

Comments on the Draft Updated AfDB ISS from the Disability Community

The disability community welcomes the African Development Bank (AfDB)'s review and update of its Integrated Safeguards System (ISS). This update is especially critical for the inclusion of persons with disabilities given that the 2013 ISS references disability only in Operational Safeguard (OS) 5, covering labor conditions, health, and safety, completely ignoring the broader impacts of projects on persons with disabilities. We commend the AfDB for an updated ISS that is more inclusive and that requires the prevention or mitigation of harm to persons with disabilities, allows them to be active participants in the development process, and enables persons with disabilities to access project benefits. We are eager to engage in the review process to make sure that universal access remains a tenant of new construction and that persons with disabilities are specifically referenced and included in the social assessment and stakeholder engagement processes. We put forward the following initial recommendations to strengthen the updated ISS for persons with disabilities.

1) The updated ISS should take an integrated, systematic, and consistent approach to the inclusion of marginalized groups, including persons with disabilities.

While the specific references to persons with disabilities in the updated ISS draft are welcome, we are concerned about the fact that the draft includes multiple different definitions for the terms “vulnerable,” “vulnerable groups,” and “disadvantaged or vulnerable,” and these definitions are not consistent across the ISS. See Annex 1 of this document for details. We urge the AfDB to adopt a single, consistent definition across the ISS. The definition must specifically include persons with disabilities and be in line with the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities. This means that the definition should change from “the disabled” to “persons with disabilities.”

2) Rename and reframe Operational Safeguard 7 to clarify its purpose.

We understand that Operational Safeguard 7 is intended to act primarily as a policy on Indigenous Peoples, while using broader language to be inclusive of groups that may not hold that formal designation. However, the current draft OS7 is titled “Vulnerable Groups” and includes both requirements for how Borrowers should seek Free, Prior, and Informed Consent from Indigenous Peoples and Highly Vulnerable Rural Minorities along with more general language on how to identify and accommodate other groups that may be “vulnerable” for other reasons. To most effectively prevent harm and enable access to project benefits, we recommend that references to “vulnerable groups,” including persons with disabilities, be consistent and integrated throughout the ISS rather than contained in a single standard. We also urge AfDB to use a different title for Operational Safeguard 7 on “Vulnerable Groups” to clarify the more specific purpose of this Safeguard and the broader treatment and inclusion of other groups across all OSs.

3) Provide a detailed plan for implementation of the updated ISS, including an accounting of the necessary staff capacity, budget, and training.

For the AfDB's new Integrated Safeguards System to work well it must be fully resourced. Proper implementation of the updated ISS will require development of new staff capacity, expertise, and training of existing staff both at headquarters and in country offices, including on social issues such as the inclusion of persons with disabilities. An implementation plan detailing the process and timeline for building the needed capacity to operationalize the updated ISS should be developed and considered by the Board in conjunction with the draft policy.

4) Provide clarity and more detail on how persons with disabilities can access and participate in consultations and how persons with disabilities can access and use the grievance mechanism.

The updated ISS does highlight accessibility for persons with disabilities during stakeholder engagement, but given that this is a new area for the AfDB and for the Borrower, there needs to be more specific information on what “accessible and inclusive” means in the context of consultation and what barriers to participation persons with disabilities might face. Borrowers should be directed to plan for and reflect costs of inclusive stakeholder engagement activities in project budgets, including to support the full participation of persons with disabilities, and their representative organizations in consultations and other processes — for example support for personal assistance, caregivers, access to assistive technologies, sign language, documents that adjust for various needs, including those with intellectual or psychosocial disabilities. Additionally, sign language should be specifically recognized when the importance of information being disclosed in local languages is stated. Finally, OS10- Annex 1 should more clearly articulate that the grievance mechanisms should be made accessible to persons with disabilities, including by providing information in alternative formats.

Annex 1: Inconsistent and Unclear References to Marginalized Groups Throughout the ISS

Disadvantaged or vulnerable (Glossary): Disadvantaged or vulnerable refers to those who 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 which they depend.

Disadvantaged or vulnerable (OS1, Footnote 23): 'Vulnerable' refers to those who 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 or unable to participate fully in the mainstream consultation process and as such may require specific measures and/or assistance to do so. Depending on the specific context of the project, vulnerable groups may include, amongst others, female-headed households, the disadvantaged, the landless, the elderly, youth and children, the disabled, groups who are marginalized on the basis of ethnicity, religion, language as well as sexual orientation and gender identity, and highly vulnerable rural minorities including groups referred to as indigenous peoples in some contexts.

Vulnerable (Glossary): means a group or individual likely to face harder conditions as a result of the resettlement because of such specific factors as a group's gender, economic status, ethnicity, religion, language or health condition. Depending on the specific context of the resettlement operation, vulnerable groups may thus include, for example, female-headed households, those below the poverty line, the landless, forest dwellers, minorities culturally and economically dependent on natural specific landscapes, indigenous peoples (as referred to by national legislation), those without legal title to assets, those with physical handicaps, or ethnic, religious and linguistic minorities. Identifying vulnerable and highly vulnerable minorities should be the result of careful analysis of the social and economic context, the presence of factors that may cause vulnerability and the capacity of the individual or group to cope or adapt.

Vulnerable (OS1, Footnote 23): 'Vulnerable' refers to those who 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 or unable to participate fully in the mainstream consultation process and as such may require specific measures and/or assistance to do so.

Vulnerable groups (OS7, Paragraph 5): Depending on the specific context of the project, vulnerable groups may include, amongst others, female-headed households, the disadvantaged, the landless, the elderly, youth and children, the disabled, groups who are marginalized on the basis of ethnicity, religion, language as well as sexual orientation and gender identity, and highly vulnerable rural minorities including groups referred to as indigenous peoples in some contexts.

Sign ons:

- Accountability Counsel
- Bank Information Center (BIC)
- Both ENDS
- Buliisa Initiative for Rural Development (BIRUDO)- Uganda
- Cesope
- GoodHope Foundation For rural Development
- Governance Development and Peace Research Centre
- Initiative for Promotion of Democracy and Good Governance (IPDG)
- National Union of Disabled Persons of Uganda (NUDIPU)
- Open Society Platform Gambia (OSPG)
- Sightsavers
- Twerwaneho Listeners Club - TLC
- Young Agro-Green Africa Network (YAGANET)