

Minutes of the 2nd World Bank-CSO Consultative/Update Meeting on AHA Mitigation Measures held on Thursday, November 7, 2024, at Golden Tulip Hotel, Kampala-Uganda

1. Introduction

The World Bank convened a second broad consultative meeting with local civil society organizations on Thursday 7th November 2024 at Golden Tulip Hotel, Kampala-Uganda.¹ The objective was to provide an update regarding the process as well as the preliminary lessons learned from the rolling out of the mitigation measures related to the Anti-Homosexuality Act 2023. In attendance were nearly 60 CSOs representing sexual and gender minorities. Representatives from the Embassy of Belgium and Enabel – the Belgian Development Agency observed this process with a view of drawing lessons for replication in their programming. The SREO Stakeholder Coordinator facilitated the meeting. The World Bank Country Manager, officially opened the meeting.

Below is a record of proceedings and a summary of the key issues discussed during the meeting.

2. Opening Session

Country Manager, Mukami Kariuki appreciated the ongoing dialogue with local CSOs and reiterated the commitment to inclusion and non-discrimination of all individuals and groups in World Bank programming. She expressed appreciation to the Government of Uganda for the design and operationalization of the mitigation measures in the existing World Bank Portfolio (now down to 14 projects); and the collaboration with development partners in getting the measures prepared, disclosed and ready for implementation. The Bank, in collaboration with the Government, is already in the process of rolling out the mitigation measures.

The Bank is committed to ensuring that the voices of sexual and gender minorities are heard, and that the community plays an active role in the implementation and/or monitoring of the implementation of agreed upon mitigation measures. The engagement on inclusion and non-discrimination has to date been extensive (over 20 engagements with community leaders and 2 broad consultations) and will continue to be so. The Country Manager thanked the CSOs for their commitment and patience. She called for active participation in the implementation process, including offering suggestions on how to interface, what works and what does not. She also recognized that this is uncharted territory for all pointing to a likelihood that a lot may not go right the first time, and thus the reliance on CSO feedback to enable learning and adaptation is important. With those remarks, the Country Manager officially opened the workshop.

¹ The first broad consultative meeting was held in January 2024 with similar representation and focused on the appropriateness of mitigation measures to address risks of inclusion and discrimination associated with the enactment of the Anti-Homosexuality Act (2023).

3. **Participant Expectations.** The table below contains the expectations of the participants.

Know how community CSOs have been involved in the implementation and tracking of the mitigation measures (LGBTQ) organizations.	Know how many projects are still ongoing with the WB and when they are ending?
Progress update relating to implementation since the January meeting, reflection on successes and current challenges from World Bank and the CSOs involved?	Whether there has been any engagement related to diversity, inclusion, equity and access between the World Bank and GoU
Obtain more information related to the independent monitoring organization, about SREO and their engagement with CSOs. The request for information was unclear.	A discussion of the implications of the incoming US presidency on the LGBTQI+ community, the World Bank relationship with GoU, and the mitigation measures.
Progress towards repeal/nullification of AHA.	Progress towards using more explicit LGBTQI+ language in the dialogue and documents containing the mitigation measures

4. **Update: Summary of Activities since January 2024**

Ms. Margarita Puerto Gomez, Senior Social Development Specialist, World Bank, provided an update of activities since January 2024, the planned activities, indicators of performance and shares the updated theory of change as follows:

4.1 Process: Since the enactment of the Anti-Homosexuality Act (AHA) in May 2023, the World Bank as engaged extensively to develop mitigation measures to respond to enhanced risks of discrimination against, and exclusion of LGBTI individuals and groups in WB-financed projects.

- ✦ Systematic engagement with Ugandan and international stakeholders, including consultations with nearly 80 LGBTQI+ civil society organizations in January 2024, led by the Ministry of Finance, Planning, and Economic Development and supported by the World Bank.
- ✦ The World Bank and UN Resident Coordinator co-chair a working group on inclusion and non-discrimination within the Local Development Partners Group.
- ✦ Updating the environmental and social impact documentation for 19 projects (June 2024) portfolio to reflect the enhanced mitigation measures.
- ✦ Re-disclosed on Government and World Bank websites (14 active projects) on July 22, 2024,
- ✦ Rolling out implementation in 2/14 projects viz Uganda Secondary Education Expansion and Roads and Bridges starting with stakeholder training and sensitization.

4.2 What do Mitigation Measures include?

- ✦ Rolling out measures for ensuring compliance with the policy of inclusion and non-discrimination to front-line service providers, contractors, and sub-contractors (e.g. codes of conduct, contract clauses.)
- ✦ Training on inclusion and non-discrimination to World Bank staff, Project Implementation Units, contractors and sub-contractors on inclusion and non-discrimination.
- ✦ Dissemination and raising awareness on inclusion and non-discrimination to potential beneficiaries and local communities (e.g. local CSOs working on Sexual Orientation and Gender Inclusion)

- ✦ Establishing safe and confidential mechanisms to report any non-compliance and remediate any cases of exclusion or discrimination reported.

4.3 Key Achievements:

- ✦ AHA 2023 mitigation measures have been adopted in all the 14 ongoing World Bank projects.
- ✦ Third Party Independent Monitor, SREO recruited and is on board.
- ✦ World Bank staff, Project Implementation Units (PIUs), District teams, contractors and sub-contractors trained in Arua, Koboko, Yumbe, Moyo, Namayingo, Namutumba, Abim, Apac among others.
- ✦ Codes of conduct and contract clauses finalized.
- ✦ Development of a monitoring system for tracking implementation of agreed GoU actions and recording incidents of discrimination or exclusion on WB/IFC financed projects is underway.
- ✦ Collecting geo-referenced data of the portfolio to support monitoring activities and to allow iteration and adaptation for further needed improvements in the system is ongoing.

4.4 What is planned?

- ✦ SREO to train contractors, sub-contractors, Grievance Redress Mechanisms (GRM) committees and local stakeholders with co-facilitation from the Project Implementation Units and the Ministry of Finance, Planning and Economic Development (MoFPED).
- ✦ Update Project Implementation Manuals and Environmental and Social Management Plans.
- ✦ Measures of performance as well as tracking mechanisms to be agreed upon.

4.5 How will performance be measured? Input and Process Implementation Indicators²

- ✦ Number of projects retrofitted (and share of the portfolio), and mitigation measures in place in each project retrofitted
- ✦ Number of grievance cases reported or referred by project beneficiaries officially handled by the GRM system
- ✦ Number of awareness sessions with CSOs
- ✦ % of contractors and service providers with codes of conduct signed
- ✦ % of contractors and service providers with contracts clauses on inclusion
- ✦ Number of counterpart government officials that participated in capacity building training

4.6 Intermediate Outcomes³

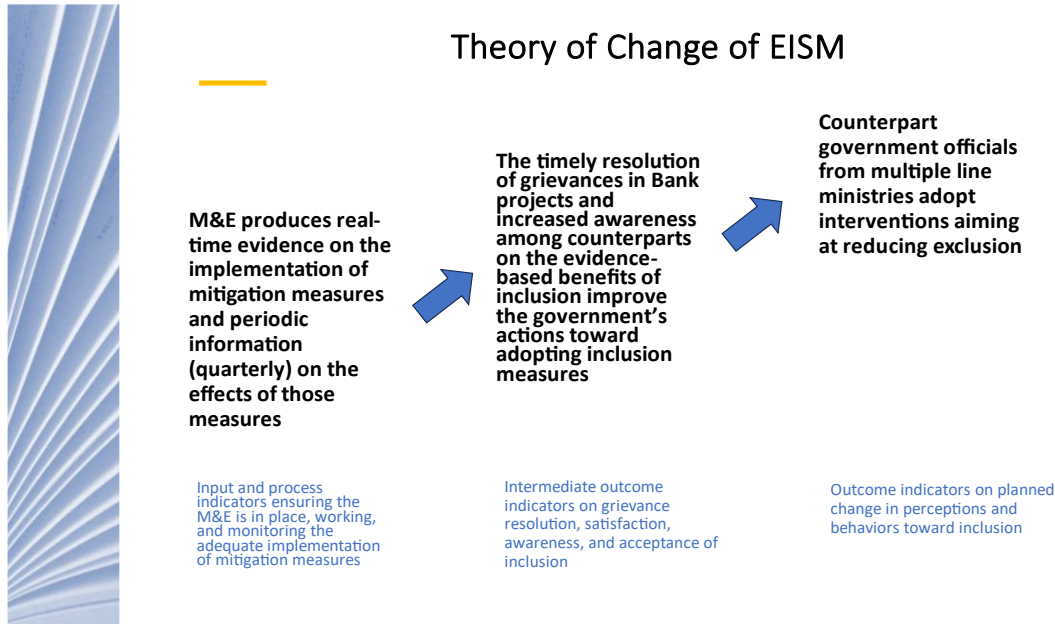
- ✦ Percentage of project beneficiaries who are aware of the GRM and understand how to use it without fear of retaliation
- ✦ Percentage of grievance cases resolved within the GRM system
- ✦ Percentage of grievance cases reporting to be treated with confidentiality, safely and respectfully
- ✦ Percentage of counterpart government units that had supported mitigation measures

At the operational level, the measures will be deemed to be effective when the Government has implemented all project-level actions to the satisfaction of the Bank (immediate); when a third-party monitoring (TPM/TA) mechanism at the portfolio level is fully operational; when the efficacy of the TPM/TA and other measures are assessed to be functional and satisfactory (mid-CY24); when the cases reported, if any, have been satisfactorily remedied and when the Bank + IFC missions consistently report on overall progress, challenges, and risks.

² Data collected through project implementation and GRM systems.

³ Data collected through the GRM system, project beneficiaries' surveys, and follow-up tests during the capacitation training.

4.7 Project Theory of Change: The World Bank shared the working theory of change with the participants.



4.8 Update on SREO performance

In his update, the SREO local coordinator on training and stakeholders’ engagement, highlighted key challenges faced in the initial stages of implementation. These include the expressed discomfort by the LGBTQI+ community with the categorization of LGBTQI+ community as “vulnerable and marginalized groups,” a preference for action to repeal the AHA rather than the pursuit of mitigation measures among a section of the community leaders; the difficulty of unpacking these concept in local communities particularly where trainers have to rely on interpretation services, use of interpreters; and the challenge of selection of CSOs to engage in the monitoring of the efficacy of the mitigation measures.

SREO will work with local stakeholders, including CSOs, to a) establish an effective and confidential mechanism to receive, manage, refer, and monitor grievances related to exclusion and discrimination in WBG-financed projects; b) identify a service provider to run the hotline, c) adapt the existent World Bank Grievance Redress Services (GRS+) to receive and handle complaints on exclusion and discrimination, following the enactment of AHA 2023; d) map CSOs working with LGBTI community for referral of cases not related to WB projects; e) assess for capacity building existing project-level GRMs ; f) facilitate outreach and sensitization to project beneficiaries and communities involved with World Bank operations and g) design and validate Information, Education, and Communication materials considering cultural, language, and legal issues, in collaboration with Development Partners and academia.

In the discussion that followed, members resolved as follows:

No.	Participant Feedback, Comments, and Issues	Summary of Responses and Next Steps
1.	<p>Discrimination of LGBTQI+ community is codified in Ugandan law; how then does the community trust the same Government as a partner to mitigate the harm arising out of its own legislation?</p> <p>Will continued work on the mitigation measures not normalize the idea that lending by the World Bank to GoU will restart, and that the LGBTQI+ community supports the agenda? How to ensure that CSO participation is not taken as an endorsement of the measures.</p>	<p>Urged to trust the process and to hold the Bank accountable at all stages to its commitments.</p> <p>WB is putting in place measures to ensure that the project benefits are accessible to all including members of the LGBTQI+ AND remedial measures to address reported cases of non-compliance.</p> <p>GoU provided written assurances of commitment to implement the agreed upon- measures.</p> <p>There is provision for the CSO community to watchdog the implementation process.</p> <p>Action: WB will continue to have this form of dialogue with the community to explore what is working and possible points of interaction.</p>
2.	<p>Considering that the Government has a vested economic interest in assuring the World Bank that there are no pernicious effects to the LGBTQI+ community, what guarantees are in place that the responses will not be manipulated to paint a rosier picture of success than what is the reality on the ground? What are the indicators to track LGBTQI+ inclusiveness? How are the projects collecting data on LGBTQI+ participation and inclusion outcomes? Will the work inform designs of new projects or influence practices outside the WB projects?</p>	<p>Indicators of progress and effectiveness of mitigation measures were shared for member’s input. Third Party Monitor, working with selected individuals and CSOs, will provide independent feedback of effectiveness of measures.</p> <p>Action: SREO would continue to engage with CSOs (groups and individuals) to ensure that the effectiveness of the mitigation measures is tested and effectiveness measured.</p>
3.	<p>Concerns over the failure to explicitly reference LGBTQI+ in the stated mitigation measures ignores the necessity and purpose of the measures and enables Gov’t to ignore its responsibility towards its LGBTQI+ citizens.</p> <p>Language shapes narratives and contributes a lot to how people adapt to cultures, norms and beliefs. Maintaining the terminology of “vulnerable and marginalized individuals and groups” is retrogressive. Sexual orientation per se does not qualify one to be vulnerable and marginalized.</p>	<p>Members urged to appreciate the intricacies and complexity of the negotiation and consensus building over 6 years involved in the development of the World Bank Environment and Social Impact Framework across its member countries.</p> <p>Action: WB to organize a special session for the participants to create awareness of the ESF content and scope.</p>
4.	<p>Perception of foreign governments driving the LGBTQI+ movement in Uganda- does the presence of international WB staff in the district level trainings not reinforce this perception? Are there concerns for the safety of the people involved?</p>	<p>The external facing individuals are nationals – the non-nationals observe, support and do quality assurance at the back end- Local sensitivity, safety of persons and security of property paramount in this work. Considered in the customization of materials as well. The entry point for the discussion is Art.29 of the Ugandan Constitution 1995 that promotes freedom from discrimination.</p>

5.	<p>Repeal of AHA or pursuit of mitigation measures?</p>	<p>Advised that the strategies are not exclusive; however, the WB mandate is limited to promoting inclusion in all its projects.</p>
6.	<p>Inclusion in the process. What mechanism is in place to ensure inclusivity in the programming beyond these consultations? LGBTQI+ members are often not of one mind regarding the issues being discussed. Individual /organization positions may be taken to represent the views of the community which may not be right. Noted that information is not flowing effectively from those that participate in meetings to the larger community and vice versa.</p>	<p>Indicated a preference for periodic meetings with a broad membership.</p> <p>Action(s):</p> <ul style="list-style-type: none"> i. Periodic update meetings with all members (ideally once every 2 months). ii. Recommend inviting a PWD representative to the meetings. iii. Facilitators to allow people to speak freely in the safe space.
7.	<p>How are the CSOs in Kampala expected to participate in the district level consultations, training and engagements? Will there be CSOs capacity development to participate in the monitoring and tracking of inclusivity for LGBTQI+?</p> <p>Clarify information requested by SREO? Is it too late to have other CSOs onboard?</p>	<p>Action(s): In addition to the response provided by the Coordinator, SREO will:</p> <ul style="list-style-type: none"> i. Re-open and invite more individuals and CSOs to participate in the mapping process. ii. Set up a mailing list with all registered individuals and members. iii. Share a plan for the CSO training as monitors.
8.	<p>How does the ongoing work on mitigation measures curtail Government from enacting more legislation that creates further constraints/barriers to access for the LGBTQI+ community? These may be in the form of bills- e.g. Sexual Offences Bill, Inter-Sex bill or compliance guidelines issued at Ministerial level that require CSOs to declare, undergo additional assessments and obtain additional approvals of services and target group prior to operation or MoUs allowing the CSOs in the community to operate at district level?</p>	<p>Action</p> <ul style="list-style-type: none"> i. The community leaders to seize opportunities for continued engagement with Government in follow up meetings.
9.	<p>Grievance Redress Mechanism, hotline and remedial measures for vulnerable and marginalized individuals and groups</p> <p>Members required more information regarding the complaint management system, and how it will work.</p> <p>Has the design of the system considered all forms of vulnerability, considering the intersection of queerness and other forms of vulnerability?</p> <p>Also important to think about the reporting mechanism, how to protect those who are reporting as well as witnesses.</p> <p>Will the hotline accommodate the disabled? What are the consequences for those who are falsely accusing others?</p> <p>More information relating to the repercussions for the body handling the grant?</p>	<p>Action:</p> <p>WB and SREO to organize thematic training for the CSOs covering the hotline, GRM and how to formulate and present a complaint.</p>

