

# Strengthening implementation and stakeholder engagement in the new ADB Safeguards Policy Statement

As the public consultations for the Asian Development Bank Safeguards Policy Statement review come to a close, with a draft policy scheduled to be released in early 2023, BIC reiterates the key asks and recommendations that it has made throughout the consultation process. These recommendations are focused on four aspects where BIC has experience and expertise - **implementation, disability rights, child rights and stakeholder engagement.**

- The thematic policy documents released during the consultation process and the open engagement of the ADB staff and management with civil society indicate many substantial changes being made to the current SPS. While strong binding policy language is necessary, it is equally important that the **ADB build in strong mechanisms for monitoring and implementation throughout the project cycle in order to prevent harm and promote equitable access to project benefits.** While projects may be compliant on social and environment assessments at the approval stage, without adequate monitoring and assessments throughout the project cycle including after it has concluded, the Bank will be unable to adequately measure the success of a project and understand lessons learnt. Assessments must include **contextual risk assessments that also take into consideration the country's human rights track record, and disaggregated and differentiated impacts of projects on marginalized groups**, for example children and persons with disabilities. Releasing project documents in an accessible and time bound manner, with ample time for stakeholders to review in advance of consultations or decision points, is of utmost importance in order to prevent, reduce, or mitigate social and environmental harms. The new SPS must be clear that the ADB retains ultimate responsibility for conducting due diligence and supervising compliance with the environmental and social standards laid out in the policy framework, and providing avenues for remedy in case of harm resulting from noncompliance.
- There must be **explicit reference in the SPS to groups who might be disproportionately impacted by Bank projects or who might face barriers to accessing project benefits.** This must be reflected in the requirements for Social Assessments, Stakeholder Engagement and the Grievance Redress Mechanism in particular. The SPS should include a specific list of marginalized groups that should be considered and included, with mention that it is not an exhaustive list, but one that is dynamic and will change with time and depending on context.
- We recommend that the updated **SPS integrates disability throughout all safeguards requirements' in a systematic, cross-cutting way.** The policy must contain explicit reference to persons with disabilities, make adequate arrangements and budgetary allocations for consultations and project documents to ensure they are accessible and cater to different needs, and emphasize the inclusion of persons with disabilities in project benefits. The ADB must focus on going beyond a do-no-harm approach to an approach that encompasses access to project benefits, including incorporating universal design principles into infrastructure funding and employment opportunities for persons with disabilities in projects.

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1 For more information please see BIC's Policy Brief - <https://bankinformationcenter.org/en-us/update/how-can-the-adb-better-protect-child-rights-and-strengthen/>

- Currently, the Safeguards Policy Statement of 2009 identifies children as a group with a disadvantaged or vulnerable status, however the policy fails to include **measures necessary to protect children from the direct, and indirect impacts of ADB funded projects.**<sup>2</sup> There is a need to strengthen the policy to close gaps including around preventing Child Sexual Exploitation and Abuse (CSEA), data collection, and child-friendly Grievance Redress Mechanisms and Stakeholder Engagement. Further, the SPS must identify and categorize projects that are high risk for **Gender Based Violence (GBV) and Sexual Exploitation Abuse and Harassment (SEA/H)**, in particular child SEA/H, and include prevention and mitigation measures in project design.
- The new SPS must require conducting **meaningful stakeholder engagement and establishing an independent Grievance Redress Mechanism.** Engaging and receiving feedback directly with stakeholders is the most effective way to assess the needs of various marginalized persons affected by the project and enable their full participation throughout the project cycle. Stakeholder Engagement Plans should be conducted and disclosed for consultation at the project design stage and updated throughout the project cycle to respond to stakeholder feedback and changes in the project. To support effective implementation of stakeholder engagement requirements, the ADB should develop detailed guidance for creating safe spaces for consultations and provide options for anonymous complaints.
- The new SPS must include **clear language and a zero tolerance position statement against reprisals.** The anti-reprisals statement should be applied broadly to cover anyone linked to the project or project affected communities, such as drivers and translators. The SPS should include an assessment of reprisal risk factors as part of the contextual risk assessment. Protocols for reprisal response must also be included in the SPS, and should enable reporting and responding to incidents throughout the project life cycle from design and extending beyond the formal close of the project. The SPS must be accompanied by operational guidance for Bank staff on preventive measures and response to reprisals.<sup>3</sup>

<sup>2</sup> For more information please see BIC's Policy Brief - <https://bankinformationcenter.org/en-us/update/how-can-the-adb-better-protect-child-rights-and-strengthen/>

<sup>3</sup> For more information on recommendations for strengthening reprisals response, please see Coalition for Human Rights and their partners' statement to the ADB - <https://rightsindvelopment.org/news/recommendations-to-adb-from-communities-facing-reprisals/>

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