

Managing Human Rights Risks in IDB Projects

Requirements of the IDB's Environmental
and Social Policy Framework

Authors:

Steve Gibbons
Marcella Klinker
Estefania Murray

Editor:

Ute Reisinger

Environmental and Social
Solutions Unit

TECHNICAL
NOTE N°
IDB-TN-2482

Managing Human Rights Risks in IDB Projects

Requirements of the IDB's Environmental and Social Policy Framework

Authors:

Steve Gibbons

Marcella Klinker

Estefania Murray

Editor:

Ute Reisinger

May 2022



Cataloging-in-Publication data provided by the
Inter-American Development Bank
Felipe Herrera Library

Gibbons, Steve.

Managing human rights risks in IDB projects: the requirements of the IDB's
environmental and social policy framework / Steve Gibbons Marcella Klinker, Estefania
Murray.

p. cm. — (IDB Technical Note; 2482)

Includes bibliographic references.

1. Economic development projects-Management-Latin America. 2. Economic
development projects-Management-Caribbean Area. 3. Employee rights-Latin
America. 4. Employee rights-Caribbean Area. 5. Human rights-Latin America. 6.
Human rights-Caribbean Area. 7. Personnel management-Latin America. 8. Personnel
management-Caribbean Area. I. Klinker, Marcela. II. Murray, Estefania. III. Inter-
American Development Bank. Environmental and Social Solutions Unit. IV. Title. V.
Series.

IDB-TN-2482

JEL Codes: K38, K32, M54

Keywords: Human Rights, Supply Chains, Grievance Mechanisms

<http://www.iadb.org>

Copyright © 2022 Inter-American Development Bank. This work is licensed under a Creative Commons IGO 3.0 Attribution-NonCommercial-NoDerivatives (CC-IGO BY-NC-ND 3.0 IGO) license (<http://creativecommons.org/licenses/by-nc-nd/3.0/igo/legalcode>) and may be reproduced with attribution to the IDB and for any non-commercial purpose. No derivative work is allowed.

Any dispute related to the use of the works of the IDB that cannot be settled amicably shall be submitted to arbitration pursuant to the UNCITRAL rules. The use of the IDB's name for any purpose other than for attribution, and the use of IDB's logo shall be subject to a separate written license agreement between the IDB and the user and is not authorized as part of this CC-IGO license.

Note that link provided above includes additional terms and conditions of the license.

The opinions expressed in this publication are those of the authors and do not necessarily reflect the views of the Inter-American Development Bank, its Board of Directors, or the countries they represent.



Acknowledgements

This publication on Managing Human Rights Risks in IDB Projects was prepared with the guidance of Ute Reisinger of the Environmental and Social Solutions Unit (ESG) at the Inter-American Development Bank. The publication was written by ERGON Associates. Ergon is a specialist consultancy in the field of labour rights, human rights, employment, gender and development with extensive experience of working on complex human rights issues for Development Finance Institutions across a wide range of sectors, including agribusiness, manufacturing, extractives, retail, infrastructure, banking and supply chains. The team would like to thank IDB colleagues for their review and inputs in the development of this publication.

Executive Summary

In November 2021, the Inter-American Development Bank's (IDB) new [Environmental and Social Policy Framework](#) (ESPF) became effective. The IDB recognizes that human rights are central to its mission of improving lives and bringing sustainable development to the Latin America and the Caribbean (LAC) region. As such, the ESPF makes an explicit commitment to respecting internationally recognized human rights standards, including the International Bill of Rights, the International Labor Organization's (ILO) Declaration on Fundamental Principles and Rights at Work, and other universal and regional instruments relating to human rights.

Crucially, this means that under the new Framework, IDB-financed projects are expected to respect the rights enshrined in these instruments. The ESPF provides the IDB with the tools to assess human rights risks in the context of all IDB projects. Where such risks are identified, the IDB is committed to supporting Borrowers in carrying out their due diligence to protect project beneficiaries, communities, and workers from abuse, enable the fulfilment of their rights, and remedy harm caused.

This Technical Note on Human Rights (TN) aims to provide support to IDB Borrowers in identifying and addressing human rights risks and impacts on IDB-financed projects under the new ESPF. The information contained in this note may also be relevant to a wider audience, including IDB staff and external stakeholders.

The Technical Note outlines how human rights are addressed by the ESPF's ten Environmental and Social Performance Standards (ESPS) and various other IDB policies and provides information on key human rights issues in the LAC region. With a particular focus on ESPF requirements, the Technical Note focuses on how Borrowers can integrate a human rights lens into the design and implementation of IDB-financed projects. As such, it also provides key guidance on stakeholder engagement and effective grievance management, as these are key parts of the human rights-based approach under the ESPF. Finally, the Technical Note looks at the importance for collaborative approaches to working on human rights issues, particularly when addressing complex and contextual challenges.

Contents

Executive Summary	2
1 Introduction	6
1.1 Background and purpose	6
1.2 Audience and objective	6
1.3 How to use this publication	7
2 Understanding human rights	8
2.1 What are human rights?	8
2.2 Who has the responsibility to protect human rights?	9
3 Understanding IDB policy and standards and how it covers human rights	11
3.1 IDB policies and standards on human rights	11
4 Key human rights issues for IDB projects	17
4.1 Contractors and Supply Chains	20
5 Designing and developing projects with human rights in mind	22
5.1 Identification of risks and impacts	22
5.2 Integrating human rights considerations into due diligence	25
5.3 Human rights risk mitigation measures	27
5.4 Monitoring and review	28
5.5 Stakeholder engagement	30
6 Grievance management with human rights in mind	33
6.1 The importance of a project-level grievance mechanism	34
6.2 Grievance mechanisms and access to remedy	34
6.3 Expectations under the ESPF	35
6.4 Access to information and transparency	37
6.5 IDB-level grievance management	37
7 Working together to support human rights	39
7.1 Working on legislative environments and implementation gaps	39
8 Annexes	41
Annex 1: Further reading	41
Annex 2: Mapping human rights standards against IDB ESPF and other standards	43
Annex 3: Screening contextual risks	51

List of Acronyms

E&S	Environmental and Social
ESA	Environmental and Social Assessment
ESMS	Environmental and Social Management System
ESPF	Environmental and Social Policy Framework
ESPS	Environmental and Social Performance Standard
FPIC	Free Prior Informed Consent
GM	Grievance Mechanism
HRDD	Human Rights Due Diligence
HRIA	Human Rights Impact Assessment
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDB	Inter-American Development Bank
IDBG	Inter-American Development Bank Group
ILO	International Labor Organization
LAC	Latin America and the Caribbean region
MICI	Independent Consultation and Investigation Mechanism
SGBV	Sexual and Gender Based Violence
TN	Technical Note
UNGP	United Nations Guiding Principles on Business and Human Rights

1 Introduction

1.1 Background and purpose

In September 2020 the Board of Executive Directors of the Inter-American Development Bank (IDB) approved a new [Environmental and Social Policy Framework](#) (ESPF), which became effective on 1 November 2021. The new Framework was developed to respond to the changing environmental and social context of the Latin America and the Caribbean region (LAC) since the development of the IDB's existing safeguards policies more than 15 years ago.

The new Framework harmonizes IDB policies and guidelines with international standards, reinforces standing commitments, and sets ambitious new standards in several areas. The ESPF applies to investment loans, investment grants, and investment guarantees, including financial intermediation, co-financed operations, and associated facilities, as well as some policy-based loans and technical cooperation.

The IDB recognizes that human rights are central to its mission of improving lives and bringing sustainable development to the LAC region. The Bank's sovereign guaranteed investments support Borrowers in realizing the full enjoyment of human rights in the region. As such, the new ESPF makes an explicit commitment to the International Bill of Rights, the core human rights treaties, the ILO Declaration on Fundamental Principles and Rights at Work, and other universal and regional instruments relating to human rights.

Crucially, this means that under the new Framework, IDB-financed projects are required to respect the rights enshrined in these instruments, which means projects should take steps to avoid infringement on the human rights of project beneficiaries, affected groups and workers, and address adverse human rights risks and impacts caused by IDB projects.

The ESPF provides the IDB with the tools to assess human rights risks in the context of all IDB projects. Where such risks are identified, the IDB is committed to supporting Borrowers in carrying out their due diligence to protect project beneficiaries, communities, and workers from abuse, enable the fulfilment of their rights, and remedy harm caused.

1.2 Audience and objective

This Technical Note on Human Rights (TN) is aimed at supporting IDB Borrowers in identifying and addressing human rights risks and impacts on IDB-financed projects under the new ESPF. Borrowers may implement projects through executing agencies, project implementation units or through financial intermediaries. Institutional arrangements for implementation are specific to each project, the TN aims to strengthen capacity of their teams in managing human rights risks. Some information is also relevant to a wider audience, including other external stakeholders and internal IDB staff.

1.3 How to use this publication

The Technical Note addresses some of the following issues:

- What are human rights?
- How does the IDB environmental and social policy framework and its performance standards cover human rights issues?
- What are the key human rights risks that are likely to arise during a project cycle?
- How can Borrowers design projects with human rights in mind?
- How can Borrowers monitor progress in addressing human rights on projects?
- How can Borrowers effectively implement the ESPFs expectations on project-level grievance mechanisms?
- How can Borrowers and the IDB work together to support human rights performance?

The guidance also includes several practical tools and further details within the Annexes and provides links to additional IDB and external resources that can be used for more information or guidance.

2 Understanding human rights

2.1 What are human rights?

Human rights apply to every individual. They are guaranteed through a set of international standards, laws, and principles. They are universal (apply to everyone equally), inalienable (cannot be taken away, except in specific situations and according to due process), indivisible (all categories of rights have an equal status whether civil, political, economic, social or cultural) and interdependent (one set of rights cannot be enjoyed fully without the other).

Human rights cover a range of different issues including core civil and political rights, economic, social, and cultural rights, and labor rights. They range from, for instance, the right to life and the right to a healthy environment to the right to be free from discrimination and the right to privacy. Labor rights, specifically, refer to those rights relating to labor relations between workers and employers. Generally, these rights influence working conditions in employment relations. Examples include the freedom of workers to form and join unions, and freedom from forced labor.

Human rights and the environment are intertwined: many human rights cannot be enjoyed without (access to) a safe, clean, and healthy environment. Environment-related rights relate to the protection of natural resources, the access to and use of natural resources, and how access to and use of these resources affects surrounding populations, as well as the resources themselves. Examples include the right to a healthy environment, which has gained constitutional recognition and protection in more than 100 States, including most States in the LAC region; the right to water and sanitation; and the right to access natural resources.

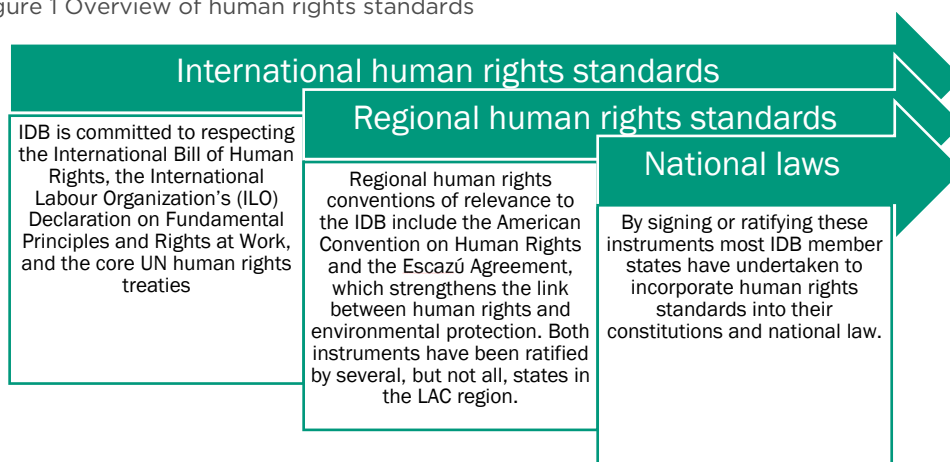
Figure 1 provides an overview of human rights standards under international and regional law and how they are incorporated in national laws.



See the status of ratification and reporting of 18 core human rights treaties at OHCHR Dashboard and consult the [Inter-American Commission on Human Rights](#) for information on regional human rights instruments.

See section 4 for information on key human rights impacts that may be associated with IDB-financed projects.

Figure 1 Overview of human rights standards



When human rights are violated or abused victims can seek remedy through national judicial systems and dedicated human rights bodies, such as national commissions on human rights. Regional human rights bodies, such as the Inter American Commission on Human Rights or the Inter American Court of Human Rights monitor the implementation of regional human rights standards. States also report on their human rights obligations to, and their performance is reviewed by international monitoring bodies like the United Nation's Human Rights Council.

Indigenous Peoples Rights in Latin American and the Caribbean

Latin American and the Caribbean is home to about 500 different ethnic groups that may have deep spiritual, cultural, social and economic connections with their lands, territories and resources. Indigenous peoples, as distinct social and cultural peoples, have collective rights such as the conservation and protection of the environment and the productive capacity of their lands or territories and resources. The IDB's ESPF recognizes that indigenous peoples are often among the most marginalized and vulnerable segments of the population.

For more information on indigenous peoples rights see the [ILO's Indigenous and Tribal Peoples Convention](#) as well as the [United Nations Declaration on the Rights of Indigenous Peoples](#).

2.2 Who has the responsibility to protect human rights?

Violations of human rights can occur as a result of State action or the activities of private actors. However, the primary obligation to protect, respect and fulfil human rights lie with governments. States may commit human rights violations through either action or omission (a failure to act). For example, State actors may prevent or obstruct people from voting in elections, may use excessive force against the population, or forcibly evict people from their land. Equally, by failing to implement laws that sufficiently protect human rights, or by not putting in place controls over the actions of police or security forces, States may fail in their duty to protect these established rights. It is important to note that human rights violations can happen at different scales - they do not necessarily refer to gross mass violations of rights but can also concern a relatively small action or an action at a project level. For example, a temporary closing of a school can lead to children temporarily losing access to education; or migrants in an area are excluded from project benefits.

In the context of IDB projects, Borrowers may, depending on a project's implementation structure, engage with non-state actors such as contractors, primary suppliers or other businesses. Private actors, including companies, may also infringe human rights in a number of ways. This can happen in the workplace, for example through a failure to keep employees' personal data confidential, by preventing workers from forming or joining a trade union, or by arbitrarily or unfairly dismissing a worker, even if permissible under local law. Human rights breaches may also occur beyond the workplace and affect the wider community, for example where business activities with significant impacts take place on indigenous peoples' lands without having obtained free, prior and informed consent (FPIC) in advance, or where private security forces engaged by the company illegally detain people in the name of protecting company assets. In another example, a company may pollute local water resources by discharging hazardous waste, affecting the nearby community's right to water and sanitation.

The United Nations Guiding Principles on Business and Human Rights (UNGPs) is the main non-binding international instrument which applies to private actors and is applied in IDB development finance. It sets out the normative framework for human rights risk management in IDB projects.

Normative framework for responsible business conduct

The UNGPs establish a normative framework resting on three pillars:

1. Government and other State bodies' duty to protect against human rights abuses by third parties, including business
2. The corporate responsibility to respect human rights
3. Greater access by victims to effective remedy, both judicial and non-judicial

For more information about Borrower's responsibilities with regards to providing remedy, see Section 7.



See this resource from the [UNGP reporting framework](#) for examples of how company activities can result in human rights violations. This covers a wide range of internationally recognized human rights standards. Brief descriptions of these rights are also included in [Annex 2](#).

3 Understanding IDB policy and standards and how it covers human rights

This section is focused on the coverage of human rights by IDB policy and standards. It sets out the various expectations with regards to human rights risk management and considerations on Borrowers under the new Environmental and Social Policy Framework (ESPF), its ten Environmental and Social Performance Standards (ESPS) and in several complementary policies, standards and guidance documents.

3.1 IDB policies and standards on human rights

Environmental and Social Policy Framework

The IDB makes express commitment to human rights in its ESPF which applies to the projects it finances. The ESPF is composed of a policy statement and ten Environmental and Social Performance Standards (ESPSs). The policy framework sets standards that IDB projects are expected to meet to achieve positive environmental and social outcomes and minimize the risks and negative impacts to people and the environment.



The briefing [The ESPF at a Glance](#), developed by the IDB, provides an overview of key environmental and social issues and requirements covered by the ESPF's Policy Statement and the ten ESPSs.

The ESPF, which came into effect on 1 November 2021, also strengthens the Bank's approach to human rights. Further, the ESPF reinforces the Bank's standing commitments - thereby replacing several older IDB policies - and includes new standards. Key changes include:

- The inclusion of a dedicated, stand-alone standard on gender equality with provisions for people of all genders, which replaces IDB's previous gender policy. The new framework explicitly addresses the risks of sexual and gender-based violence, exploitation, discrimination, and abuse in the projects that the IDB finances.
- The inclusion of an additional stand-alone standard on stakeholder engagement and information disclosure, which includes a requirement for grievance mechanisms to be established for projects. This standard aims to enhance open, transparent, and inclusive engagement around projects.
- The outline of specific circumstances where free, prior, and informed consent is required from indigenous peoples for a project to proceed, and provision of differentiated protections for people that may be in a vulnerable position, including African descendants and persons with disabilities.
- A strengthened standard on community health, safety, and security, which offers guidance on how to protect communities from exposure to contagious diseases that could be brought about or made worse through project activities.
- An Exclusion List of activities that the IDB will not finance because they may adversely impact people and the environment, or because they are inconsistent with

the IDB's commitment to addressing climate change and promoting environmental and social sustainability.

Crucially, the ESPF not only makes an explicit commitment to key international human rights standards, but the ESPs are closely aligned with the rights provided by these key human rights instruments. The Performance Standards cover a large majority of the internationally accepted human rights, such as the right to life, to non-discrimination, to free assembly and expression, to privacy, and to decent working conditions and not to be subjected to slavery, servitude or forced labor. Other rights, such as the right to a fair trial, describe core functions of a state and are therefore not explicitly mentioned in the Performance Standards that aim to manage E&S risk in IDB projects.

See Figure 2 for a concise tabular overview of how the ESPF covers internationally recognized human rights standards. Yellow marking indicates in which ESPs the right is covered. Some of the rights in the International Bill of Human Rights are not covered in the performance standards as they apply to protections beyond the scope of the IDB's development interventions.



See Annex 2 for a more detailed tabular overview of how the ESPF and ESPs map against international human rights standards, including descriptions of the ESPs and internationally recognized human rights.

Other relevant IDB policies and standards

In addition to the ESPF, there are several complementary instruments governing or relating to human rights in the Bank.

- To promote transparency, strengthen corporate governance and increase accountability, the [Access to Information Policy and its Implementation Guidelines](#) define what project-related information and Board documents should be disclosed publicly, how this should happen, and commits the Bank to transparency in all of its activities.
- The [IDB Procurement Policies](#) and its Standard Bidding Documents contain provisions and instructions related to human rights, such as forced labor, that all contractors and suppliers need to comply with in the execution of IDB-financed projects.
- The Policy of the [Independent Consultation and Investigation Mechanism](#) (MICI) establishes and governs the process of the Inter-American Development Bank Group (IDBG) independent accountability mechanism. MICI handles complaints from communities harmed by environmental and social impacts caused by projects funded by any of the institutions that make up the IDBG, including the IDB. Once a complaint is found to be eligible, the Mechanism can either initiate a consultation phase – a flexible and voluntary dispute resolution process – or a compliance review phase, which involves a fact-finding process where MICI acts as an independent investigator to determine whether the IDBG has complied with its environmental and social standards in relation to the allegations of harm raised by the complainants. See Section 7 for more information on the interplay between MICI and project-level complaint mechanisms.

IDB guidance on human rights

- The IDB has developed [Guidelines](#) to provide guidance to Borrowers on the requirements of the ESPSs, with the overall purpose of improving project performance and environmental and social outcomes.
- The IDB [Reprisal Risk Management Guidance Note](#) provides guidance to Borrowers and Executing Agencies in giving practical effect to the ESPF requirements on addressing risks of retaliation against project stakeholders.
- The IDB-developed [note on Social Impact Assessment: Integrating Social Issues in Development Projects](#) provides an overview of good practice standards in Social Impact Assessment . The note aims to provide guidance to practitioners and decision-makers.
- The [joint publication on Meaningful Stakeholder Engagement](#) developed by the Multilateral Financial Institutions Group on Environmental and Social Standards provides useful guidance on stakeholder engagement throughout a project's lifecycle.



See Annex 1 for an overview of additional good practice and guidance resources.

Figure 2: Overview of human rights coverage of the ESPs

Tabular overview of human rights coverage of the ESPs as per the International Bill of Human Rights	ESPS1	ESPS2	ESPS3	ESPS4	ESPS5	ESPS6	ESPS7	ESPS8	ESPS9	ESPS10
Right to life	Yellow	Yellow	Yellow	Yellow		Yellow				
Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment	Yellow	Yellow		Yellow						
Right not to be subjected to slavery, servitude or forced labor	Yellow	Yellow								
Right to liberty and security of the person	Yellow	Yellow		Yellow					Yellow	Yellow
Right of detained persons to humane treatment				Yellow						
Right not to be subjected to imprisonment for inability to fulfil a contract				Yellow						
Right to freedom of movement		Yellow			Yellow		Yellow	Yellow		
Right of aliens to due process when facing expulsion										
Right to a fair trial										
Right to be free from retroactive criminal law										
Right to recognition as a person before the law										

Managing Human Rights Risks in IDB Projects

Tabular overview of human rights coverage of the ESPs as per the International Bill of Human Rights	ESPS1	ESPS2	ESPS3	ESPS4	ESPS5	ESPS6	ESPS7	ESPS8	ESPS9	ESPS10
Right to freedom from arbitrary or unlawful interference with a person's privacy	Yellow									
Rights to freedom of thought, conscience and religion	Yellow	Yellow		Yellow	Yellow		Yellow	Yellow		
Rights to freedom of opinion without interference and the right to freedom of expression							Yellow			Yellow
Rights to freedom from incitement to racial, religious, or national hatred										
Right to freedom of assembly	Yellow			Yellow						Yellow
Right to freedom of association		Yellow								
Rights to found a family and the right to marry										
Rights of protection for the child	Yellow	Yellow		Yellow		Yellow			Yellow	
Right to participate in public life										
Right to equality before the law, equal protection of the law, and rights of non-discrimination	Yellow	Yellow		Yellow	Yellow	Yellow	Yellow		Yellow	
Rights of minorities	Yellow	Yellow					Yellow	Yellow	Yellow	
Right to work		Yellow								

Tabular overview of human rights coverage of the ESPs as per the International Bill of Human Rights	ESPS1	ESPS2	ESPS3	ESPS4	ESPS5	ESPS6	ESPS7	ESPS8	ESPS9	ESPS10
Right to enjoy just and favorable conditions of work		Yellow								
Right to form and join trade unions and the right to strike		Yellow								
Right to social security, including social insurance		Yellow								
Right to a family life		Yellow		Yellow						
Right to an adequate standard of living (including housing, food, and water and sanitation)		Yellow	Yellow	Yellow	Yellow	Yellow	Yellow			
Right to health	Yellow	Yellow	Yellow	Yellow		Yellow				
Right to education	Yellow									
Rights to take part in cultural life, to benefit from scientific progress, and to protection of the material and moral rights of authors and inventors							Yellow	Yellow		
Right to self-determination	Yellow			Yellow		Yellow	Yellow	Yellow		

4 Key human rights issues for IDB projects

The countries of operation for the IDB ratified a wide range of international human rights instruments and regional initiatives. This means that Borrowers already have laws and systems in place to promote and respect human rights issues, ranging from issues such as civil and political rights, rights to due process, through to the protection of indigenous community rights. It is key to note, however, that when it comes to assessing how a project will impact human rights, human rights assessments will likely not be looking at the entire human rights system in a country.

Borrowers' focus should be on how the project in question will impact human rights specifically. For example, in relation to a construction project, the human rights to consider will likely include community rights, land rights and labor rights. While all human rights are equally important, and an assessment will consider contextual risk (see section 5), Borrowers should focus on identifying and addressing those risks to human rights that arise in the context of a project and those which are most salient, in the sense that they are highly likely or have a significant impact in terms of scope or scale of impact. That being said, it is also important to understand that beyond what may be seen as developmental objectives for a project, there will likely be human rights involved in every step of the roll out of a project. For example, when building a school, outcomes which promote the right to education will be a key goal, but construction workers' rights will likely be a key salient right in the process and an influx of workers may trigger other risks such as Sexual and Gender-based Violence (SGBV). It will be important that all human rights likely to be impacted are carefully identified and incorporated into Borrowers' Environmental and Social Management System (ESMS). The table below sets out some examples of how a project can impact human rights.

Example of project activity	Human rights risk	Key ESPS
<p>A project encounters opposition from activists in a region where security forces have historically applied use of force to disperse protests</p>	<p>If a project is opposed by activists, such as human rights defenders, in a region where historically they have been the subject of reprisals, there may be a risk to the rights to health, life, liberty and freedom of expression.</p> <p>Further there are often significant human rights issues around the question of freedom of expression related to opposition to a project, particularly where the project is politically important to local or central government. There may be actors who seek to restrict opposition to the</p>	<p>ESPS1: Assessment and Management of Environmental and Social Risks and Impacts</p> <p>ESPS4: Community Health, Safety, and Security</p> <p>ESPS10: Stakeholder Engagement and Information Disclosure</p>

	<p>project on the basis of perceived best interests.</p> <p>In such steps, it is important that projects, as part of their stakeholder engagement, seek to ensure that there is appropriate civil space to express and sensitively debate such opposition.</p>	
<p>A construction company hired by the project brings a large influx of workers to a community</p>	<p>A large influx of male workers into a community may enhance certain risks such as a that of SGBV, sexually transmitted diseases or human trafficking, which disproportionately affects women and girls and people of diverse sexual orientations and gender identities, impacting their rights to life, health, non-discrimination, protection for the child and of minorities.</p>	<p>ESPS2: Labor and Working Conditions</p> <p>ESPS9: Gender Equality</p> <p>ESPS4: Community Health, Safety, and Security</p>
<p>Workers on a project are working and living in hazardous conditions, for example, without the necessary protective equipment, without adequate places to rest from the elements, and living in places that are too hot or crowded or without access to nearby, safe, clean, working bathrooms</p>	<p>Where work is dangerous and inadequate protections are in place, a workers' right to health or life may be at risk.</p> <p>This may be particularly the case where work is being carried out by contractors or subcontractors where there is little, or less, visibility on the nature of the working conditions and the provision of personal protective equipment. There may well be strong laws on paper related to the protection of workers, but they may not be fully enforced, or public agencies may have reduced capacity and resources to do so.</p>	<p>ESPS2: Labor and Working Conditions</p>

A project is set to take place in an area where indigenous communities have traditionally held and lived off the land

The rights of indigenous peoples to enjoy their traditional lands, to have livelihoods protected and to have the right to continue to enjoy various cultural and other rights are well recognized both in international and regional human rights instruments. What's more, many of the countries in the region have significant and long-established national law provisions related to the rights of indigenous and original peoples.

Nevertheless, there are several ways in which indigenous communities' rights may be violated as a result of activities related to a project carried out by a Borrower. For example, it may be that there are potential breaches of rights if they need to be relocated or their homes or resources are impacted without adequate notice, consultation (and, at least in the case of indigenous peoples, consent), or compensation. Their rights may also be impacted if the way in which they use the land is impacted, for example interference with animal grazing patterns.

Crucial for working in this area is a deep understanding of both the governance structures and traditional routes for both consultation and dialogue both within the communities and between the communities and external actors, whether they be private or public entities.

ESPS7: Indigenous Peoples

A project fails to adequately engage with stakeholders

Poor stakeholder engagement practices and a lack of information disclosed to stakeholders, can lead to violations of the rights to access information and to public participation. What's more, a failure to carry out effective and full consultation can be both a causative and enhancing factor related to a range of other human rights issues. Failing to properly understand the vulnerabilities, needs

ESPS10: Stakeholder Engagement and Information Disclosure

ESPS9: Gender Equality

and concerns of specific communities, both at the outset and during project design and implementation, can only make it more likely that there will be failures in either process. This may result in specific actions being taken which negatively impact on the rights of those communities. For example, not adequately consulting with women in the community may lead to a failure to identify risks related to potential gender-based violence, discrimination, etc.

Different ESPS may be relevant when talking about a certain right or group of rights. For example, stakeholder engagement will be key in relation to all ESPS. Please see Annex 2 for a complete picture of how human rights and the ESPF are connected.

One human rights topic that will likely arise in all projects is that of freedom of expression and access to information. Stakeholder engagement will be crucial to identifying human rights risks and implementing mitigating actions to address stakeholder concerns. For this, it will be important to seek to ensure that stakeholders can express their views in a free and safe way and have access to the information needed to provide their informed input and come to any agreement necessary with the Borrower.

The LAC region countries are largely characterized by strong legal frameworks and commitments to international human rights standards. Issues will likely then arise in regard to the implementation of these rights and the capacity countries have to monitor it. Nonetheless, the way in which different rights are implemented will vary from country to country, and their effectiveness should be assessed in contextual considerations.

It is important to understand that risks to human rights may change as the project progresses and context changes. For example, the pandemic brought about a number of health risks to workers that were previously unforeseen. As part of their commitments under the ESPF, Borrowers are asked to continuously monitor how risk changes (and will have to respond to these changes).

4.1 Managing Contractors and Supply Chains

While Borrowers have the general obligation to realize human rights of their citizens, managing human rights risks in IDB projects, may require them to protect affected peoples from harm resulting from actions of non-state actors involved in the project.

Borrowers often rely on contractors to implement projects that have to duly fulfil environmental and social requirements. It can be challenging to manage E&S performance of contractors and subcontractors who are often perceived as separate entities. Assessing a contractor's capacity, track record and commitment to respect human rights and manage

human rights risks on projects is an important consideration in selecting companies. Measures to manage human rights risks should be included in contracts and cascaded down the contracting chain when subcontractors are involved. The ESPF requires Borrowers to monitor and manage the E&S performance of contractors throughout project execution.

While many of the most likely human rights impacts in relation to a project may derive from what are seen as the direct activities of the project – construction, provision of education, etc. – there are ways in which supply chains to the project can give rise to real and very specific human rights issues. These can include labor issues through supply chain, ranging from allegations of child labor or land disputes in nearby agricultural food supply, through to allegations of forced labor in distant materials or product supply chains across the other side of the world.

Screening a project's supply chains for risks of serious human rights issues is important, as is careful consideration of the scope for action in relation to remote or complex supply chains. If there are significant and complex supply chains to the project, it is important to find a place to start to screen for human rights issues. In doing so, a good approach is to look first at supply chains that are of significant value and volume and then also to consider the degree to which the project has leverage over the suppliers. The ESPF sets out specific requirements to manage risks in a project's primary supply chain – of those suppliers who, on an ongoing basis, provide directly to the project goods or materials essential for its core functions.

In assessing the supply chain risk, some supply chains give rise to particular kinds of human rights risks, for example some agricultural supply chains have more evidence of labor abuses, child labor or land rights challenges than others. To manage such risks, one may also seek information of certifications or recent audits from suppliers, particularly those in higher risk sectors or geographies. Borrowers may, in an effort to avoid human rights risks, change project suppliers or use their leverage and control to address risks in their project supply chain.

Applying the UNGP in a project helps the Borrower to assess human rights risks in all its business relationships and understand its control and leverage over them.

5 Designing and developing projects with human rights in mind

This section outlines how Borrowers can integrate human rights considerations in development of IDB-financed projects. It focuses on providing guidance to Borrowers on applying a human rights lens to the identification of risks and impacts, the integration of identified risks into the development of mitigation measures, and the subsequent monitoring and review of a project and the implementation of these measures.

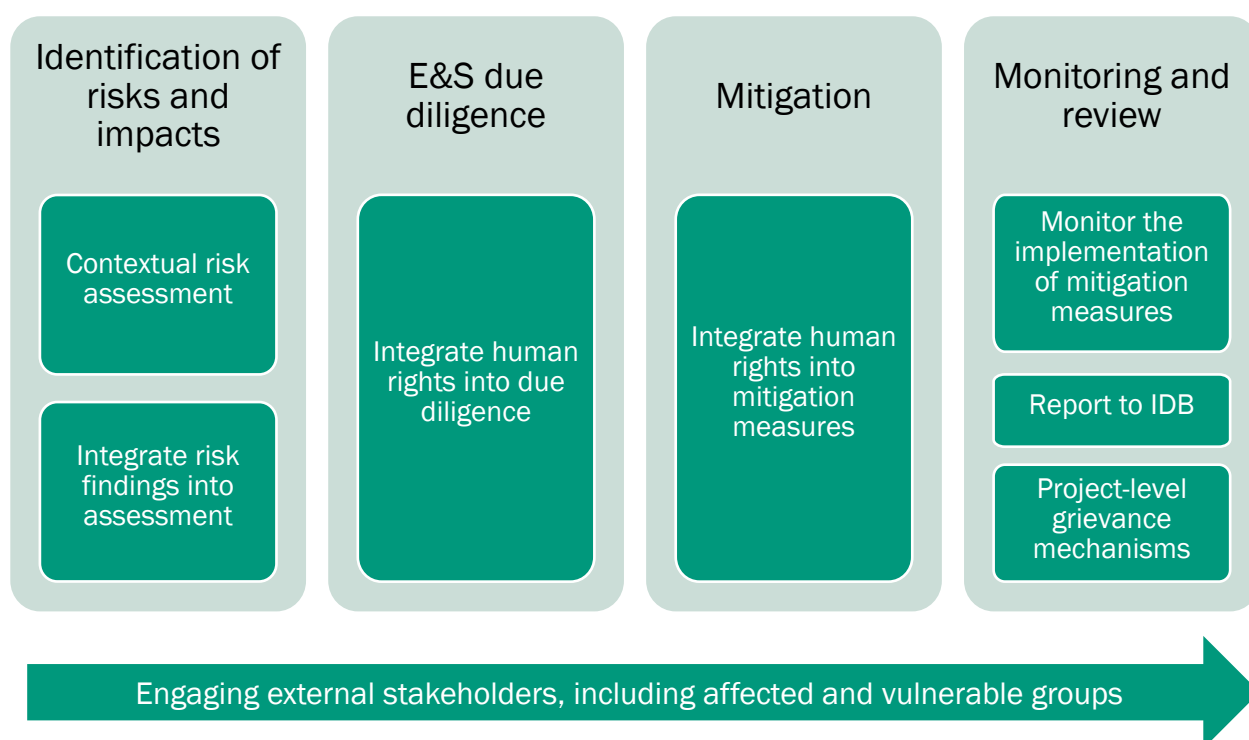


Figure 3 Integrating human rights into E&S risk identification and project development



Learn more about different types of [IDB Public Sector Financing](#), the [IDB Project Cycle](#) and how it incorporates the continuous E&S risk assessment process.

5.1 Identification of risks and impacts

The IDB requires Borrowers to conduct an environmental and social (E&S) assessment of the specific investment project, program or financial intermediation proposed for IDB support in accordance with ESPS 1. The assessment and management of E&S risks and impacts should be part of the larger overall set of processes that a Borrower uses to manage projects, which must be included in a Borrower's Environmental and Social Management

System (ESMS): a dynamic management tool that enables continuous improvement of E&S performance.

As part of the E&S assessment process, ESPS 1 specifically requires Borrowers to consider risk and impacts related to human rights, which is commonly done through contextual risk assessments. ESPS 1 also requires Borrowers to conduct specific Human Rights Due Diligence (HRDD) where substantial human rights risks, or a risk of wide-spread or systemic adverse impacts on human rights, are found to exist.

The broader risk identification process expected under ESPS1 should seek to identify all relevant direct, indirect, and cumulative environmental and social risks and impacts of the project, including the issues identified specific standards set out in ESPSs 2 through 10. The process should also seek to identify those individuals and communities who are likely to be affected by such risks and impacts, paying special attention to vulnerable groups.

Different types of impacts

Borrowers must take into account direct, indirect and cumulative E&S impacts. This also applies to the human rights risk assessment. Examples of potential indirect impacts include legacy issues related to land rights, and the potential impact of access to and use of ecosystem services that are essential to communities' livelihoods and/or that have strong cultural significance to Indigenous or traditional cultures.

The cumulative dimension of human rights impacts can be spread widely across institutions, society and the environment. For example, worker influx where workers bring their families with them may lead to circumstances which overwhelm the capacity of local child protection authorities to safeguard children from exploitation and violence, schools and hospitals may not be able to provide education and health services to all those children.

In assessing the severity of such cumulative risks, it is really important for Borrowers to work with appropriate public agencies - which may work in areas apparently outside the direct scope of the project - to determine potential knock-on impacts and the appropriate response.

How the IDB assesses human rights risks

The IDB assigns an Environmental and Social Risk Rating to projects within the scope of the ESPF. This rating is a qualitative assessment that is determined at the initial stage of project preparation and updated periodically throughout implementation. It takes four factors into account when assessing individual environmental and social risks, including human rights, in an IDB project:

- Cause - potential direct negative impacts of a project on the environment or the community. For example, degradation of natural habitats.
- Contribution - indirect and cumulative impacts and third-party actions. For example, children losing access to education when roads are temporarily closed.
- Context - political, social or cultural conflicts that may impact the project or be aggravated by it. For example, attacks against human rights defenders.
- Performance - Borrower's institutional capacity, track record, and political will to manage E&S risks. For example, experience and resources to engage with indigenous communities.

Conducting a contextual risk assessment

As part of the E&S assessment process, the Borrower is expected to consider contextual risks and how these risks may evolve over time. When talking about contextual risks, we are referring to factors and actors in the local legislative, governmental and social setting that may increase or affect human rights risks. This may include issues such as the capacity of the state to enforce laws, historical patterns of discrimination or treatment of parts of the community, conflict and violence, or political tensions.

Contextual risks should be included in the E&S assessment process and be used to frame project scenarios or situations that may have the potential to exacerbate social tensions, impede project implementation, and hinder good E&S performance. Where significant contextual risks are found to exist, subsequent assessment tools – such as Human Rights Impact Assessments (HRIAs) or country risk analyses – should take these into account.

An assessment of contextual human rights risks has several objectives:

- to identify the likelihood of high-risk issues arising in a particular sector, type of activity, production process or product, and the corresponding risks to people and the project in question;
- to inform if and how project-related human rights risks may be assessed and mitigated during subsequent E&S assessment processes and due diligence, and incorporated in Borrowers' ESMS;
- to help identify key stakeholders and inform the shape of stakeholder engagement;
- to help improve the design of mitigation measures, including measure to prevent reprisals.

Contextual risk assessments should focus on the known or reported examples of the key human rights risks, legislative gaps and particular concerns from internationally and nationally recognized bodies in the sector or activity the proposed IDB-financed project will operate in.

While assessing contextual risks provides valuable information for all projects, there are situations where understanding the contextual risk is particularly relevant. These include, among others, situations where the project will be implemented in an area where gross human rights abuses or systemic human rights violations exist; areas with a significant migration influx; areas recently affected by a natural disaster; or areas where the rule of law and governance are weak or severely limited.

When assessing contextual risks, it is recommended to consult wide and varied sources. This may include publicly available information from agencies and institutions involved in human rights advocacy and monitoring such as UN agencies; reports from third parties on the applicable country and governance context; NGO reports; media reports in the international press; and academic research.

The figure below provides an overview of what a contextual risk assessment could look like. More detail, including relevant publicly available sources for each step, is included in Annex 3.

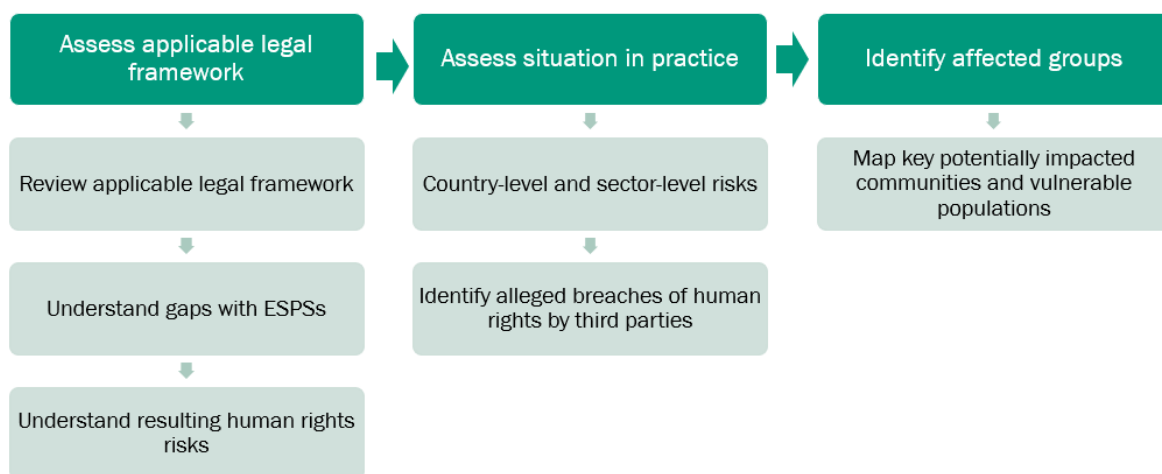


Figure 4 Overview of contextual risk assessment process

Where significant contextual risks exist, these will need to be incorporated into subsequent risk and impact assessments, such as the Environmental and Social Assessment (ESA) itself, country risk analyses, or any HRIA or other equivalent study that is commissioned.

5.2 Integrating human rights considerations into due diligence

Following the ESPF’s risk-based approach, where Borrowers identify human rights risks in their project analysis, they should at a minimum include related human rights considerations in their due diligence. Where such risks are significant, the Borrower should realize more detailed Human Rights Due Diligence (HRDD). Existing due diligence practices may sometimes overlook key human rights risks and impacts. This can be due to a potential lack of Borrower capacity, a lack of relevant expertise from consultants or others during the due diligence phase, or potential accessibility issues preventing a detailed review of project sites such as COVID-19 restrictions. Borrowers may realize HRDD through either a) integrating human rights concerns in the Environmental and Social Assessment (ESA) or b) realizing a stand-alone Human Rights Impact Assessment (HRIA) or other forms of enhanced human rights due diligence, within the E&S risk and impact assessment process. Examples of the latter include issue specific audits/reviews, such as audits of labor standards and working conditions, to identify particular human rights risks.

Deciding on whether an HRIA is needed or whether to integrate a human rights lens into existing E&S assessments will depend upon the particular project context and identified risks. The table below provides more information on the different types of assessments.

Approach	Description and benefits	Example
Integrate human rights within environmental	<ul style="list-style-type: none"> Integrating human rights within E&S assessment tools means the analysis builds on and uses existing impact management structures. It also 	<ul style="list-style-type: none"> Review of proposed ESA or other overarching study and adjustment of the Terms of Reference to

Approach	Description and benefits	Example
and social assessment, including ESAs	<p>facilitates analysis of the interrelatedness of environmental, social and human rights impacts.</p> <ul style="list-style-type: none"> An integrated assessment avoids consultation fatigue / confusion with stakeholders. 	<p>ensure that specific human rights issues are covered. This may be through the enhancement of an existing workstream – e.g., social impact assessment – or through the addition of additional components, e.g., consideration of human rights defenders.</p>
Conduct a stand-alone Human rights Impact Assessment (HRIA)	<ul style="list-style-type: none"> HRIAs are assessments of project-level human rights impacts and risks to put in place appropriate measures to address human rights risks. Conducting a stand-alone or strategic HRIA assures that human rights risks will be prioritized and not overlooked. HRIAs draw on specialty expertise (e.g., technical expertise in finding solutions to large community grievances), in addition to including human rights expertise for defining comprehensive plans and actions that include stakeholder engagement. In practice, this may mean that HRIAs need to be conducted by consultants with specific expertise and experience which standard ESA consultants cannot provide. 	<ul style="list-style-type: none"> HRIAs are normally carried out by specialist agencies or consultants in a manner that is parallel to, but separate from, mainstream E&S due diligence. The study normally commences by identifying the specific human rights that are likely to be affected by the project and then focusses on those, rather than covering all potential human rights. The findings of the HRIA should be integrated into the broader ESMS.
Conduct specific issue related study or assessment	<ul style="list-style-type: none"> There may be some stand-alone issues that merit a short, focused study, that is not subsumed into either broader E&S due diligence or an HRIA due to the specific and unique technical nature of the issue, or sensitivities around process. Examples could include privacy assessments, indigenous peoples assessments, resettlement, or SGBV. 	<ul style="list-style-type: none"> Resettlement studies are based on technical and defined standards and processes and focus on understanding the impacts and mitigations on land use and involuntary resettlement. They should be based on human rights principles. Assessment of indigenous peoples engagement and impact by the project need to be carried out in the context of principles of human rights and FPIC. They require very specific technical, cultural, and linguistic expertise.

Approach	Description and benefits	Example
		<ul style="list-style-type: none"> Privacy issues can be integrated in one of the studies above or can be the subject of a short and focused technical assessment.



The Danish Institute for Human Rights provides Human Rights Impact Assessment guidance. Check their [Toolbox](#) for key components and criteria of HRIAs.

5.3 Human rights risk mitigation measures

Following the identification of a project’s human rights risks and impacts in the context of the E&S assessment, the Borrower is expected to apply a mitigation hierarchy. This is a systematic and structured approach to considering a project’s E&S risks and impacts, including a project’s identified human rights risks. The mitigation hierarchy consists of the following steps.

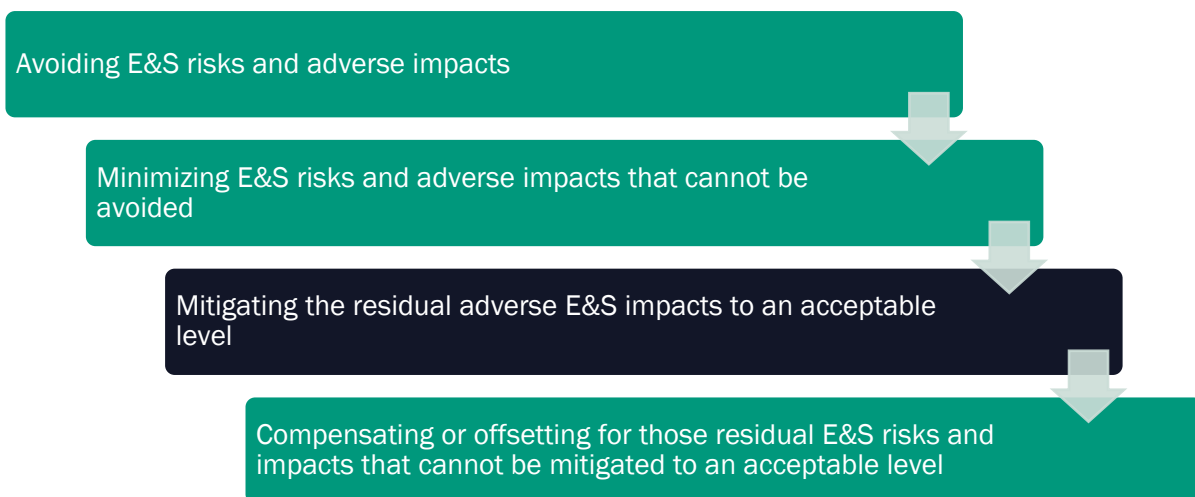


Figure 5 The ESPF mitigation hierarchy

Following the avoidance and minimization steps, the Borrower should identify mitigation measures that allow the project to meet the requirements of the ESPSs and relevant laws and regulations. Specifically, where human rights risks have been identified for a project in earlier stages of risk and impact identification, the Borrower should develop measures to mitigate those risks. Mitigation measures are those actions that reduce the severity and extent of the risks and impacts. The table below provides some examples of mitigation measures that specifically aim to address human rights risks.

Identified human rights risks	Potential mitigation measures
<p>Poor working conditions amongst migrant workers employed through contractors</p>	<p>Standards applied to contractors to implement minimum labor conditions as set out in national law in relation to all workers engaged on the project, including migrants. Safety briefings on site expanded to include basic labor conditions Partnership with local public agencies working with migrants to spread awareness of labor rights and grievance mechanisms and their availability to all workers.</p>
<p>Children’s rights impacted through cumulative human rights impacts when workers bring families to a project</p>	<p>Inter-agency collaboration platform with local agencies to determine the likely numbers of children, the requirements for those children, and the extent to which the project can either reduce the numbers or support additional services and care.</p>
<p>Human rights defenders subject to harassment or threats when advocating against the project</p>	<p>Formal inclusion of human rights defenders in project stakeholder engagement planning and dialogue Clear statements on and commitment to zero tolerance for harassment of human rights defenders formulated and widely communicated</p>
<p>Reports of human trafficking in the project’s area of influence and supply chain</p>	<p>Information of certifications or audits from suppliers. Procedures to identify, monitor and report on risk of forced labor in the project’s primary supply chain.</p>

All mitigation measures developed by the Borrower, including any other thematic E&S management plans required under the ESPs (e.g., Resettlement Action Plan, Indigenous Peoples Plan, Biodiversity Action Plan), are components of the project ESMS. Measures to avoid, minimize or mitigate human rights risks should be included in the thematic E&S management plans or managed in a Human Rights Action Plan, if developed as part of a stand-alone HRIA.

While the ESPF mitigation hierarchy sets out that any residual negative E&S impacts should be compensated or offset, it is important to note that offsetting is not an appropriate remedy for human rights harms. For a broader discussion about remedy for human rights harms, see Section 6.

5.4 Monitoring and review

The IDB requires Borrowers to monitor and review their own performance and the appropriateness and effectiveness of mitigation measures in the context of the ESMS. Specifically, Borrowers must:

- Establish procedures monitor and measure the effectiveness of the management program(s), as well as compliance with any related legal and/or contractual obligations and regulatory requirements.
- Where other government agencies or third parties have responsibility for managing specific risks and impacts and associated mitigation measures, the Borrower will establish and monitor such mitigation measures.

- Where appropriate, monitoring activities should involve representatives from project-affected people and other stakeholders.
- The extent of monitoring must be proportionate to the project’s environmental and social risks and impacts, and with the ESPF’s compliance requirements.
- For projects posing potentially significant adverse impacts or where technically complex issues are involved, Borrowers may be required to involve external experts to assist in the risks and impacts identification and monitoring processes throughout the project’s lifecycle.
- Throughout project implementation and monitoring, when the Borrower becomes aware of any human rights impacts or new risks as a result of project activities, in its business relationships or in the project’s operating context, they must - as required by general contractual obligations - inform the IDB.
- When projects are completed, the Borrower must assess any environmental and social liabilities and implement further measures and actions to mitigate them prior to project closure.

Approaches to monitoring

Borrowers are expected to define key social monitoring indicators and measures of success. Conducting monitoring with the help of such indicators enables Borrowers to improve their performance on the social issues and challenges identified, as well as highlight areas where more effort or a different measure is required.

Monitoring should make use of both qualitative and quantitative indicators to document the efficiency of actions taken. Using both types of indicators is helpful to measure any progress made on different aspects of the mitigation and remediation measures. Such indicators need to be project and case specific, as well as being appropriate for the impacts in question. The table below provides some examples of human rights-related performance indicators.

Briefings to migrant workers on their labor rights	# of briefings as a % of total workers % of workers who report that they better understand their rights as a result of the briefing
Clear statement on zero tolerance of threats to human rights defenders	Statement exists % of contractors and partners report awareness of statement # reported threats to human rights defenders connected to projects
Stakeholder Engagement for Community Health and Safety	Public Announcement about hazardous activities # of workers and community members training on emergency response
Adequate security arrangements on a work site	Private security company has human rights policy # of contracted workers trained on Code of Conduct prior to start of employment relationship # of concerns raised by community regarding behavior of private security forces

Engaging with indigenous communities

Agreements with indigenous representatives are available
participants in engagement with local community in last months
% of women participants in decision making procedures

It is important to integrate human rights questions and indicators into (existing) reporting and monitoring systems and tools to adequately capture risks during monitoring.



The [Indicator Design Tool](#), developed by Shift, is a practical tool focused on developing targets and indicators to measure and achieve better outcomes for people.

Moreover, monitoring the projects grievance mechanism is an important source to identify emerging human rights risks in the project context or address any harm caused.

Reporting to IDB

The IDB supports its Borrowers in monitoring human rights risks as part of E&S supervision activities. Borrowers should, as part of their E&S reporting practices, report on how they monitor human rights risks and mitigate any negative impacts throughout project implementation including monitoring the project's grievance mechanism.

As part of contractual obligations, the IDB also asks Borrowers to report serious accidents and incidents that occur on or around its projects, as early as possible. Therefore, when human rights risks or impacts materialize, the IDB can ensure that projects receive adequate technical advice and that the Bank uses its leverage and control to work with stakeholders and build coalitions to address and remedy adverse human rights impacts.

5.5 Stakeholder engagement

IDB's ESPS1 and 10 require Borrowers to engage meaningfully with stakeholders. Stakeholder engagement is an ongoing process and should be conducted throughout the project lifecycle. When properly designed and implemented, it supports the development of strong, constructive, and responsive relationships that are important for the successful management of a project's environmental and social risks and impact - including human rights.

Executing Agencies are expected to design and implement a program for engagement with stakeholders throughout the project lifecycle. They are also required to disclose relevant information on the project to stakeholders in a timely manner, a key human rights principle by itself.

In assessing human rights risks and impacts, the importance of meaningful stakeholder engagement increases substantially. This is because broad-based consultation is central to understanding risks and impacts on a project, and because this allows Borrowers to respond to issues raised by developing actions that are practical and designed with the input of those that may be impacted. This may also help Borrowers and stakeholders reach an agreement

on what these actions should look like and promote acceptance by those who may be impacted by a project.

Stakeholder and other sources of information on human rights



National and international human rights organizations, including National Human Rights Institutions



Government bodies including local authorities with specific responsibility for relevant human rights issues, such as the Labor Ministry, the Ministry for Indigenous Affairs, and the Ministry of Justice



Arm's length state bodies with specific responsibility for aspects of human rights, for example the labor inspectorate, children's rights commissioners or indigenous peoples' representations



Local civil society organizations



Trade unions and other interest specific groups



Affected groups, including vulnerable people



Experts on defined human rights issues, including academics

According to ESPS 1, the nature, frequency, and level of effort of stakeholder may vary considerably and will be commensurate with the project's risks and adverse impacts, as well as with the project's phase of development. For projects with adverse impact on indigenous peoples, such a process should be culturally appropriate and obtain, where required and as set out in ESPS 7, FPIC from these groups. As such, where significant human rights risks have been identified, these should be taken into account in stakeholder engagement processes.

Borrowers are expected to provide regular updates to affected stakeholders on changing aspects of the project, as well as maintain an open dialogue and relationships with stakeholders to build and maintain trust and understanding. Continuous stakeholder feedback is a useful source of information for monitoring environmental and social risks. It also helps to assess the effectiveness of the mitigation measures that the Borrower is implementing. Finally, regular consulting of stakeholders during project implementation are a valuable tool to identify and address new or recurring stakeholders concerns and manage expectations, as well as to assess whether action plan requirements have been fulfilled.

Risks of retaliation in stakeholder engagement

Retaliation against project stakeholders can be an issue in any project. Risks of reprisal can be managed through prevention measures designed and implemented together with those stakeholders at risk. Proactively communicating the IDB's and the Borrower's zero-tolerance to reprisals and early engagement with community-based organizations helps to identify and address risks of retaliation, including in designing inclusive stakeholder engagement plans and running effective project level grievance mechanisms.

Risks of retaliation in stakeholder engagement

For example, while a contractor and its workforce may not be known during project design, trade unions can provide important insights on threats against trade unionists in the area or sector and share their experience in supporting workers on similar projects.



Learn more here: [Reprisal Risk Management Technical Note](#)

The [joint publication on Meaningful Stakeholder Engagement](#) developed by the Multilateral Financial Institutions Group on Environmental and Social Standards provides useful guidance on stakeholder engagement throughout a project's lifecycle.

Engaging with affected and vulnerable groups

Almost by definition, affected and vulnerable groups may be less visible and vocal in society. They may be marginalized groups, or individuals that are targeted because they are outspoken, such as human rights defenders. In practice, affected groups are often the most marginalized, lacking capacity to effectively engage, are systematically prevented from doing so, have low levels of trust which may prevent them from speaking out, and/or may be remote and difficult to reach.

How to engage with affected and vulnerable groups



Engagement should be meaningful. The aim of engaging with affected and vulnerable groups should be to identify potential harms to their rights. As such, focus the engagement on asking about their experiences and possible adverse impacts. This lens can also enable better identification of cumulative impacts which can result in more severe impacts to affected groups on or around IDB-financed projects.



Where possible, affected groups should be engaged early to strengthen their relationship with the Borrower and to enable meaningful future engagement. This relationship can be called upon later when impacts occur or when particular needs arise, but it cannot be built by engaging only at those times.



It is important to clarify and agree on the engagement process up front and align any expectations about how the stakeholder engagement will take place. For instance, will groups be active participants in the process, or will they be consulted by the Borrower at specific times only?



Affected groups and / or human rights defenders who are at risk of retaliation should be engaged carefully and specific measures must be put in place to prevent any kind of retribution against these groups for engaging on. More information on this can be found in the [Reprisal Risk Management Technical Note](#).



The protection and privacy of all affected groups, including human rights defenders, is very important. Borrowers should follow the requirements in protecting personal data and respect the right to privacy of all groups. More information on this can be found in the IDB's [Access to Information](#) Policy.

6 Grievance management with human rights in mind

This section provides guidance on grievance management with human rights in mind. While the focus is on effective and meaningful complaint management at IDB project-level, this section also provides information on IDB-level grievance management and the interaction between the different systems.

Management and redress of grievances are not only key expectations under the ESPF, but also a key means to identifying and understanding human rights risks on projects. As such, this section not only outlines the expectations on project-level grievance mechanisms under the ESPF, including on access to information and risks of retaliation, but also provides insights into the importance of grievance mechanisms and the relation between grievance mechanisms and remedy.

What is a grievance and what is a project-level grievance mechanism?

A grievance broadly refers to an allegation, issue, or problem that a person (or group) has raised in relation to their treatment or experience, whether perceived or actual. Other words often used to refer to a grievance include 'complaint', 'concern' or 'feedback'.

In the context of an IDB-financed project, stakeholders should be able to submit questions, complaints or concerns related to the project's environmental and social performance, regarding harm caused by a project or regarding harm that a project may cause in the future. Examples of potential complaints related to human rights include:

- Community concerns about land and water use of a construction project that leaves the village without sufficient water to irrigate their fields for subsistence farming
- Contracted workers' concerns about late payment of wages by contractors while working on a project
- A construction company on site that uses volunteers to visit remote communities to inform about the project; when one of the volunteers gets hurt on the way, the company does not want to pay for getting them to the local hospital
- A pregnant woman complains that she cannot obtain timely health care because the local health center is overburdened attending to the needs of construction workers having come to the village.

A project-level grievance mechanism (GM) provides a means to receive and facilitate resolution of concerns and questions about the Borrower's environmental and social performance on a project. It is a formalized procedure or process that receives and facilitates the resolution of complaints arising from a project, as well as information requests, questions, comments, concerns, and suggestions for improvement.

In addition to a project-level GM for stakeholders and communities, the ESPF also requires Borrowers to provide a grievance mechanism specifically for workers (and their organizations, where they exist) to raise workplace concerns. This GM should also be able to provide special protections for reports of sexual and gender-based violence.

6.1 The importance of a project-level grievance mechanism

In addition to meeting the ESPF requirements, having in place an effective project-level grievance mechanism – be it a worker or a stakeholder GM – has several other benefits, as outlined below.

Early identification and monitoring of human rights risks

Effective grievance mechanisms can help to identify and mitigate emerging human rights-related issues before they become a risk to the project. When correctly implemented this allows for ongoing monitoring, rather than just one-off snapshots of conditions.

Reducing potential case escalation

Receiving and addressing concerns at an early stage can help to avoid more significant consequences of leaving issues unresolved, such as increased absenteeism, as well as to avoid more formal, lengthy, and potentially costly procedures at a later stage.

Clear lines of responsibility

Project-level grievance mechanisms provide stakeholders with clear guidance of who is responsible for addressing and resolving concerns, complaints, and grievances throughout the project cycle.

Handling complaints from project-affected communities is, at its core, about good communication. Small complaints may seem trivial but will be important to the complainant. Effective grievance mechanisms recognize this. They help identify issues early-on, demonstrate openness, engage in discussions about how best to resolve the issue, and can lead to simple cost-effective outcomes that are agreeable to all parties.

6.2 Grievance mechanisms and access to remedy

A grievance mechanism can help provide remedy or redress to individuals and communities adversely affected by the project. Remedy counteracts or makes good any human rights harms that have occurred as a result of a project's or business's activities. This may include apologies, restitution, rehabilitation, financial or non-financial compensation and punitive sanctions, as well as the prevention of harm through, for example, injunctions or guarantees of non-repetition. Examples include a financial compensation for loss of earnings to workers (compensation) or cleaning up chemical waste from a chemical spill and restoring land to previous condition (restitution). It is important to note that offsetting is not an appropriate remedy for human rights harms, even though E&S policies may include offsetting among the mitigation hierarchy.

GMs and remedy are often used interchangeably, though they are not the same thing. A GM should be understood to be a process: it is the way in which a business or organization deals with complaints of any sort, including the way it enables those with complaints to seek remedy. Remedy, on the other hand, is one of the possible outcomes of an GM.

The ESPF, along with the IDB's commitment to respecting internationally recognized human rights standards, addresses the principle of remedy through specific ESPs, such as on resettlement, and recognizes active and inclusive meaningful consultation and stakeholder engagement as a core dimension of human rights-based development.

Remedy also plays a role in the Borrower Track Record, which IDB’s E&S project teams take into consideration in analyzing the environmental and social impacts and risks of Borrower’s IDB-financed projects. To do so, E&S project teams consider the Borrower’s human rights record using the Respect, Protect, Fulfill-framework established by international human rights law. A key question in this regard is how the Borrower has used their leverage to monitor human rights, protect individuals and communities from negative impacts, and provide remedy.

Remedy in practice	
There are a range of different ways to remedy human rights breaches, which depend on the circumstances and also the expectations and requests of a harmed party. They can include the following:	
Counselling and support	While a victim of SGBV seeks judicial remedy through local courts, the project also provides access to professional counselling for the victim.
Renewed access to land or resources	After the construction of a dam, a family can no longer fetch water from the lake to irrigate their fields. With their participation and approval, the project installs a rain-fed irrigation system on the family’s lot.
Commitment to new policies and approaches	After human rights defenders have been harassed in stakeholder consultations, the Borrower and its contractor strengthen its human rights policy and formally recognize the important role of human rights defenders in sustainable development.
Financial or non-financial compensation	To ensure save drainage and prevent flooding fruit trees had to be cleared along a rural road. The indigenous community is compensated in kind to grow new fruit trees to ensure food security and cultural life.
Apology and guarantees of non-repetition	A worker accepts a formal and public apology of the colleague who harassed them at work.



For more information about project grievance mechanisms consult the Guidelines for ESPS 2 Labor and Working Conditions and ESPS 10 Stakeholder Engagement and Information Disclosure.

6.3 Expectations under the ESPF

The ESPF sets out clear expectations for Borrowers with regards to establishing, implementing, and communicating about project-level grievance mechanisms. ESPS 10 and ESPS 2 outline the key requirements relating to project-level GMs. Borrowers are expected to implement both a stakeholder and a workforce grievance mechanism throughout the lifetime of a program. These grievance mechanisms should be separate from each other, and

each have different requirements to meet. The table below outlines the key expectations on the establishment and effective functioning of both types of GM under the ESPF.

Stakeholder GM	Workforce GM
<ul style="list-style-type: none"> • The GMs should allow stakeholders to file complaints and Borrowers need to ensure that those complaints are responded to and addressed in a timely manner • The mechanism should allow for anonymous or confidential complaints to be raised and addressed. • From the time that the environmental and social studies are prepared, and stakeholders are consulted, they should be informed about the grievance mechanism. • Under certain circumstances, owing to the size or complexity of resettlement, or specific institutional arrangements, it may be necessary to have a separate grievance mechanism for stakeholders affected by land acquisition and resettlement. 	<ul style="list-style-type: none"> • A workforce GM should allow workers and worker organizations, where they exist, to raise complaints. • The mechanism should also allow for anonymous or confidential complaints to be raised and addressed. • Borrowers must inform workers of the workforce GM at the time of their recruitment • The workforce GM must also be made available to contracted workers.
<p>In terms of the format and functioning of the GM itself, ESPS 10 sets out the following expectations:</p> <ul style="list-style-type: none"> • The GM should be proportionate to the potential risks and impacts of the project. • The GM is expected to address concerns promptly and effectively, in a transparent manner that is culturally appropriate and readily accessible to all project-affected parties, at no cost and without retribution. • The GM may not prevent access of complainants to judicial or administrative remedies, which can be sought at state-based judicial mechanisms such as labor courts or administrative courts. Additionally, using the project-level GM cannot impede a complainant from accessing the IDB’s Independent Consultation and Investigation Mechanism (MICI; see Section 3). 	<p>In terms of the format and functioning of the GM itself, ESPS 2 sets out the following expectations:</p> <ul style="list-style-type: none"> • The GM should be easily accessible to workers in a language that they understand • The mechanism must involve an appropriate level of management and address concerns promptly It must do so using an understandable and transparent process that provides timely feedback to those concerned, without retribution. • The GM may not impede access to other judicial or administrative remedies that might be available under the law or through existing arbitration procedures, or substitute for grievance mechanisms provided through collective agreements

6.4 Access to information and transparency

ESPS10 outlines key requirements for Borrowers regarding access to information and transparency related to grievance mechanisms, including:

- Borrowers must inform the project-affected parties about the grievance process, including the option to address grievances directly to the IDB, either through its management level grievance procedures or through access to the IDB's Independent Consultation and Investigation Mechanism (MICI), in the course of its community engagement activities
- The Borrower is also expected to make publicly available a record of its responses to all grievances received through the mechanism
- The mechanism will also allow for confidential or anonymous complaints to be raised and addressed.
- The Borrower must address allegations of retaliation, abuse, or discrimination and take appropriate remedial measures

Preventing and addressing retaliation

Retaliation against project stakeholders who use or intend to use the project-level grievance mechanism can be an issue in any project. Risks of reprisal in the context of grievance mechanisms can be managed through prevention measures designed and implemented together with those stakeholders and workers at risk.

Learn more here: [Reprisal Risk Management Technical Note](#)

6.5 IDB-level grievance management

Stakeholders can use several channels to submit complaints related to IDB projects: The above-described Project level grievance mechanisms that are managed by the Borrower or local authorities can establish direct engagement and allow for swift grievance response. At any time during project execution, stakeholders also have the option to address complaints to the IDB's management level grievance protocol that allows complaints to be directly sent to the Bank or the IDB's independent accountability mechanism (MICI).

The IDB has a management level grievance mechanism that manages E&S grievances related to projects financed by the IDB that are sent directly to the Bank. The function does not replace or contradict the project's grievance mechanism or the mandate of the IDB's MICI but provides an additional window for the IDB to engage with its stakeholders and develop effective solutions to their concerns.



You can learn more about the IDB's Management Level Grievance Mechanism in the [IDB's Protocol for Managing Environmental and Social Grievances in IDB financed projects](#).

Claimants can also contact the IDB using its [grievance portal](#).

The Independent Consultation and Investigation Mechanism (MICI) introduced in Section 3, will also consider grievances from individuals and communities affected by projects financed by the IDB Group.

MICI manages two phases through which it assesses complaints made by complainants:

- The Consultation Phase, which is a voluntary and flexible space for dispute resolution, under the impartial mediation of the MICI. Through this mechanism, the complainant(s), the Borrower and/or the executing agency and the IDB have an opportunity to resolve their differences and reach an agreement that resolves the complaint.
- The Compliance Review Phase, which consists of an investigation of facts by MICI to determine whether the IDB met its obligations with regards to the requirements of its ESPF and if any noncompliance has contributed to harm.

Both an agreement reached in the Consultation Phase and an action plan developed in the Compliance Review Phase can be monitored for up to five years.

Importantly, Borrowers are expected to include information regarding the existence and role of MICI in their stakeholder engagement efforts, particularly where project-affected people are concerned. This information must also include information on the functions of MICI and the means of contacting the mechanism.



All MICI processes, including the procedural requirements to file a claim, are regulated by the [MICI Policy](#). Additional information – including on [how to file a complaint](#) – is available at the [MICI website](#).

Claimants can also contact MICI by email at mechanism@iadb.org to obtain additional information.

7 Working together to support human rights

On the basis of the contextual risk assessment of likely human rights issues, it will often be the case that the Borrower alone will not be able to resolve some of the complex and multifaceted causes behind identified human rights challenges. For example, seeking to ensure that there is no child labor on a wide-ranging agricultural intervention is not a matter of simply leveraging contractual provisions or implementing training. Finding sustainable solutions may require engaging with educational services to ensure that children can go to school, talking to parents through community representatives or working with local authorities to report human trafficking. Similarly, ensuring that human rights defenders are free to express their opinions in relation to a project where there are polarized views and a history of conflict, requires careful thought and targeted actions. To train contractors and security personnel the Borrower may benefit from the experience of local civil society organizations, indigenous groups or trade unions.

This section outlines some of the various ways in which Borrowers can engage with partners in a way that supports the realization of human rights in relation to a project.

7.1 Working on legislative environments and implementation gaps

The source of human rights challenges that are identified as part of a project risk assessment, may sometimes come from either gaps or interpretative uncertainty in legislation or from a failure to implement legislation. With this in mind, Borrowers may wish to work with relevant parts of government or their agencies to put in place additional enforcement or judicial support for rights realization in the area of the project.

While the Government will have the primary responsibility for protecting human rights in a particular country, there may be other actors with detailed knowledge of human rights and approaches to making it more likely that rights are enjoyed. Such organizations may include civil society and community organizations; international organizations; and advocacy or expert organizations.

Examples of cooperation in this area are multiple, but include the following:

- Working with civil society organizations or local government to map and engage with specific local community leaders
- Working with advocacy and community representative organizations to understand the concerns of vulnerable communities and also to map an appropriate way to communicate and consult with members of those communities
- Working with specialist child rights agencies and international bodies to devise programs tackle child labor, including transitions to employment
- Working with civil society and expert organizations to establish arm's length grievance mechanisms on SGBV
- Co-designing mitigation measures to human rights challenges directly with indigenous authorities.

Questions to ask when considering how and why to partner on human rights

When considering whether and how to partner on human rights, the following are useful questions to ask:

- Will the partnership allow the project to communicate easier and more directly?
- Will the partnership bring extra resources or knowledge to address the root causes to the potential issue?
- Will the partnership bring new ways of thinking about problems?
- Will the partnership build or maintain trust of the affected communities in the project?

8 Annexes

Annex 1: Further reading

The International Bill of Human Rights committed to by the IDB:

- Universal Declaration of Human Rights: <https://www.un.org/en/universal-declaration-human-rights/>
- International Covenant of Civil and Political Rights (ICCPR): <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>
- International Covenant of Economic, Social and Cultural Rights (ICESCR): <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

Other Conventions committed to by the IDB:

- Core ILO Conventions: <https://ilo.org/global/standards/introduction-to-international-labor-standards/conventions-and-recommendations/lang-en/index.htm>

Other widely accepted international human rights standards and instruments:

- All key international human rights standards, including those not explicitly committed to by the IDB: <https://www.ohchr.org/EN/Issues/OlderPersons/IE/Pages/InternationalStandards.aspx>
- Key instruments of the Inter-American Human Rights System: https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/mandate/basic_document_s.asp
- United Nations Declaration on the Rights of Indigenous Peoples: <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>
- Indigenous and Tribal Populations Convention, 1957 (No. 107): https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C107
- UN Guiding Principles on Business and Human Rights: https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf

Further guidance and good practice on a range of human rights issues covered by the ESPF can be found at the following:

- Guidance on Human Rights Due Diligence: [United Nations Global Compact Business and Human Rights Navigator](#), developed in partnership with Helpdesk on Business and Human Rights
- Guidance on Human Rights Impact Assessment: [Guidance and Toolbox](#) developed by the Danish Institute of Human Rights
- Guidance on gender-based violence and harassment in the workplace: [Good Practice Note](#) developed by CDC, EBRD and IFC
- Guidance on retaliation against project stakeholders: [IDB Technical Note and Good Practice Note by IFC, IDB Invest](#)

- Guidance on worker grievance mechanisms: [Verité](#) Guidance for companies and the IFC CAO [GRM Toolkit](#)
- Guidance on child labor and forced labor: Ethical Trade Initiative [Guidance](#) and IFC Good Practice Note [Managing Risks Associated with Modern Slavery](#)
- Guidance on fair recruitment and non-discrimination: Institute for Human Rights and Business [Responsible Recruitment Gateway](#)
- Guidance on worker accommodation: [Guidance Note](#) by IFC and EBRD
- Guidance on Human Rights in Supply Chains: [Guide](#) by Sedex

Annex 2: Mapping human rights standards against IDB ESPF and other standards

The table below provides an overview of how the IDB's Environmental and Social Performance Standards address the international human rights provided under the International Bill of Rights (the ICESCR and ICCPR) and Core ILO Conventions, with a description of each of these rights.

- ESPS 1: Assessment and Management of Environmental and Social Risks and Impacts
- ESPS 2: Labor and Working Conditions
- ESPS 3: Resource Efficiency and Pollution Prevention
- ESPS 4: Community Health, Safety, and Security
- ESPS 5: Land Acquisition and Involuntary Resettlement
- ESPS 6: Biodiversity Conservation and Sustainable Management of Living Natural Resources
- ESPS 7: Indigenous Peoples
- ESPS 8: Cultural Heritage
- ESPS 9: Gender Equality
- ESPS 10: Stakeholder Engagement and Information Disclosure

Human right	Description	ESPF and E&S Performance Standards
Right to life (ICCPR)	<ul style="list-style-type: none"> • <i>Right not to be deprived of life arbitrarily or unlawfully.</i> • <i>Right to have one's life protected, for example, from physical attacks or health and safety risks.</i> 	ESPS 1 ESPS 2 ESPS 3 ESPS 4 ESPS 6
Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment (ICCPR)	<ul style="list-style-type: none"> • <i>An absolute right, which applies in all circumstances.</i> • <i>Torture involves a very high degree of pain or physical or mental suffering that is intentionally inflicted for a specific purpose.</i> • <i>Cruel and/or inhuman treatment also entails severe suffering.</i> • <i>Degrading treatment has been held to involve extreme humiliation of the victim.</i> 	ESPS 1 ESPS 2 ESPS 4
Right not to be subjected to slavery, servitude or forced labor (ICCPR & ILO Conventions)	<ul style="list-style-type: none"> • <i>Slavery exists when one human effectively owns another.</i> • <i>Freedom from servitude covers other forms of severe economic exploitation or degradation, such as in the trafficking of workers or debt bondage.</i> 	ESPS 1 ESPS 2

Human right	Description	ESPF and E&S Performance Standards
	<ul style="list-style-type: none"> • <i>Rights to freedom from slavery and servitude are absolute rights.</i> • <i>Forced or compulsory labor is defined by the ILO as all work or service that is extracted under menace of any penalty and which the person has not voluntarily offered themselves.</i> • <i>Providing payment does not mean that work is not forced labor if the other aspects of the definition are met.</i> 	
<p>Right to liberty and security of the person (ICCPR)</p>	<ul style="list-style-type: none"> • <i>These rights involve the prohibition of unlawful or arbitrary detention.</i> • <i>'Lawful' detention is understood to mean that it must be authorized by an appropriate State body, such as the courts, and be capable of being challenged by the detainee.</i> • <i>'Arbitrary' detention is always prohibited.</i> • <i>Security of the person includes protection from physical attacks, threats of such attacks, or other severe forms of harassment, whether or not a person is detained.</i> 	<p>ESPS 1 ESPS 2 ESPS 4 ESPS 9 ESPS 10</p>
<p>Right of detained persons to humane treatment (ICCPR)</p>	<ul style="list-style-type: none"> • <i>This right requires detention authorities to take special measures for the protection of detainees (such as separating juveniles from other detainees).</i> • <i>This right predominantly focuses on State obligations and it is unlikely that the activities of a company would have any direct impact upon this right, though they may be complicit in the abuses of this right by others.</i> 	<p>ESPS 4</p>
<p>Right not to be subjected to imprisonment for inability to fulfil a contract (ICCPR)</p>	<ul style="list-style-type: none"> • <i>This right applies where a person is incapable of meeting a private contractual obligation.</i> • <i>It restricts the type of punishment that the State can impose.</i> • <i>This right predominantly focuses on State obligations and it is unlikely that the activities of a company would have any direct impact upon this right, though they may be complicit in the abuses of this right by others.</i> 	<p>Not covered</p>
<p>Right to freedom of movement (ICCPR)</p>	<ul style="list-style-type: none"> • <i>Individuals who are lawfully in a country have the right to move freely throughout it, to choose where to live and to leave.</i> 	<p>ESPS 2 ESPS 5 ESPS 7 ESPS 8</p>

Human right	Description	ESPF and E&S Performance Standards
	<ul style="list-style-type: none"> • <i>Individuals also have the right not to be arbitrarily prevented from entering their own country.</i> 	
<p>Right of aliens to due process when facing expulsion (ICCPR)</p>	<ul style="list-style-type: none"> • <i>Aliens (meaning foreigners) who are legally present in a country are entitled to due process (meaning fair legal procedures) before being forced to leave.</i> • <i>This right predominantly focuses on State obligations, and it is unlikely that the activities of a company would have any direct impact upon this right, though they may be complicit in the abuses of this right by others.</i> 	<p>Not covered</p>
<p>Right to a fair trial (ICCPR)</p>	<ul style="list-style-type: none"> • <i>Required in both civil and criminal proceedings, this includes the right to a public hearing before an impartial tribunal.</i> • <i>Additional protections are required in criminal proceedings.</i> • <i>This right predominantly focuses on State obligations, and it is unlikely that the activities of a company would have any direct impact upon this right, though they may be complicit in the abuses of this right by others.</i> 	<p>Not covered</p>
<p>Right to be free from retroactive criminal law (ICCPR)</p>	<ul style="list-style-type: none"> • <i>The State is prohibited from imposing criminal penalties for an act that was not illegal when it was committed, or from imposing higher penalties than those that were in force at the time.</i> • <i>This right predominantly focuses on State obligations, and it is unlikely that the activities of a company would have any direct impact upon this right, though they may be complicit in the abuses of this right by others.</i> 	<p>Not covered</p>
<p>Right to recognition as a person before the law (ICCPR)</p>	<ul style="list-style-type: none"> • <i>All individuals are entitled to 'legal personality', or independent legal recognition.</i> • <i>This right predominantly focuses on State obligations, and it is unlikely that the activities of a company would have any direct impact upon this right, though they may be complicit in the abuses of this right by others.</i> 	<p>Not covered</p>
<p>Right to freedom of arbitrary or</p>	<ul style="list-style-type: none"> • <i>Individuals have a right to be protected from arbitrary, unreasonable or unlawful</i> 	<p>ESPS 1</p>

Human right	Description	ESPF and E&S Performance Standards
unlawful interference with a person's privacy (ICCPR)	<p><i>interference with their privacy, family, home or correspondence and from attacks on their reputation.</i></p> <ul style="list-style-type: none"> <i>The State is allowed to authorize restrictions on privacy in line with international human rights standards, but 'arbitrary' restrictions are always prohibited.</i> 	
Rights to freedom of thought, conscience and religion (ICCPR)	<ul style="list-style-type: none"> <i>Individuals have a right to choose, practice and observe their chosen religion or belief, to be an atheist or not to follow any religion or belief.</i> <i>It includes the right to worship and to observe rituals, such as the wearing of particular clothing.</i> 	<p>ESPS 1 ESPS 2 ESPS 7 ESPS 8</p>
Rights to freedom of opinion without interference and the right to freedom of expression (ICCPR)	<ul style="list-style-type: none"> <i>The right to hold opinions free from outside interference is an absolute right.</i> <i>The right to hold opinions free from outside interference is an absolute right.</i> <i>Individuals have a right to seek, receive and impart ideas in whatever media or form. The State is allowed to authorize restrictions in line with international human rights standards.</i> 	<p>ESPS 1 ESPS 2 ESPS 4 ESPS 5 ESPS 7 ESPS 8 ESPS 10</p>
Rights to freedom from incitement to racial, religious, or national hatred (ICCPR)	<ul style="list-style-type: none"> <i>These rights prohibit certain speech that is not protected by the right to freedom of expression</i> <i>Individuals are prohibited from advocating racial, religious or national hatred that amounts to an incitement to discrimination, hostility or violence.</i> 	Not covered
Right to freedom of assembly (ICCPR)	<ul style="list-style-type: none"> <i>Individuals have the right to peacefully assemble for a specific purpose or where there is a public discussion, to put forward ideas or to engage in a demonstration, including marches.</i> <i>The State is allowed to authorize restrictions in line with international human rights standards.</i> 	<p>ESPS 1 ESPS 4 ESPS 10</p>
Right to freedom of association (ICCPR and ILO Conventions)	<ul style="list-style-type: none"> <i>Protects the right to form or join all types of association, including political, religious, sporting/recreational, non-governmental and trade union associations. (See also the right to form and join trade unions below.)</i> <i>The State is allowed to authorize restrictions in line with international human rights standards.</i> 	<p>ESPS 2 ESPS 4</p>

Human right	Description	ESPF and E&S Performance Standards
Rights to found a family and the right to marry (ICCPR)	<ul style="list-style-type: none"> <i>The concept of a family varies. This includes the rights to enter freely into marriage and to start a family.</i> <i>This right predominantly focuses on State obligations, and it is unlikely that the activities of a company would have any direct impact upon this right, though they may be complicit in the abuses of this right by others.</i> 	Not covered
Rights of protection for the child (ICCPR, ICESCR and ILO Conventions)	<ul style="list-style-type: none"> <i>A child has the right to be registered, given a name and to acquire a nationality.</i> <i>Children must be protected from sexual and economic exploitation, including child labor.</i> <i>ILO standards prohibit hazardous work for all persons under 18 years. They also prohibit labor for those under 15, with limited exceptions for developing States.</i> 	ESPS 1 ESPS 2 ESPS 4 ESPS 7 ESPS 9
Right to participate in public life (ICCPR)	<ul style="list-style-type: none"> <i>Citizens have the right to take part in the conduct of public affairs, including the rights to vote and be elected in free and fair elections, and the right of equal access to positions within the public service.</i> 	Not covered
Right to equality before the law, equal protection of the law, and rights of non-discrimination (ICCPR, ICESCR and ILO Conventions)	<ul style="list-style-type: none"> <i>Individuals have a right not to be discriminated against, directly or indirectly, on various grounds, including race, ethnicity, sex, language, religion, political or other opinion, national or social origin, property, and birth or other status (such as sexual orientation or health status, for example, having HIV/AIDS).</i> <i>This right applies to the enjoyment of all other rights.</i> <i>The State is allowed to make distinctions where they are in line with international human rights standards.</i> <i>ILO standards provide further guidance on the content of the right.</i> 	ESPS 1 ESPS 2 ESPS 4 ESPS 5 ESPS 6 ESPS 7 ESPS 9
Rights of minorities (ICCPR)	<ul style="list-style-type: none"> <i>Members of ethnic, religious or linguistic minorities are entitled to enjoy their own culture, practice their religion and speak their language.</i> 	ESPS 1 ESPS 2 ESPS 7 ESPS 8 ESPS 9
Right to work (ICESCR)	<ul style="list-style-type: none"> <i>Individuals are entitled to the opportunity to make a living by work which they freely choose or accept. The work must be 'decent</i> 	ESPS 2

Human right	Description	ESPF and E&S Performance Standards
	<p><i>work', meaning that it respects their human rights.</i></p> <ul style="list-style-type: none"> <i>The right includes the prohibition of arbitrary dismissal and the rights to just and favorable conditions of work and to form and join trade unions, discussed below.</i> 	
<p>Right to enjoy just and favorable conditions of work (ICESCR and ILO Conventions)</p>	<ul style="list-style-type: none"> <i>Individuals have the right to fair remuneration and equal remuneration for work of equal value. Remuneration must enable them, and their families, to have a decent living.</i> <i>The right includes safe and healthy conditions of work, equality of opportunity for promotion, and a right to rest, leisure and holidays.</i> <i>ILO standards provide further guidance on the content of the right.</i> 	<p>ESPS 2</p>
<p>Right to form and join trade unions and the right to strike (ICESCR and ILO Conventions)</p>	<ul style="list-style-type: none"> <i>Individuals have the right to form or join trade unions of their choice.</i> <i>Trade unions must be permitted to function freely, subject only to limitations that are in line with international human rights standards.</i> <i>Workers have the right to strike, in conformity with reasonable legal requirements.</i> <i>ILO standards provide guidance on the content of the right, for example, that workers have the right to bargain collectively with their employers and that workers should not be discriminated against because of trade union membership.</i> 	<p>ESPS 2</p>
<p>Right to social security, including social insurance (ICESCR)</p>	<ul style="list-style-type: none"> <i>This right obliges the State to create and maintain a system of social security that provides adequate benefits for a range of issues (such as injury or unemployment).</i> 	<p>ESPS 2</p>
<p>Right to a family life (ICESCR)</p>	<ul style="list-style-type: none"> <i>Protection should be given to families during their establishment, and while they are responsible for the care and education of dependent children.</i> <i>The right includes special protections for working mothers.</i> <i>The right also includes special protections for children.</i> 	<p>ESPS 2 ESPS 4</p>

Human right	Description	ESPF and E&S Performance Standards
Right to an adequate standard of living (ICESCR)	<ul style="list-style-type: none"> • <i>This right includes access to adequate housing, food, clothing, and water and sanitation.</i> • <i>Individuals have a right to live somewhere in security, dignity and peace and that fulfils certain criteria (such as availability of utilities and accessibility).</i> • <i>Food should be available and accessible to individuals, in sufficient quality and quantity, to meet their nutritional needs, free from harmful substances and acceptable to their culture.</i> 	<p>ESPS 2 ESPS 3 ESPS 4 ESPS 5 ESPS 6 ESPS 7</p>
Right to health (ICESCR)	<ul style="list-style-type: none"> • <i>Individuals have a right to the highest attainable standard of physical and mental health.</i> • <i>This includes the right to have control over one's health and body, and freedom from interference.</i> 	<p>ESPS 1 ESPS 2 ESPS 3 ESPS 4 ESPS 6</p>
Right to education (ICESCR)	<ul style="list-style-type: none"> • <i>All children have the right to free and compulsory primary education.</i> • <i>The right also includes equal access to education and equal enjoyment of educational facilities, among other aspects.</i> 	<p>ESPS 1 ESPS 2</p>
Rights to take part in cultural life, to benefit from scientific progress, and to protection of the material and moral rights of authors and inventors (ICESCR)	<ul style="list-style-type: none"> • <i>Individuals have a right to take part in the cultural life of society and enjoy the benefits of scientific progress, especially disadvantaged groups.</i> • <i>This includes protection of an individual author's moral and material interests resulting from any scientific, literary or artistic production.</i> • <i>This protection extends to the rights of indigenous peoples to preserve, protect and develop indigenous and traditional knowledge systems and cultural expressions.</i> 	<p>ESPS 7 ESPS 8</p>
Right to self-determination (ICESR)	<ul style="list-style-type: none"> • <i>A right of peoples, rather than individuals.</i> • <i>Peoples are entitled to determine their political status and place in the international community.</i> • <i>It includes the rights to pursue economic, social and cultural development, to dispose of a land's natural resources and not to be deprived of the means of subsistence.</i> 	<p>ESPS 1 ESPS 4 ESPS 6 ESPS 7 ESPS 8</p>

Human right	Description	ESPF and E&S Performance Standards
	<ul style="list-style-type: none"><li data-bbox="459 427 1029 517">• <i>A particular right of <u>indigenous peoples</u> to self-determination has been specifically recognized by the international community.</i>	

Annex 3: Screening contextual risks

For conducting a screening of contextual risks as part of the E&S assessment process, it may be helpful to follow the steps in the table below.

Action	Where to find information
Assessment of applicable legal framework	
Review the applicable legal framework to understand to what extent there are gaps with the ESPs and any resulting human rights risks.	Status of ratification and reporting of 18 core human rights treaties at OHCHR Dashboard . Case Law of the Inter-American Commission on Human Rights Escazu Agreement, UNDRIP, ILO Conventions National and local applicable legislation Provisions relating to gender and employment: World Bank Women, Business and the Law Consult any National Human Rights Institutions: Global Alliance of NHRI
Assessment of situation in practice	
Understand key country-level and sector-level human rights risks	Country and sector risks: US Department of State Country Human Rights Reports UPR reports, shadow reports and responses: UNHRC UPR Database of concluding observations and recommendations of UN bodies: Universal Human Rights Index Country, sector and project risks: RepRisk Sector risks: US Department of Labor List of Goods Produced by Child or Forced Labor
Identify whether there are any alleged breaches of human rights related to third parties that would potentially be involved in the project execution by conducting a quick review of online media results	Google / social media
Map key potentially impacted affected communities and vulnerable populations	Amnesty International Country Profiles Human Rights Watch Country Profiles US Department of State Country Human Rights Reports Human Rights Measurement Initiative (HRMI)

Checklist

To record and analyze the findings of an initial contextual risk screening, fill in the table below to flag any identified issues, the context in which it has been identified, along with a description of it. Sketching out risk factors along these lines may facilitate structuring further analysis, as part of the ESA or complimentary assessments such an HRIA or country risk analysis.

Human rights issue	Description and source	Country	Sector	Project
Severe restrictions on participation in political process		..	-	-
Independence of the country's judiciary		..	-	-
Conflict in country / region project is located		..	-	-
Severe restrictions on freedom of speech		..	-	-
Severe restrictions on freedom of assembly or association including anti-union discrimination	
Systematic discrimination against particular groups	
Violence or repression against human rights defenders	
Violations against indigenous peoples	
Land expropriation or forced evictions/resettlement	
Reports of sexual harassment linked with sector		-
Forced or child labor		-
Reports of fatalities linked to business activities		-
<i>Other prevalent issues</i>	