



## **Submission on the Role of Multilateral Development Banks in Facilitating Reparation for Child Victims and Survivors of Sexual Exploitation and Abuse**

*Submitted by the Care and Protection of Children (CPC) Learning Network at Columbia University and the Bank Information Center (BIC)<sup>1</sup> in response to the:*

[Call for input](#) for the Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material on reparation for child victims and survivors of sale and sexual exploitation

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### **Background and introduction**

This submission focuses on the specific role that Multilateral Development Banks (MDBs), which include the World Bank Group as well as a number of affiliated regional banks, can and should play to avoid causing, contributing, or exacerbating child sexual exploitation and abuse and sexual harassment (child SEA/H) in their development projects.

The World Bank Group (hereafter referred as the “Bank”) is one of the most consequential development finance institutions in the world. As such, it can act as an obstacle to the realization of children’s rights or as a catalyst for them. However, in practice, many development projects also create the conditions for child SEA/H to occur, most notably—but not exclusively—when projects require an influx of labor to a project site.<sup>2</sup> The Bank itself has noted that projects that lead to a labor influx—typically composed of young men who are separated from their families and outside of their typical social ambits—can increase the risk of gender-based violence (GBV) in project sites, especially for adolescents and young women. Other development projects, such as those intended to enhance tourism, may be bolstering sectors already known to carry implicit risk of child SEA/H.

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<sup>2</sup> See, for example, how a Bank project in [Uganda](#) resulted in child SEA/H.

This submission builds upon BIC's experience monitoring Bank projects and from CPC's experience providing technical advice to the Bank. It focuses on projects financed by the public arm of the Bank; it refers only to Bank instruments applicable to the public arm of the Bank and to projects financed via project lending instruments.<sup>3</sup> That being said, many if not all of these examples and recommendations also apply to all arms of the Bank and to other MDBs, which, in many cases, are lagging even further behind than the Bank on this agenda.

We call on the Special Rapporteur to consider and include specific reference to the role of MDBs in preventing and responding to child SEA/H, given the MDBs' influence in the global development sphere. We also welcome the opportunity to engage with the Special Rapporteur's office around these issues.

### **1. Responsibilities: Multilateral Development Banks (MDBs) as duty bearers**

Through their lending, MDBs have a responsibility, and in many cases a mandate, to include explicit measures to prevent and to respond to SEA/H, and child SEA/H specifically. Providing sufficient and effective mechanisms for the prevention of and response to child SEA/H is part and parcel of a continuum of care and should reinforce reparation mechanisms for survivors.

Different United Nations treaty bodies and mandate holders have addressed the role of MDBs in upholding child rights, including the Committee on the Rights of the Child in their General Comments [No. 5](#) (para. 64), [No. 7](#) (para. 42), [No. 15](#) (para. 77), [No. 16](#) (para. 47-48), [No. 19](#) (para. 27.b.). Other United Nations mandate holders and agencies as well as other international organizations have referred to the responsibilities of MDBs (see [UNGP+10 global roadmap](#), [UN Doc. A/HRC/RES/34/16](#), and the Inter-American Commission on Human Rights report on [business and human rights standards](#)).

The Bank and the other MDBs are powerful institutions that can play a significant role in guaranteeing children's rights. However, historically the Bank has fallen far short of the positive contribution it should be making, and its self-regulatory framework lacks explicit references to or mandatory engagement with human rights mechanisms. Even when the Bank is not a formal "party" to international human rights conventions, the States that compose the Bank are; therefore, the Bank should obey these conventions and uphold human rights and children's rights in its lending operations.

Therefore, we ask the Special Rapporteur to call on MDBs to take their responsibilities as duty bears seriously, and to analyze and take concrete measures to understand and

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<sup>3</sup> For more information on the World Bank Group structure and lending instruments, see BIC's [Tools for Activists: An Information and Advocacy Guide to the World Bank Group](#).

address the SEA/H risks children and adolescents face in the implementation of MDB-financed projects.

## **2. Existing measures, means, and mechanisms for survivor-centric reparation and persistent gaps and challenges**

After the [Uganda](#) case referenced above, the Bank launched a [Global Gender-Based Violence Task Force](#) to strengthen the institution's efforts to prevent and respond to risks of gender-based violence (GBV) and SEA/H in Bank-projects. As a result, a series of [recommendations](#) and an [action plan](#) were issued. These documents concluded that, in projects with high risk of SEA/H, the Bank and the Borrower (that is, the Government borrowing from the Bank) should take measures to prevent and respond to SEA/H. These measures include: strengthening risk assessments and using them to trigger action; educating and raising awareness around SEA/H, including child SEA/H; identifying service providers for survivors of SEA/H; identifying community partners and engaging with them to build strategies for SEA/H prevention and response; following [procurement provisions](#) to address SEA/H risks; having project workers sign and obey codes of conduct; building country and project staff capacity to address GBV and SEA/H; setting up strong grievance redress mechanisms (GRMs) to respond to SEA/H cases; and a zero tolerance policy and [contractor disqualification mechanism](#) for contractors and sub-contractors for violations of SEA/H, including child SEA/H. In many projects deemed to be at high risk for exacerbating sexual exploitation and abuse and sexual harassment, [the Bank has begun incorporating GBV risk assessments](#) in its broader social and environmental impact assessments, and these projects have developed GBV prevention and response plans either as standalone action plans or as components of other plans to mitigate other unwanted social disruptions that projects may cause.

Additionally, the Bank has recently issued two relevant Good Practice Notes<sup>4</sup> to address child SEA/H in Bank projects and operations, that include: a revised Good Practice Note [Addressing Sexual Exploitation and Abuse and Sexual Harassment \(SEA/H\) in Investment Project Financing Involving Major Civil Works](#) (October 2022) that includes more specific references to the risks and accompanying mitigation and response measures to child SEA/H; and a new Good Practice Note on [Addressing Sexual Exploitation and Abuse and Sexual Harassment in Human Development Projects](#)

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<sup>4</sup> The Bank's project lending is governed by the [Environmental and Social Framework](#), a set of environmental and social requirements that became effective on October 1, 2018, applicable to all projects initiated after that date. Good Practice Notes are non-binding notes for Bank staff on best practices around different issues and how to better guide the Borrower in meeting the requirements of the Environmental and Social Framework.

(September 2022) with specific mention to the risks of child SEA/H, including prevention and response measures.

[Discussions around child SEA/H](#) during the recent Civil Society Policy Forum held in the context of the Bank's Annual Meetings revealed that despite progress addressing child SEA/H in Bank projects, much more remains to be done on the implementation side. Specific gaps include, among others:

- **Lack of engagement with children and adolescents** to understand how projects specifically impact them, and what their specific needs are for the Bank to respond appropriately to child SEA/H. The Bank and other MDBs do not have experience or expertise in consulting with children and adolescents. Although Bank projects typically include stakeholder engagement plans that identify individuals, groups, local communities, and other stakeholders who may be directly or indirectly affected by projects for both consultation and information sharing reasons, this engagement has typically excluded children's and adolescents' perspectives, a crucial component of crafting plans for reparations.
- **Incomplete processes for designing grievance redress mechanisms (GRMs).** Although the creation of GRMs throughout Bank projects is a welcome step in the right direction for ensuring reparation for survivors of SEA/H, the design of GRMs must consider how and where children and adolescents are likely to share their experiences of SEA/H. The Bank and its Borrowers should design GRMs based upon children and adolescents' lived experiences and in a way that is confidential and prioritizes the survivor's well-being.
- **Incomplete efforts to assess Borrower capacity to address, prevent, and respond to child SEA/H and to plan accordingly.** Areas that require additional efforts include: providing capacity building support on child SEA/H to in-country Bank staff, Borrowers, and implementing agencies, contractors, sub-contractors, and workers in the field; mapping GBV service providers, assessing their capacities, and allocating funds as needed to strengthen them; developing community outreach strategies to better understand entry points; and sensitizing the community around child SEA/H prevention and response.
- **Incomplete implementation of recommendations from the "Lessons Learned and Agenda for Action" and the Gender-Based Violence Task Force's Action Plan.** Some of the remaining items that have not yet been implemented include: requiring contractors to post an environmental and social performance bond that the contracting entity could cash should a contractor fail to remedy cases of environmental and social non-compliance; establishing sufficient budgets to implement SEA/H prevention and response mechanisms; and assessing progress on a regular basis to make all necessary adjustments.

For each of the gaps listed above, we ask the Special Rapporteur to call on the Bank to responsibly budget, implement, and monitor preventive measures as well as reparations and response services for instances of SEA/H that are caused by development projects that the Bank has funded, in a way that supports survivors' rights to reparation, healing, and redress.

### **3. Ways that Multilateral Development Banks (MDBs) can enhance their efforts to provide or to facilitate reparations for child survivors of sexual exploitation and abuse and sexual harassment**

The Bank and other MDBs should require their State and private-sector Borrowers to effectively implement and deliver reparation measures with a survivor-centered approach when Bank-financed projects create or exacerbate child SEA/H.

We ask the Special Rapporteur to call on the Bank implement the following enhancements:

#### **A. Engaging with children and adolescents throughout the project cycle.**

Throughout their project cycles, the Bank and other MDBs should require Borrowers to put in place measures to consult with children and adolescents so that they can hear and understand how child victims and survivors believe that risks of sexual exploitation and abuse and sexual harassment have increased because of development projects. These consultations should also address how children and adolescents perceive meaningful reparation. There are at least three specific instances in which consultations or engagement with children and adolescents should be required:

- 1) **Impact assessments.** When projects undertake social and environmental impact assessments to determine the impact of a project on local communities, they should systematically assess the risk of SEA/H arising from the project. These impact assessments should consider child SEA/H as a specific risk category and should engage with children and adolescents to determine how children and adolescents perceive their level of risk—especially insofar as it may be exacerbated by the project—and their understanding of reparation.
- 2) **Design of redress and reparation processes.** The Bank should conduct consultations with children and adolescents as part of the design of GRMs. In consulting children and adolescents, the Bank and its Borrowers will better understand to whom children and adolescents are likely to turn if they become victims of child SEA/H and what elements meaningful reparation should include. In doing so, the Bank should follow Committee on the Rights of the Child [General Comment 12](#) and [General Comment 14](#)

guidance in their consultations with children, facilitate access to relevant information, commit to holding [meaningful and ethical](#) consultations, respect traditional decision-making processes (particularly when consulting with Indigenous children), and keep in mind the varying needs of [children with disabilities](#) and the accommodations they require to meaningfully participate in consultations. Additionally, the Bank should explain how children's input was used to improve project design and/or implementation. Finally, when designing these reparative and response services, the Bank and its Borrowers should also engage local civil society actors with experience in gender-based violence, especially for children and adolescents (see section C below).

- 3) **Information sharing about child SEA/H and grievance redress and reparation processes.** The Bank and its Borrowers should have clear outreach plans for sharing information about what processes are available for child and adolescent survivors of SEA/H. This process will require for such materials to be developed with children and adolescents, in child- and adolescent-friendly language or with appropriate visual imagery. All information materials should be disseminated in child-appropriate venues or through channels that are likely to reach children and adolescents, such as schools, community centers, youth groups, and the like.

**B. Improving grievance redress mechanisms (GRMs).** As the Bank continues to work with Borrowers to develop GRMs, it should continue to facilitate that these GRMs are inclusive of the experiences of children and adolescents and are survivor-centered. Four ways in which the Bank can support its Borrowers to do this are:

- 1) **Including community members working with children in GRM reporting processes.** Currently many GRMs require survivors to contact project contractors directly to report cases of SEA/H, a system that is unlikely to facilitate reporting of their experiences of SEA/H, especially for children and adolescents. GRM reporting processes should engage with community members who are working with children and adolescents, such as teachers, youth group leaders, and other service providers, to promote child- and adolescent-friendly reporting processes.
- 2) **Clear communication about processes for those who report a grievance.** The Bank and its Borrowers should provide clear guidance for those who have reported a grievance about what various processes of investigation, adjudication, and reparation may entail.
- 3) **Making GRMs known and accessible for community members, including children and adolescents.** In general, GRMs are not visible or

well known to communities, so the Bank and its Borrowers must determine what outreach methods are most likely to reach community members impacted by development projects, including child-specific outreach via schools and other venues. (See also A3 above.)

- 4) **Systematic linkage of GRM to service provision.** GRM processes should systematically refer survivors of SEA/H to service providers who can provide appropriate legal, medical, and psychosocial support. For cases where the instances of SEA/H are determined to have been caused by the development project, a clear process for the Bank or its Borrowers to provide for the cost of the services should be in place.

**C. Providing child-friendly services for survivors.** Child survivors of SEA/H have a right to comprehensive service provision to redress the harm that they have suffered. Three components of child-friendly service provision include:

- 1) **Service provider mappings that include quality assessments, especially as they pertain to child-accessible GBV services.** The Bank should systematically undertake mappings of service providers capable of providing the comprehensive legal, medical, and psychosocial services that survivors require in sites close to the development projects. Two components of these mappings that deserve particular attention include: determining which service providers are able to work with children, including their capacity to community with children of various ages and developmental capacities; and quality assessments of the services both generally and in relation to their child- and adolescent-friendly service provision.
- 2) **Coverage of all service provision costs.** For cases determined to be caused by development projects, the Bank and its Borrowers have an explicit responsibility to ensure that such service provision is provided to the survivor free-of-charge.
- 3) **Best interest determination.** For children and adolescents, standard GBV response and reparation processes should always be guided in light of the best interests of the child or adolescent survivor, in accordance with the CRC Committee [General Comment 14](#). In practice, this principle will require that the Bank and its Borrowers will engage with local GBV service providers who are trained in working with children and adolescents and consider their best interests as a paramount throughout these processes.

**D. Strengthening of Bank staff capacity and enforcement of Borrower compliance requirements.** At the time of writing, the Bank's GBV team is composed of just ten professionals who must provide technical support and

supervision to the Bank's portfolio of hundreds of projects, financed by hundreds of millions of dollars annually. Additional qualified Bank staff focusing on preventing and responding to SEA/H are needed. Additionally, project- and country-level staff need to universally recognize that preventing SEA/H is a core part of their work and receive human resource support to realize this work. Additional items that the Bank and other MDBs could strengthen include:

- 1) **Promotion of a culture of safe, confidential reporting.** The Bank and other MDBs should lead by example in creating a work environment where speaking about SEA/H and reporting concerns becomes normative rather than exceptional. Functioning GRMs should, in fact, increase reporting of concerns or incidences of SEA/H, perhaps even exponentially, and Bank leadership should communicate clearly that it expects to see this increase to occur in the coming years as projects take more proactive steps to identify and to combat SEA/H, especially for children.
- 2) **Enhancing codes of conduct at all levels.** The Bank has promoted codes of conduct for its own staff and has required that its Borrowers and their contractors adopt these or similar codes of conduct for workers. The codes of conduct that we have reviewed do explicitly address SEA/H, with special mention of child SEA/H; however, their use can be enhanced in a few ways:
  - i) Contractually requiring Borrowers and their vendors to develop action plans for orientation related to the codes of conduct, including calling upon expertise when needed, such as expertise related to child SEA/H;
  - ii) Supporting training or orientation on codes of conduct as needed, and budgeting for this support in project development;
  - iii) Performing spot-checks to ensure that workers at various levels have received an orientation relative to their codes of conduct;
  - iv) Including culturally relevant examples of acceptable and unacceptable behaviors for workers; and
  - v) Making sanctions and other repercussions for breaches of codes of conduct clear and actionable.
- 3) **Use of the contractor disqualification mechanism when warranted.** The use of the contractor disqualification mechanism—when contractors' workers have been deemed to have perpetrated SEA/H—should also be expanded beyond projects that are deemed high risk of SEA/H to include, at a minimum, those that have substantial risk of SEA/H and preferably those with moderate risk as well.