender minorities who are engaged in the scoping and other phases of the project.***

For countries that are not amenable to addressing SOGI issues, Bank staff may include such risks in project documentation, for example the Memorandum to the President (MOP). In such cases the task team may also seek advice from the Operations Environmental and Social Review Committee (OESRC).

### Key questions

***The Scoping process asks key questions to begin identification of risks and opportunities associated with the project. Note some of these questions may be more appropriate or relevant as the assessment proceeds (next section). Annex 3 also provides a list of questions for scoping and assessment in selected sectors.*** Examples of questions regarding SOGI include:

- a. What are the potential social impacts? Are there impacts that would disproportionately affect persons based on their SOGI?
- b. What measures would need to be taken to ensure that sexual and gender minorities have full access to project benefits?
- c. How can the Borrower ensure non-discriminatory hiring and employment?

- d. What health and safety hazards posed by project activities could disproportionately impact persons on account of their SOGI?
- e. What strategy should the Borrower implement to ensure that persons regardless of SOGI are included and meaningfully consulted in stakeholder engagement activities and that they can equally access project-related grievance mechanisms?
- f. How can the Borrower ensure full and effective participation of persons regardless of SOGI throughout implementation?

## Terms of Reference

**Scoping results in detailed Terms of Reference (TORs) for the ESA.** The Bank supports the process by providing advice on good practice and examples of TORs that achieve the following in relation to SOGI:

Where vulnerable or disadvantaged stakeholders are identified, the TORs should specify that an expert social development specialist is part of the team preparing the ESA to assess vulnerability and advise on mitigation.



- a. Identification of disadvantaged or vulnerable individuals or groups in the project according to the environmental and social context and sector;
- b. Assessment of specific risks to and impacts on disadvantaged or vulnerable individuals or groups and identification of differentiated mitigation measures as needed; and
- c. Identification of any specific needs or support to allow disadvantaged or vulnerable groups and/or individuals to access information about the project and to participate in the stakeholder engagement process.

## Stakeholder mapping

**Stakeholder mapping** should be sensitive to those who may experience societal barriers on the basis of SOGI within the project area, even if they may not self-identify. Individuals may face stigma and discrimination in relation to the term “SOGI”, “LGBTI”, equivalent non-English language terms, and/or equivalent local terms and prefer not to be labelled as such.

The Stakeholder Engagement Plan should identify those who need additional support to participate in consultation, including support for confidential SOGI-specific consultations engaging sexual and gender minorities and organizations that represent them. The SOGI Global Advisor can be consulted regarding stakeholder mapping, and can support teams – using a Bank framework developed for SOGI-specific consultations.”

## SOGI Country Profile, and Project-level Institutional Scoping

**Understanding the legal framework and social context is extremely important when it comes to SOGI, as it not only reflects the enabling environment but identifies contexts in which singling out sexual and gender minorities can put them at greater risk.** The SOGI Country Profile is based on desk research of data and information available through publicly accessible records, and is produced by the SOGI Global Advisor. Task Team Social Development Specialists should check with the SOGI Global Advisor as to whether a WB SOGI Country Profile already exists for the project country; and, if one has not already been produced, the Task Team should engage the Global Advisor to produce one. As of February 2019, nine countries have national constitutions specifically prohibit discrimination due to sexual orientation and gender identity.

Additional legal protection is given in different areas such as non-discrimination in employment (72 states<sup>4</sup>), prohibition of hate crimes (43) or incitement to hate (39), banning “conversion therapy” (3), recognizing same-sex marriage (26) or partnerships (28).<sup>5</sup> Despite these advances, over 60 countries still criminalize individuals based on sexual orientation, same-sex behavior, gender identity, or non-conforming expressions of gender. The SOGI Country Profile’s section on legal framework should capture federal and local laws, including customary and religious-based laws. Table 3 below provides indicative legislation with implications for sexual and gender minorities.

Table 1. Legislation with potential implications for Sexual and Gender Minorities	
Sector	Area of Interest
<b>Housing, land titling and involuntary resettlement</b>	Laws (including relevant family laws) that restrict property ownership (recognition of marriage, civil unions, registered partnerships, adoption, inheritance, divorce, etc.) <sup>6</sup> Laws that prohibit tenants, lessees, occupiers, landlords, or managers from letting or using their premises for sexual/gender minorities
<b>Identity/Personhood</b>	Laws that do not recognize Transgender people as a “legal person” – particularly where the state does not allow name or sex changes.
<b>Health</b>	Laws that: a) consider non-normative SOGI as a mental disorder; b) mandate or allow medical professionals to perform genital surgery on intersex babies; c) forbid medical professionals from fully informing patients of their intersex status; d) confiscate or prohibit condoms and lubricants; and e) impose obligation on medical professionals to report sexual/gender minorities.
<b>Labor</b>	Laws that a) prohibit or terminate employment for a person living with HIV; b) criminalize sex workers <sup>7</sup> ; c) mandate compulsory HIV testing; and d) prohibit crossdressing (sometimes subsumed in “sumptuary laws”).
<b>Refugee Law</b>	Laws that deny foreign visas or asylum claims for those living with HIV
<b>Stakeholder Engagement</b>	Laws that a) prohibit public discussion and/or peaceful protests related to SOGI; b) prohibit dialogue on “non-traditional values”; and c) impose obligations on bystanders to report a sexual/gender minority (commonly known as promotion, propaganda, or morality laws)
<b>Violence/Hate crimes</b>	Laws that define hate speech and hate crimes based on SOGI as criminal offence

**Scoping should identify the presence of sexual and gender minorities and the differentiated risks from project impacts, the proportionate nature of these risks, the community’s social acceptance, and overall public perception.** Scoping these issues may include a combination of social mapping, stakeholder analysis, and a preliminary understanding of the community characteristics. Whilst the ESA should assess

<sup>4</sup> Carroll, A. and Mendos, L.R., [State Sponsored Homophobia 2017: A world survey of sexual orientation laws: criminalisation, protection and recognition](#) (Geneva; ILGA, May 2017). Updated with some recent changes, to February 2019, not yet captured in a global report.

<sup>5</sup> *Ibid.*

<sup>6</sup> Institute for Development Studies. Sexuality and Social Justice: A Toolkit; Strategies for making sexual rights real. Sexuality, Poverty and Law Programme

<sup>7</sup> Goodwin, J; et al. (2012) [Sex Work and the Law in Asia and the Pacific](#), Laws HIV and human rights in the context of sex work. UNDP.

risks and impacts as well as opportunities related to SOGI at the project level, it may also consider the institutional level, for example, the capacity to provide non-discriminatory services.

Scoping may involve an analysis of secondary data, existing research, key informant interviews, and the prior experience of the implementing agency. A review of community characteristics can identify the sociocultural and political context (that is, formal **and** informal organizations that influence decision-making, social conflict, and societal behavior).

Understanding the attitudes of mainstream or predominant groups toward **sexual and gender minorities** is important to understand how stigma could affect their ability to participate in project benefits, consultations, or raising concerns or grievances. This analysis can be combined with analyses of other aspects of vulnerability.

## Data

***When assessing the context of SOGI issues within a country, it may be difficult to obtain or rely on the accuracy of quantitative data.*** Some individuals may be reluctant to self-identify as a sexual or gender minority. Some sexual and gender minorities might be open and/or apparent while many others may hide their SOGI due to fear of community, social and/or official consequences.

***Despite these limitations, quantitative data derived from specific SOGI indicators, such as education, accessible schools, employment, accessible public spaces, transport and medical records of intersex births,*** are a good starting point to understand data availability and progress in inclusion. Typically, reliable sources of data are UN agencies, LGBTI non-governmental organizations, national statistics offices if they collect SOGI-specific data, reputable media and other organizations that collect information based on attitudinal surveys. To overcome the challenges of data quality, early engagement with local or national sexual or gender minorities organizations (sometimes self-identifying using the English-language acronym LGBT), especially representative organizations governed by such persons, can complement the analysis. Stakeholder engagement strategies can help identify organizations to advise on groups of people with specific needs, for example lesbians, bi or transgender women, and how best to understand the impacts and concerns that may be related to the project.

***In parallel with the Scoping Phase, the Bank provides an initial classification of the social risks of the project (High, Substantial, Moderate, or Low), which includes specific risks to vulnerable individuals or groups, including sexual and gender minorities*** This also highlights any needs for institutional strengthening, capacity-building measures, and data gaps that should be further assessed. Depending on timing, and ideally by the concept review stage, the Bank's screening and classification of risks will be informed by the Borrower's initial scoping. The scoping of social risks, including SOGI risks would be described in the Concept ESRS. Finally, the accountability and decision-making (ADM) roles with respect to risk classification are set out in the Environmental and Social Directive for Investment Project Financing.

## 3. Assessment

### Assessment phase

*The Borrower's assessment expands on the issues identified in scoping, including institutional and legal analysis, identifying in further detail potentially affected persons and groups, and assessing potential direct and indirect social impacts.* The ESF defines specific measures to address discrimination of disadvantaged or vulnerable individuals or groups, which include sexual and gender minorities. Table 2 summarizes the main provisions across the environmental and social standards that can help guide the assessment of potential social risks and impacts to sexual and gender minorities.

Table 2. Main Areas for SOGI Inclusion in the ESF
<b>ESS1. Assessment and Management of Environmental and Social Risks and Impacts</b>
<ul style="list-style-type: none"> <li>• Social risk assessment to identify disadvantaged or vulnerable individuals or groups and potential differentiated impacts, barriers to access and measures for participation in project benefits.</li> <li>• Borrower's institutional and legal framework.</li> <li>• Identification of indicators and obligations to incorporate in ESCP and Management of Contractors.</li> </ul>
<b>ESS 2. Labor and Working Conditions</b>
<ul style="list-style-type: none"> <li>• Non-discrimination and equal opportunity in the workplace including recruitment, hiring, compensation, promotion, termination or retirement, working conditions and terms of employment, job assignment, etc.</li> <li>• Grievance Redress Mechanism (GRM) for workplace concerns.</li> </ul>
<b>ESS 4. Community Health</b>
<ul style="list-style-type: none"> <li>• Assessment of health, safety and security risks pays special attention to disadvantaged or vulnerable individuals or groups (i.e. protection of confidentiality and anonymity, prevention of violence, etc.).</li> <li>• Avoidance or minimization of community exposure to communicable diseases from project activities, taking into consideration differentiated exposure to and higher sensitivity of disadvantaged or vulnerable groups.</li> </ul>
<b>ESS 5. Land Acquisition, Restrictions on Land Use and Involuntary Resettlement</b>
<ul style="list-style-type: none"> <li>• Particular attention to impacts to disadvantaged or vulnerable individuals or groups (i.e. joint titling, social network dissolution, social conflict).</li> </ul>
<b>ESS 7. Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities</b>
<ul style="list-style-type: none"> <li>• Respect to unique cultural identities and well-being, including understanding that roles of men and women in indigenous cultures are often different from those in mainstream groups.</li> </ul>
<b>ESS 9. Financial Intermediaries</b>
<ul style="list-style-type: none"> <li>• FIs are required to develop and maintain an Environmental and Social Management System (ESMS) and capacity for assessing, managing, and monitoring social risks/impacts of subprojects.</li> <li>• The FI will have in place and maintain appropriate labor management procedures, including procedures relating to working conditions and terms of employment, nondiscrimination and equal opportunity.</li> </ul>
<b>ESS 10. Stakeholder Engagement and Information Disclosure</b>
<ul style="list-style-type: none"> <li>• Meaningful participation and consultations with disadvantaged or vulnerable individuals or groups (means of participation, format, venues, etc.).</li> </ul>



## Baseline indicators

**Baseline indicators on SOGI in the project area should include a set of quantitative indicators against which project impacts can be compared in future and data that can inform project design.** They should also include qualitative information, which may be more recent and provide more clarity on impacts and opportunities, particularly if quantitative data are dated or incomplete. If the project is likely to cause differentiated impacts to persons on account of SOGI and there is a lack of national-level data on SOGI, primary data collection might be needed to understand needs, identify possible harms, and ensure appropriate inclusion. Examples of such data include sexual and gender-based violence (SGBV) and other violence against sexual and gender minorities, participation restrictions (in law, policy, and/or practice), and barriers to inclusion experienced by sexual and gender minorities.

## Fragile and conflict areas

**Special Attention in Fragile and Conflict Areas.** In areas that have undergone social unrest and conflict, or are post-conflict or otherwise categorized as fragile, already marginalized sexual and gender minorities may be at heightened risk of exclusion and violence.

For projects in these areas, specific attention needs to be paid to identifying vulnerable groups, such as sexual and gender minorities, and mitigation built into the project. Grievance processes become critical to understanding when project components or mitigation are not working, and adaptive management is likely to be necessary to tailor the mitigation to the needs of those affected so that already vulnerable groups are not disproportionately affected by the project.

## Ethical and safety recommendations

**Data collection needs to take into consideration ethical and safety recommendations to protect the confidentiality of the data shared.** There may be cases where families may hide members of the household who are sexual and gender minorities if they fear stigmatization by the community, or further exclusion of the individual or family. As with other social data collection, sexual and gender minorities and their families should have the right not to participate, to provide anonymous information or through a third party, such as a community-based organization, and they should be told how their information will be used.

Note the Bank Directive on *Addressing Risks and Impacts on Disadvantaged or Vulnerable Individuals or Groups* enables the task team to seek advice from the Operations Environmental and Social Review Committee (OESRC) in circumstances in which the application of the Directive (including the identification of such groups) could expose them to risk of harm.



**Table 3. Ethical and Safety Recommendations for Research of Sexual and Gender Minorities**

- Safety of respondents and interviewees should guide all project decisions.
- Protecting confidentiality is essential to avoid increase in violence, stigma, impacts on intra-communal and intra-family relations and to help protect data quality.
- Prior informed consent should be sought and documented.
- Respondents should be informed that they have the right to stop the interview and do not have to answer all questions.
- All research members should be carefully selected and trained – including in the ability to identify distress in interviewees. Including representatives of the groups under analysis should be considered when it is safe and socially acceptable.
- Fieldworkers should be trained to refer interviewees to available sources of safe support (i.e. the police, CSOs or pro bono lawyers in case of reports of physical or emotional violence; non-discriminatory health facilities, etc.).
- In many countries, community agreement is needed prior to conducting any questionnaire. In these cases, it is important to frame the study in general terms to avoid jeopardizing the safety of respondents or putting them at risk of stigma.
- If the survey focuses on violence against sexual and gender minorities, potential perpetrators should not be interviewed in the same clusters where victims have been interviewed.
- The most relevant approach may be to interview CSOs representing sexual and gender minorities.

*Sources include: Ellsberg M, and Heise L. Researching Violence Against Women, A Practical Guide for Researchers and Activists, Washington DC, United States: World Health Organization, PATH; 2005.*

### Mitigation hierarchy

***The ESF applies a mitigation hierarchy approach that aims to anticipate and avoid risks and impacts, particularly when they fall disproportionately on disadvantaged or vulnerable individuals or groups.***

Table 4 shows some of the elements of assessing and mitigating SOGI impacts in accordance with the Mitigation Hierarchy, recognizing that the position of the mitigation measures in the Mitigation Hierarchy may vary depending on project context.

**Table 4. Applying the Mitigation Hierarchy to SOGI Impacts**

Mitigation Hierarchy	Impacts/Measures
<b>Anticipate &amp; Avoid Risks and Impacts to Sexual and Gender Minorities</b>	<ul style="list-style-type: none"> <li>• Identify stakeholders who are sexual and gender minorities and design information disclosure and engagement processes to include them in a meaningful way, including identification of project impacts that can be anticipated and avoided.</li> <li>• Identify potential hazards or exclusive design dimensions that may put sexual and gender minorities at risk or subject to adverse impacts.</li> <li>• Identify people who need additional support to participate in the consultation process, such as facilitating discussions in local areas, households or other safe spaces.</li> <li>• Consult with sexual and gender minority/LGBTI organizations.</li> </ul>
<b>Minimize or Reduce</b>	<ul style="list-style-type: none"> <li>• Identify options to reduce or minimize project impacts for sexual and gender minorities.</li> </ul>

	<ul style="list-style-type: none"> <li>• Improve education about project risks and safety issues associated with the project sites and facilities, paying particular attention to vulnerable groups, such as children, the elderly, and disabled who are also sexual and gender minorities, as well as their families.</li> <li>• Consult with organizations of sexual and gender minorities/LGBTI organizations about how to minimize impacts.</li> </ul>
<b>Mitigate</b>	<ul style="list-style-type: none"> <li>• Introduce safety measures/accessibility options for residual impacts issues that cannot be avoided or minimized further.</li> <li>• Provide information about the project in different ways, such as in print, on the radio, and on the internet.</li> <li>• Provide specific measures to mitigate impacts to households.</li> <li>• Provide and communicate easy-to-follow grievance procedures for workers and community members who are sexual and gender minorities. Allow anonymous complaints and protect confidentiality of complainants.</li> </ul>
<b>Offset or Compensate</b>	<ul style="list-style-type: none"> <li>• Provide resources to compensate for loss, such as temporary transportation for SGM during the construction period.</li> <li>• In the resettlement of sexual and gender minorities, provide measures in accordance with the principles of inclusivity (see ESF guidance note on ESS5). Monitor effectiveness and adjust as needed.</li> </ul>

## Differentiated measures

***The Environmental and Social Assessment (ESA) should highlight differentiated measures to be included in the project design to enable sexual and gender minorities to benefit from the project and mitigation measures.*** When assessing the measures to include, the ESA should consider:

- a. **Timing:** Incorporating avoidance and mitigation measures into the project design at an early stage can help with the project costs, and outreach and consultation methodologies, and can make a significant difference in the inclusiveness of the project.
- b. **Complexity:** The causes of discrimination are complex and often tightly woven into the culture. Many issues cannot be easily addressed by an individual project. However, this presents an opportunity for the project to demonstrate the benefits of addressing issues relating to discrimination and SOGI from the outset. By communicating throughout the scoping and assessment process, stakeholders will be able to help identify practical actions that can be taken and to weigh priorities when alternatives are identified.
- c. **Feasibility:** Measures to incorporate inclusivity in the project design and to provide reasonable accommodation for sexual and gender minorities in the workplace should be assessed both technically and financially. Technical feasibility assesses the ability of the project to incorporate the design elements related to inclusivity into the project. Financial feasibility considers the incremental cost in relation to the project's costs and the benefit of the outcome in relation to the impact.

***The recommendations of the ESA are discussed with the Borrower and a summary of the measures and actions to comply with the ESSs are included in the Environmental and Social Commitment Plan (ESCP). The ESCP sets out time-bound measures and actions required for the project to achieve compliance. The ESCP is negotiated between the Bank and the Borrower and forms part of the legal agreement specifying requirements in the Borrower’s implementation of the project.*** The ESCP and management tools should include desired outcomes that are specific, measurable, achievable, realistic, and timely. When there is residual risk of exclusion from project benefits to sexual and gender minorities, the project documents should outline the efforts taken to manage the impacts and limitations experienced and describe the potential long-term impacts in the appropriate context. The draft ESCP is disclosed by the Borrower according to the agreements set forth in the Stakeholder Engagement Plan. The Bank also discloses the ESCP through its website. Note that a summary of the Bank’s due diligence, including potential SOGI risks and impacts is included in the appraisal ESRS.

## 4. Implementation, monitoring and evaluation

### Monitoring

**Monitoring and Evaluation.** As part of the environmental and social assessment process, the project should plan the monitoring and evaluation of project performance and commitments. If the project is assessed to have potential risks and impacts on sexual and gender minorities, this should be taken into account in designing the monitoring and evaluation plan.

***The project is monitored throughout implementation through reporting, site visits, and information from third parties, such as through grievances and civil society.*** Communication with vulnerable stakeholders is important during project implementation and monitoring to understand whether the assessment was correct in its prediction of project impacts and whether the mitigation measures and agreed actions have worked as planned.

To the extent possible, monitoring indicators should be disaggregated to track differentiated impacts, such as those on sexual and gender minorities. Disaggregated indicators might not always be feasible or might not be desirable if their collection could put the population at risk of further exclusion or stigma. When this is the case and baseline data are not available, there are other alternatives to monitor progress such as surveys, assessing project grievances, independent monitoring, and informal discussions with organizations that work with sexual and gender minorities.

If surveys are used, the same issues of confidentiality or anonymity used during Scoping and Assessment should be offered to protect the identity of the interviewees. Creative ways of obtaining feedback have been used, such as radio call-in programs where anonymity is protected.

In addition, grievances received through the project's grievance mechanism and worker grievance mechanisms provide rich data about issues of concern and how they were handled. Interviews with workers may provide more information, as even if anonymity is ensured, workers who are sexual and gender minorities may be reluctant to raise formal complaints.

### Reporting

Reporting to the Bank on the implementation of the project's environmental and social performance should pay particular attention to vulnerable groups, including sexual and gender minorities. It should confirm whether the impacts and planned mitigation measures were adequate or whether adjustments are needed to meet the overall objectives of the project and the agreed environmental and social commitments.

### Adaptation

***Based on the results of the monitoring, amendments may be made to management plans or commitments to the Bank.*** Adaptive management recognizes the dynamic nature of the project development and implementation process, as well as the rapidly changing environments in which the Bank operates. In addition to reflecting changing needs that arise as part of the monitoring process, changes in project design, unforeseen events, or regulatory or political changes might require a change in the original environmental or social risk ratings and/or approach, including those regarding SOGI impacts and non-discrimination.

## **Role of the Project Management Unit/Project Implementation Unit (PMU/PIU)**

The PMU/PIU assesses environmental and social risks, including identification of vulnerable individuals and groups, such as sexual and gender minorities. The Borrower, via the PMU/PIU, is responsible for implementing the ESSs and engaging with stakeholders, and this continues throughout project implementation.

The continued engagement with stakeholders will help to identify additional issues or mitigation as the project is implemented. In accordance with the Guidance Note for ESS1, the PMU/PIU will apply appropriate social development skills to these tasks, for example, the use of specialists, proportionate to the level of risks.

## 5. Stakeholder engagement and information disclosure

### Why Stakeholder Engagement Matters

***The Bank recognizes the importance of open, transparent, continuous, and inclusive engagement between the Borrower and project stakeholders as an essential element of good international practice and effective and sustainable project design and implementation.***

Stakeholders are valuable sources of information on local environmental and social conditions and can highlight their priorities regarding impacts and project benefits. They can also be important partners and help determine the success of project outcomes. This is particularly important when assessing impacts on sensitive topics such as discriminatory practices.

As indicated in previous sections, stakeholder engagement is conducted throughout the project life, with identification, consultation and the design and execution of a stakeholder engagement plan as required by ESS 10.

### Planning stakeholder engagement

***In planning the stakeholder engagement process, and as part of the stakeholder mapping exercise, the Stakeholder Engagement Plan should document vulnerable groups and individuals and describe how they will be provided information and consulted in a meaningful way.***

Including sexual and gender minorities in stakeholder engagement events, such as public meetings, can have the additional benefit of raising their profile as people who may be affected by a project and whose concerns and ideas should be taken into account. However, if this is not possible, alternative opportunities should be provided for smaller meetings in locations where sexual and gender minorities feel comfortable and safe.

In addition to the main disclosure and consultation process, there should be clear information for persons with specific needs to contact the relevant project manager, and the project's grievance mechanism, to clarify restrictions on information or access to consultation processes. Where appropriate, alternative consultation can be quite effective and can give sexual and gender minorities a voice.

#### **Box 3: Making stakeholder engagement inclusive**

- Identify key actors, at both the governmental and civil society level.
- Involve organizations that represent men, women, and children of different SOGI, including advocacy groups umbrella organizations, and those in remote and rural areas.
- Facilitate the participation of sexual and gender minorities who may be marginalized in their own communities, such as women and young people, persons with physical, mental or intellectual disabilities, persons from ethnic minorities, and refugees or other characteristics that may increase exclusion, such as poverty level, or orientation, rural or urban location, and so forth.
- Promote the participation of representative organizations of SGM in wider civil society consultations.

## Grievance Mechanisms and Processes

***Despite the best efforts in project design and implementation, grievances will be raised, and managing these grievances in a respectful and timely way is important.*** The project is required to have a grievance mechanism for workers and one for project-affected people. The task team must communicate these to the relevant audiences (including relevant CSOs) and report on their implementation. The grievance mechanism should be accessible and inclusive. Sexual and gender minorities may be reluctant to raise concerns, both in the workplace and in the public mechanism. There should be multiple ways to raise concerns, including confidentially. Stakeholder processes should try to reach as broad a range of persons with different SOGI as possible. The relationship of SOGI with other and multiple factors that can increase vulnerability, such as poverty, gender, age, and disability - intersectionality - should also be addressed to the extent possible.

## UN Statements and Documents

- In 2011, the UN Human Rights Council passed a resolution on human rights, sexual orientation and gender identity, expressing concern about violence towards LGBTQ people and commissioning the first-ever UN study focused on LGBTQ issues ([A/HRC/RES/17/19](#)).
- In 2012, the UN General Assembly passed a resolution on extrajudicial killings that included crimes motivated by the victim's sexual orientation and gender identity, the first time this was mentioned in a UNGA resolution.
- In 2013, the UN High Commissioner for Human Rights launched the UN Free and Equal campaign to promote understanding of the human rights of LGBTQ people.
- On 26 September 2014, the HRC adopted the resolution "Human rights, sexual orientation and gender identity" ([A/HRC/RES/27/32](#)).
- On 29 September 2015, 12 UN entities (ILO, OHCHR, UNAIDS Secretariat, UNDP, UNESCO, UNFPA, UNHCR, UNICEF, UNODC, UN Women, WFP and WHO) released an unprecedented joint statement calling for an end to violence and discrimination against lesbian, gay, bisexual, transgender and intersex people.
- On 30 June 2016, the HRC adopted the resolution on Protection against violence and discrimination based on sexual orientation and gender identity ([A/HRC/RES/32/2](#)).
- On 11 May 2018 the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity submitted his second report to the HRC ([A/HRC/38/43](#)).

## Guidance/Tools

- EU. 2013. [Guidelines for supporting LGBTI persons' human rights](#).
- ILO; UNDP; UNAIDS. 2015. [The promotion of LGBT human rights in the workplace](#) (2. Ed).
- UNESCO. 2016. [Out in the Open](#).
- World Bank. 2016. [Directive: Addressing Risks and Impacts on Disadvantaged or Vulnerable Individuals or Groups](#).
- WHO. 2016. [FAQ on Health and Sexual Diversity](#).
- [Yogyakarta Principles plus 10](#), 2017.

## Publications/Links

- World Bank. 2013. *Inclusion Matters: [The Foundation for Shared Prosperity](#)* (Advance Edition). Washington, DC: World Bank.
- Koehler, Dominik; Menzies, Nicholas. 2017. [Surveys, Big Data, and Experiments: How Can We Best Learn about LGBTI Development Outcomes?](#). Policy Research Working Paper No. 8154. World Bank.
- Badgett, M.V.L.; Sell, R. 2018. [A Set of Proposed Indicators for the LGBTI Inclusion Index](#). UNDP and World Bank.



- SOGI KSB (WBG internal) - <https://worldbankgroup.sharepoint.com/sites/wbsites/sexual-orientation-gender-identity-sogi-and-development-community-of-practice/Pages/index.aspx>
- Being LGBTI in Asia (UNDP) - <http://www.asia-pacific.undp.org/content/rbap/en/home/programmes-and-initiatives/being-lgbt-in-asia.html>
- EU Fundamental Rights Agency - <http://fra.europa.eu/en/theme/lgbti>
- OECD - <http://www.oecd.org/social/soc/lgbti.htm>
- Council of Europe - <https://www.coe.int/en/web/commissioner/thematic-work/lgbti>
- UNESCO - <https://en.unesco.org/themes/school-violence-and-bullying/homophobic-transphobic-violence>
- SIDA - <https://www.sida.se/English/partners/resources-for-all-partners/methodological-materials/human-rights-based-approach-at-sida/rights-of-lgbti-persons/>
- ILGA (Global LGBTI umbrella organization) - <https://ilga.org/>
- OutRight (Global LGBTI advocacy organization) - <https://www.outrightinternational.org/>
- Williams Institute (Think Tank focused on LGBTI research) - <https://williamsinstitute.law.ucla.edu/>

# ANNEX 2: Bank Directive: Addressing Risks and Impacts on Disadvantaged or Vulnerable Individuals or Groups

## SECTION I – PURPOSE AND APPLICATION

1. This Directive establishes directions for Bank staff regarding due diligence obligations relating to the identification of, and mitigation of risks and impacts on, individuals or groups who, because of their particular circumstances, may be disadvantaged or vulnerable, as described in paragraph 4 (b) of the *World Bank Environmental and Social Policy For Investment Project Financing* (E&S Policy) and paragraph 28 (b) of the Environmental and Social Standard 1: *Assessment and Management of Environmental and Social Risks and Impacts* (ESS1).
2. This Directive applies to the Bank.

## SECTION II – DEFINITIONS

Capitalized terms and acronyms used in this Directive have the meanings set out: (a) in the Bank Policy entitled “*World Bank Environmental and Social Policy for Investment Project Financing*”; or (b) below.

1. “**disadvantaged or vulnerable**” refers to those individuals or groups who, by virtue of, for example, their age, gender, ethnicity, religion, physical, mental or other disability, social, civic or health status, sexual orientation, gender identity, economic disadvantages or indigenous status, and/or dependence on unique natural resources, may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a project’s benefits. Such an individual/group is also more likely to be excluded from/unable to participate fully in the mainstream consultation process and as such may require specific measures and/or assistance to do so. This will take into account considerations relating to age, including the elderly and minors, and including in circumstances where they may be separated from their family, the community or other individuals upon whom they depend.
2. “**due diligence**” means the process conducted by the Bank pursuant to Section C of the E&S Policy.
3. “**Environmental and Social Framework**” means the World Bank Environmental and Social Framework that comprises a “*Vision for Sustainable Development*”, the “*World Bank Environmental and Social Policy for Investment Project Financing*” and the “*Environmental and Social Standards*”.
4. “**environmental and social assessment**” means the process conducted by the Borrower pursuant to Section B of ESS1.
5. “**E&S Procedure**” means the procedure entitled “*Environmental and Social Procedure*.”
6. “**OESRC**” means the Operations Environmental and Social Review Committee of the Bank referred to in the Environmental and Social Procedure.
7. “**Stakeholder Engagement Plan**” or “**SEP**” means the plan developed in accordance with Environmental and Social Standard 10: *Stakeholder Engagement and Information Disclosure* (ESS 10).

### SECTION III – SCOPE

1. The task team supports the Borrower’s preparation and implementation of the project in accordance with, among other things, OP/BP10.00 *Investment Project Financing*, the relevant IPF instructions/procedures, the E&S Policy and the E&S Procedure. Where a project poses specific risks and impacts to individuals or groups who, because of their particular circumstances, may be disadvantaged or vulnerable, the task team approaches such risks and impacts as set out below.
2. The task team assists the Borrower in establishing arrangements for the undertaking and preparation of the environmental and social assessment of the project as required by ESS11, including by reviewing and providing its no-objection to relevant terms of reference (if any) prepared by the Borrower with respect to the assessment and, as and when appropriate, supports the Borrower in carrying out consultations with stakeholders.
3. The task team reviews the terms of reference for the environmental and social assessment to verify that, in accordance with paragraphs 28 (b) (ii) and (iii) and 29 of ESS1, the terms of reference:
  - (a) identifies (or requires the identification of) groups or individuals affected by the project that may be disadvantaged or vulnerable; and
  - (b) requires an assessment of project risks and impacts, and identification of differentiated mitigation measures, as they pertain to the disadvantaged or vulnerable individuals or groups that are identified.
4. As the Borrower is also required to engage with the different stakeholders as an integral part of the environmental and social assessment in accordance with ESS102, the task team reviews the Borrower’s Stakeholder Engagement Plan (SEP) to verify that:
  - (a) the SEP identifies the disadvantaged or vulnerable individuals or groups as referred to in paragraph 1 of Section II;
  - (b) where applicable, the SEP includes differentiated measures to allow the effective participation of such individuals or groups; and
  - (c) the Borrower has engaged and consulted with such individuals and groups in accordance with the SEP.
5. The task team undertakes its due diligence of the project, with respect to disadvantaged or vulnerable individuals or groups, by (as applicable):
  - (a) reviewing the environmental and social assessment conducted by the Borrower to verify that it addresses the relevant project risks and impacts, including the (i) risk that project-related impacts fall disproportionately on individuals or groups who, because of their particular circumstances, may be disadvantaged or vulnerable; and (ii) risk of prejudice or discrimination toward individuals or groups in providing access to development resources and project benefits, particularly in the case of those who may be disadvantaged or vulnerable;

- (b) if appropriate in the context of a particular project, participating in the consultation activities of the Borrower, including with disadvantaged or vulnerable individuals or groups<sup>3</sup>;
  - (c) considering the potential significance of risks and impacts on disadvantaged or vulnerable individuals or groups in order for the Bank to determine whether to require the Borrower to retain, or whether the Bank should retain, independent third party specialists to assist in the identification of such individuals or groups and assessment of the risks and impacts on them; and
  - (d) reviewing information provided by the Borrower or through the Bank’s own efforts about the project’s risks and impacts on disadvantaged or vulnerable individuals or groups.
6. Through its due diligence, the task team ascertains whether: (i) the environmental and social assessment has properly identified the disadvantaged or vulnerable individuals or groups; and (ii) appropriate differentiated mitigation measures have been incorporated into project design and documented in relevant project documents so that adverse impacts do not fall disproportionately on the disadvantaged or vulnerable, and they are not disadvantaged in sharing any development benefits resulting from the project. This due diligence contributes to the Bank’s decision making as to whether or not to proceed with the proposed project.
  7. There may be circumstances in which the application of this Directive (including the identification of disadvantaged or vulnerable individuals or groups or differentiated mitigation measures) could expose such individuals or groups to risk of harm. In such circumstances the task team seeks the advice of the Operations Environmental and Social Review Committee (OESRC), which also considers any implications that such circumstance may have for the task team itself. The OESRC considers the project-specific circumstances and the risk of harm, and advises the task team as to whether or not to proceed with the project and, if so, on what basis. In cases where the project proceeds, the task team will comply with this Directive in the manner advised by the OESRC. The task team documents its good faith efforts to apply this Directive and the response of the Borrower to such efforts.
  8. The task team ensures that the Environmental and Social Commitment Plan (ESCP) reflects in adequate detail the measures and actions agreed between the Bank and the Borrower to address risks or impacts on disadvantaged or vulnerable individuals or groups. The task team attaches the ESCP to the legal agreement and includes in the legal agreement any appropriate obligations to be met by the Borrower in relation to disadvantaged or vulnerable individuals or groups.
  9. During the implementation support and monitoring phase, the task team monitors the Borrower’s obligations with respect to disadvantaged or vulnerable individuals or groups.
  10. The task team may engage independent third party specialists or consult with stakeholders to verify project monitoring information related to disadvantaged or vulnerable individuals or groups.

#### **SECTION IV – EXCEPTION**

None.

**SECTION V – WAIVER**

A provision of this Directive may be waived in accordance with Bank Policy “Operational Policy Waivers”, April 7, 2014, Catalogue No. OPCS05.06-POL.01

**SECTION VI – OTHER PROVISIONS**

None.

**Section VII – TEMPORARY PROVISIONS**

None.

**SECTION VIII – EFFECTIVE DATE**

This Directive is effective as of the effective date of the E&S Policy.

**SECTION IX – ISSUER**

The Issuer of this Directive is President, World Bank.

**SECTION X – SPONSOR**

The Sponsor of this Directive is Vice President, Operations Policy and Country Services.

**SECTION XI – RELATED DOCUMENTS**

Review and Update of the Environmental and Social Framework, R2016-0145, IDA/2016-0198, dated July 20, 2016 and approved August 4, 2016.

Questions regarding this Directive should be addressed to the Sponsor.

# ANNEX 3: Scoping and assessment in selected sectors

This annex is meant to help teams determine questions to ask during project preparation, scoping and assessment of risks and impacts. It is not exhaustive and does not cover all potential sectors/areas in which SOGI should be included as part of scoping and assessment; rather it should be used as a guide to how to approach other sectors/areas.

## Education

### SCOPING AND ASSESSMENT QUESTIONS TO UNDERSTAND BARRIERS AND RISKS

- **Prevalence of bullying:** Is there data on SOGI-based physical, psychological, or sexual violence or bullying in schools?
- **Anti-bullying policy:** Is there a law, constitutional provision, policy, or regulation preventing and addressing bullying and harassment against students in the education system that includes students based on actual or perceived SOGI?
- **Non-discrimination policy for students:** Is there a law, constitutional provision, policy, or regulation that prohibits discrimination against students in educational settings based on SOGI?
- **Implementation of non-discrimination policy for students:** Are there concrete mechanisms (national or local) for reporting cases of SOGI-related discrimination, violence, and bullying toward students, including incidents perpetrated by representatives of the education sector such as teachers and other school staff?
- **Educational attainment:** Is there any information on school drop-out among sexual and gender minorities? If so, how does this compare to total population drop-out?
- **Diversity-inclusive curricula:** Does the school curricula include information on sexual orientation, gender identity, gender expression, and sex characteristics?
- **Hiring practices:** Are hiring practices of faculty and administrators in the education sector inclusive?
- **Grievance redress mechanisms:** Are there grievance redress mechanisms in place that sexual and gender minorities can access without fear of further stigma and discrimination resulting from accessing the grievance redress mechanism?

## Health, Nutrition and Population

### SCOPING AND ASSESSMENT QUESTIONS TO UNDERSTAND BARRIERS AND RISKS

- **Patient non-discrimination protections:** Are there non-discrimination laws and policies by providers that specifically include SOGI (preventing denial of care and recognizing the right to care for all regardless of SOGI)?
- **Medical record protection:** Does protection of medical records and information exist?
- **Informed consent:** Do patients have to provide free and informed consent before medical examinations (in particular, anal examinations and HIV testing)?
- **Patient discrimination/stigma experience:** Is there data on the percentage of people that feel discriminated based on SOGI in health care settings?
- **Variations in SOGI considered healthy:** Are variations in sex characteristics, sexual orientation, and gender identity and expression considered healthy in medical guidelines, protocols and classifications?

- **Source of care:** Is there data on sexual and gender minorities' health-seeking behaviors, including whether they have a specific source of ongoing care?
- **Gender affirming care:** Is gender-affirming care available for those who need or want it? What is known about the rate of self-medication by transgender people?
- **Cervical cancer screening:** Is there information about sexual and gender minorities with a cervix who are screened for cervical cancer according to most recent guidelines?
- **HIV prevalence:** What is the prevalence of HIV infection among sexual and gender minorities? How does it compare to the prevalence among the total population?
- **Access to SOGI sensitive reproductive care:** Is SOGI sensitive reproductive health care available?
- **Sterilization:** Are there forced and coercive sterilization practices affecting the reproductive health and rights of sexual and gender minorities?
- **Depression:** What is known about depression among sexual and gender minorities?
- **Self-rated health:** Is there data on self-rating of health by sexual and gender minorities? (WHO: "How is your health in general?" with response scale "It is very good/ good/ fair/ bad/ very bad")?
- **Hiring practices:** Are hiring practices of faculty and administrators in the health sector inclusive?
- **Grievance redress mechanisms:** Are there grievance redress mechanisms in place that sexual and gender minorities can access without fear of further stigma and discrimination resulting from accessing the grievance redress mechanism?

#### Governance:

#### SCOPING AND ASSESSMENT QUESTIONS TO UNDERSTAND BARRIERS AND RISKS

- **Decriminalization of same-sex conduct:** Is private consensual same-sex activity between adults illegal?
- **Decriminalization of gender expression:** Does the country have any laws that criminalize people on the basis of their gender expression (such as anti-cross-dressing laws)?
- **Legal gender recognition:** Do people have self-determination for choosing their gender in official documents?
- **Statistical inclusion:** Are measures related to SOGI included in statistical reporting systems?
- **Restrictive laws:** Are there laws that restrict freedom of expression, civic participation, or association related to SOGI?
- **Sexual and gender minority/LGBTI NGOs allowed:** Are NGOs that promote the interests of sexual and gender minorities legally allowed to register?
- **Sexual and gender minority/LGBTI NGOs present:** Is there at least one national organization specific to sexual and gender minorities that operates openly?
- **Sexual and gender minority/LGBTI people in Parliament:** Are there openly sexual and/or gender minority members of Parliament or other national, elected representative bodies?
- **Social acceptability of variations in SOGI:** Is there any data on attitudes towards sexual and gender minorities?
- **Grievance redress mechanisms:** Are there grievance redress mechanisms in place that sexual and gender minorities can access without fear of further stigma and discrimination resulting from accessing the grievance redress mechanism?

#### *Identification documents and gender markers:*

- Are there centralized protocols for updating sex/gender in official documents?

- Do identification documents contain information that might be used as the basis for discrimination based on SOGI (such as gender markers M/F that could be used to discriminate against trans people)?
- Has the information on physical identification documents been used to discriminate or caused harm based on SOGI (in particular transgender individuals and individuals with non-conforming gender expressions)?
- Would transgender persons prefer (a) having no gender marker on their physical identification documents or (b) having an “other” gender marker?
- Is statistical information on gender, including a category for transgender, or other, gathered as part of the project? Are there mechanisms to ensure data privacy?

## Poverty and Equity

### SCOPING AND ASSESSMENT QUESTIONS TO UNDERSTAND BARRIERS AND RISKS

- **Women's economic autonomy:** Is there an existing index of legal restrictions on women's ownership of property, access to assets, or freedom of movement? Women who are sexual and gender minorities, transgender men, and other gender nonconforming people's economic well-being is closely related to economic autonomy for women, such as right to own property, access to financial services, and freedom of movement.
- **Relative poverty:** Is there any information on poverty among sexual and gender minorities? If so, how does it compare to general population poverty?
- **Relative individual earnings:** Is there any information on average annual earnings for sexual and gender minorities? If so, how does this compare to general population average annual earnings?
- **Equal benefits:** Does the pension system for civil servants provide the same benefits to same-sex partners as the ones provided to different-sex spouses? This serves as a proxy for equity in social security system. Equity in public employee pension system captures inclusion within the public sector, potential role modelling effect, and possible route to inclusion within a broader social security old age pension system. Also, old age pensions might not be available broadly in some countries, hence the proposed focus on pensions for civil servants.
- **Sexual and gender minority-owned or led businesses:** Is there data on the number of sexual and gender minority-owned or led businesses? If so, divided by country population (times 10,000) provides a measure of economic options, including access to capital, with a focus on the formal sector. Ownership is the preferred measure of inclusion; sexual and gender minority-led businesses might be better measure of employment access to high level jobs. Any measure should be relative to population size.
- **Grievance redress mechanisms:** Are there grievance redress mechanisms in place that sexual and gender minorities can access without fear of further stigma and discrimination resulting from accessing the grievance redress mechanism?

## Social Protection and Jobs

### SCOPING AND ASSESSMENT QUESTIONS TO UNDERSTAND BARRIERS AND RISKS

- **Employment non-discrimination law:** Is there a law, constitutional provision, policy, or regulation prohibiting SOGI discrimination in public and private sector workplaces at the national level? Non-discrimination laws increase opportunities for sexual and gender minorities in the workplace, and inclusion of private and public sectors captures full range of employment.
- **Implementation of employment non-discrimination law:** Is there a national equality body or national human rights institution responsible for handling charges of employment discrimination



related to sexual orientation, gender identity, and sex characteristics? Assignment of responsibility for implementation of law is the first step toward enforcement.

- **Experiences of employment discrimination:** Is there any information on SOGI-based discrimination in employment?
- **Relative Unemployment:** Is there any information on unemployment among sexual and gender minorities? If so, how does it compare to general population unemployment?
- **Grievance redress mechanisms:** Are there grievance redress mechanisms in place that sexual and gender minorities can access without fear of further stigma and discrimination resulting from accessing the grievance redress mechanism?

#### Cash Transfer Programs

- Are there existing cash transfer programs that target some members of the sexual and gender minority community?
- Are local LGBTI CSOs aware of the existence of cash transfer programs that may benefit members of the sexual and gender minority community (for example, based on poverty criteria)?
- Are local LGBTI CSOs aware of the eligibility requirement necessary to be part of the cash transfer programs that exist?
- Do sexual and gender minorities fear accessing government services out of potential stigma, discrimination, and violence that may arise when accessing and registering for such services?
- Does the targeting and registration process of the proposed program take into account potential discrimination based on SOGI? Are there mechanisms in place to ensure non-discrimination?

### Human Security

#### SCOPING AND ASSESSMENT QUESTIONS TO UNDERSTAND BARRIERS AND RISKS

- **"Normalizing" medical interventions:** Are there laws, regulations or judicial decisions protecting against non-consensual "normalizing" medical interventions for children born with variations of sex characteristics?
- **"Conversion therapy":** Are there laws, regulations, judicial decisions and policies prohibiting/banning/ protecting against sexual orientation and gender identity "conversion therapy"?
- **Hate crime legislation/ Incitement to violence:** Is hate based on real or perceived SOGI included as an aggravating factor in laws, regulations, judicial decisions and policies on hate crimes and incitement to violence legislation?
- **Physical, Psychological, Sexual Violence:** Is there data on physical, psychological, or sexual violence on the basis of real or perceived SOGI?
- **Violence Against Defenders:** Have sexual and gender minority activists/human rights defenders been subjected to violence?
- **Asylum protections:** Is asylum granted to people who are persecuted or have a well-founded fear of persecution because of their real or perceived SOGI?
- **Justice sector training:** Do mandatory training programs for judicial, law-enforcement, and correctional officials incorporate training on human rights and protection from violence concerning SOGI?
- **Trust in justice sector:** Is there any information about sexual and gender minorities' trust in the justice system to respond to violence on the basis of real or perceived SOGI?

- **Monitoring violence against sexual and gender minorities:** Do domestic bodies monitor incidents of violence based on SOGI?
- **Violence against sexual and gender minorities in institutional settings:** Do domestic bodies monitor incidents of violence based on SOGI in places of detention? NOTE: "places of detention" (defined according to Convention Against Torture) include mental health facilities, police stations, and detention centers.
- **Detention policies:** Are there official policy protections based on SOGI in detention settings, including specific policies to respect the self-identified gender identity and expression of trans people?
- **What are the characteristics that define the circumstances in which violence based on SOGI most commonly occur?**
  - Location: Where do acts of violence based on SOGI typically occur?
  - Timeframe: When do acts of violence based on SOGI typically occur?
  - What other characteristics are particular to the time and place where acts of violence based on SOGI occur? (amount of light? lack of housing enclosures/walls/fences?)
- **What is the profile of a perpetrator of acts of violence based on SOGI?** Age, gender, education, employment, affiliation (religious, political, or other), other common characteristics?
- **What is the profile of a victim of acts of violence based on SOGI?** Age, gender, education, employment, affiliation (religious, political, or other), other common characteristics?
- **How does a victim access justice after an act of violence based on SOGI?** Access to law enforcement, access to legal services, access to other forms of support and protection, barriers to accessing justice?
- **What are proposed solutions suggested by local CSOs to reduce acts of violence based on SOGI?**
- **Grievance redress mechanisms:** Are there grievance redress mechanisms in place that sexual and gender minorities can access without fear of further stigma and discrimination resulting from accessing the grievance redress mechanism?