

Why does the Asian Development Bank need to strengthen child rights in its Safeguard Policy Statement?

The Asian Development Bank (ADB) is currently undertaking a review of its Safeguards Policy Statement of 2009. This policy establishes mandatory standards and procedures that the borrower/client and the ADB must follow in preparing and implementing Bank-financed projects. Because these policies inform and direct the management of project-related risks, including potential impacts to communities and the environment, it is critical that they address specific risks to vulnerable groups such as children. Children from certain ethnic or religious minorities, children with disabilities, indigenous children, refugee or displaced children, children who may be discriminated against due to their sexual orientation may also be more vulnerable to exploitation and therefore the policies must be designed to address the unique needs of children with compounding vulnerabilities. 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. There is a need to strengthen the policy to close gaps including around preventing Child Sexual Exploitation and Abuse (CSEA), data collection, and stakeholder engagement. Therefore this review is an important opportunity for the ADB to revise its policies to make them inclusive, and support the needs and rights of children.

Key recommendations for strengthening child rights in the ADB safeguards:

- **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.** SEA/H risks and issues are not addressed at all in the current ADB Safeguards Policy Statement. GBV and child SEA/H should be explicitly identified in the SPS as potentially significant risks that should be captured in assessments and monitoring and build in differentiated measures for preventing and responding to cases of child SEA/H vs SEA of adults.
- **Look at the disaggregated impacts of projects on children.** It is important that ADB requires all assessments to look at both the direct and indirect impacts of projects on children. Assessments which examine only the direct impacts of projects on children (for example the health impacts of a coal fired power plant or the education related impacts of a project that resettles children far from their schools) risk missing a great deal of the impacts that a project has on the lives and development of children. Such indirect impacts that must be assessed include those that result from a change in families' economic circumstances or changes in the social fabric of a community. Assessments must look at a broad range of impact including but not limited to education, labor, health and violence. Furthermore, assessments must also capture specific issues faced by children who are particularly vulnerable or marginalized like children with disabilities, displaced children, indigenous children for example.
- **Include children, young people, and civil society working closely on child rights issues in Stakeholder Engagement Plans.** It is vital to gather information about experiences of children, young people, and those working closely with children as part of a comprehensive approach to stakeholder engagement. Therefore, they need to be included in project consultations and any stakeholder engagement conducted for the project. They should be set up in a child-friendly manner that promotes the rights and respect of the child in a sensitive manner in line with the Convention of the Rights of the Children (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD). There should be age-appropriate targeting in terms of set up, information

and messaging as well as promoting participation and inclusivity. Child focused organizations should also be included in all stakeholder engagement plans.

- **Set up Grievance Redress Mechanisms in a child-friendly manner.** The SPS must require the Borrower to institute child-sensitive project-level Grievance Redress Mechanisms that allow children to come forward without fear of retaliation. To make children comfortable with coming forward, both male and female liaisons should be available so that children can disclose to a person of the sex they feel most comfortable with. These liaisons should be located in spaces accessible to children and should be accessible to all children. Throughout the process, the first and foremost consideration should be the best interest of the child, as defined by the UN Convention on the Rights of the Child article 3, paragraph 1. Materials about GRMs should be made accessible to children (e.g. in language that is understandable; available in places/formats where children interact).
- **There must be explicit reference to groups who might be disproportionately impacted by Bank projects or who might face barriers to project benefits in binding Bank documents such as the SPS. This must be reflected in the requirements for Social Assessments, Stakeholder Engagement, and the Grievance Redress Mechanism in particular to ensure Borrowers are required to consider these groups during project design and implementation.** While we understand that specific aspects of the operationalization of the safeguards belong in non-binding guidance documents and operation manuals, certain requirements such as the need for impact assessments that examine SEA/H, and specifically child SEA, must be included in a binding document such as the SPS.
- **We also recommend a more substantive approach to supply chain risks in relation to forced and child labor issues and strengthening human rights due diligence in accordance with the UN Guiding Principles on Business and Human Rights.** This should also include a consideration of procurement policy changes needed to implement the new SPS, particularly around GBV and SEA.
- **Disaggregate project data by age to improve outcomes for children.** Assessments and data collection conducted right throughout the project cycle, including social and economic impact assessments undertaken at the earliest stages of project design and resettlement action plans, must collect data on children. Currently the SPS requires only gender disaggregation, and we recommend data be collected and disaggregated on age in order to fully understand the differentiated impacts on children, as well as build in mitigation measures. The ADB must require borrowers, for all projects, to look at differentiated impacts on children by gender and age as well as potential differing or more severe impacts on child-headed households and children with disabilities.

This report was prepared in collaboration with:



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