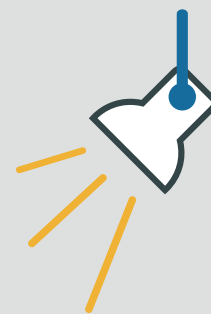


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Accountability Note



## How a Community-Led Response to Sexual Exploitation in Uganda Led to Systemic World Bank Reform

Elana Berger



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# Summary

## How a Community-Led Response to Sexual Exploitation in Uganda Led to Systemic World Bank Reform

How can demands for accountability and redress for harm suffered in a particular case contribute to new institutional measures to prevent future abuse? This note describes how the small Ugandan community of Bigodi, together with local, national, and international allies, mobilized to demand redress for harm done by a World Bank-funded infrastructure project, and in doing so, catalyzed changes at the World Bank aimed at preventing similar abuses in the future.

The Bigodi community's 2015 request to the World Bank's Inspection Panel, bolstered by international media coverage, led Bank management to respond both to the specific harms and to the underlying policy failures that made them possible. The community called for the World Bank to address cases of sexual exploitation of teenage girls by construction workers employed by a Bank-funded project, the Uganda Transport Sector Development Project (TSDP).<sup>1</sup> This case is significant not only because World Bank funding for the project was cancelled, affected community members received needed support services, and a corrupt government agency was purged, but because the institutional changes made may prevent similar harms across future World Bank projects.

The World Bank promotes a discourse of accountability, and yet obtaining redress when problems result from World Bank projects is difficult. This is often because, rather than treating requests from communities to the Inspection Panel as an opportunity to learn lessons and improve development outcomes, World Bank management generally responds defensively and treats the Panel investigation as an adversarial process in which they seek to prove the requestors wrong. As this case demonstrates, however, when management responds constructively to Panel investigations, genuine reform can take place. For this to happen, pressure from outside the Bank is needed to provide reformers within the Bank with the opportunity to make needed policy changes both at the project level and Bank-wide. The factors that led the Bank to respond constructively with a comprehensive response in the TSDP case included:

- a strong community–NGO partnership which pursued justice for victims of sexual exploitation and abuse
- sustained advocacy from national and international civil society
- high-profile media attention on a topic that caused embarrassment for the Bank
- a strong report from an independent accountability mechanism within the World Bank (the Inspection Panel)
- pressure from the Bank's Board of Directors, in particular frequent engagement from the US government with all levels of Bank management
- high-level individuals within the Bank, including President Kim, were committed to making policy changes that would reduce the risk of gender-based violence in the future.

This case embodies the potential for specific instances of harm to provide the necessary catalyst for improved accountability structures and system-wide change.

# I. Introduction



The World Bank is seen by many as a leader in promoting transparency, participation, and accountability around the world, investing millions of dollars in strengthening governance structures in borrowing countries. However, in many cases accountability for harms caused by World Bank-funded projects is sorely lacking. The World Bank has its own social and environmental “safeguards” designed to prevent negative impacts from projects on the surrounding communities. Unfortunately, these safeguard policies are inconsistently applied and are often insufficient to prevent the poorest and most marginalized, those that the World Bank’s mission requires it to serve, from suffering serious harm. World Bank watchdog groups, like the Bank Information Center (BIC)<sup>2</sup>, have spent decades trying to improve these policies and hold the World Bank accountable for their implementation. As part of this effort, BIC works with local communities and civil society groups to monitor projects with particularly severe negative impacts.

The World Bank-funded Uganda Transport Sector Development Project (TSDP) is one such case and demonstrates the horrifying impacts that can be visited on local communities when multilateral development banks (MDBs) fail to supervise and monitor adequately the large infrastructure projects they finance. At the same time, this case demonstrates the positive influence that MDBs, particularly the World Bank, can have in ensuring that communities are supported and protected from the worst harms of such projects. The World Bank’s independent accountability mechanism, the Inspection Panel, provides an opportunity for those who suffer as a result of Bank investments to obtain redress. The accountability mechanisms can recommend not only direct support for those who were harmed by the project but also project-related changes to prevent future harm, as well as system-wide Bank reform aimed at improving Bank projects generally. This note examines the ways in which the TSDP is exceptional, including the way the Bank responded constructively rather than antagonistically to the complaint, the extent to which it was willing to propose systemic change in the wake of the case, and the factors that led to its extraordinary responsiveness.



Graduation celebration for girls supported by the Emergency Child Protection Response. Credit: © Moses Ntenga

## II. Background



Upgrading the Kamwenge–Kabarole roadway in Western Uganda, funded by the World Bank as part of the TSDP, created a “boomtown effect” where a large influx of construction workers moved into what had been a somewhat isolated, rural community. These project workers sexually harassed and assaulted teenage girls, resulting in a significant increase in rates of teenage pregnancy, HIV/AIDS, and girls dropping out of school (Bank Information Center and Joy for Children, Uganda, 2015). A local organization, Joy for Children Uganda,<sup>3</sup> working to end child marriage and support girls in realizing their full potential, first uncovered these issues in early 2014 and assisted the community in its multi-year effort to seek redress for the harm caused by this project.

Months of attempts to convince the contractor carrying out the project to take measures to prevent this harm had been fruitless. Efforts to seek assistance from the Ugandan government to force the contractor to address this harm were similarly unsuccessful. The local police were unable or unwilling to investigate cases of sexual abuse and the Ugandan National Roads Authority (UNRA), the implementing agency for the project, was riddled with corruption. As the World Bank later admitted, the capacity of UNRA to prevent and mitigate social and environmental harms resulting from its projects was virtually nil and the agency was completely incapable of complying with the World Bank's social and environmental safeguards (World Bank 2016a).

Initial efforts to seek redress from the World Bank were no more successful than those aimed at the contractor or the Ugandan government. Representatives of Bank management refused to take responsibility for the harm and argued that sexual exploitation was not occurring around the project.<sup>4</sup> This led in September



2015 to community members filing a formal request with the Inspection Panel, the World Bank's independent accountability mechanism,<sup>5</sup> for a full investigation into the harm caused by the project and the Bank's failures to comply with its own safeguard policies (Republic of Uganda 2015). The Panel's investigation finally drew attention to the case from higher levels of Bank management, which created a significant shift in the tone and substance of the Bank's response (World Bank Inspection Panel, n.d.).<sup>6</sup> This ultimately resulted in an official commitment to more systemic efforts to prevent gender violence across the World Bank. It also led the World Bank to insist on significant changes at the Ugandan government level, particularly within UNRA, including anticorruption measures and a new child protection policy, which will apply to all road projects in Uganda, irrespective of who may be funding them.

### III. World Bank Response



In a marked shift from the World Bank's initial dismissal of community concerns, management's response after the Bigodi community sent a formal request to the Inspection Panel was extraordinarily swift and comprehensive for reasons discussed in depth below. The Bank began by suspending disbursements to the project, and two months later, canceled it (Donnan 2015). The Bank only rarely cancels an active project, and even more rarely due to negative impacts on communities. Remarkably, in cancelling the project World Bank President Dr. Jim Yong Kim issued a press release stating that "[t]he multiple failures we've seen in this project—on the part of the World Bank, the government of Uganda, and a government contractor—are unacceptable. It is our obligation to properly supervise all investment projects to ensure that the poor and vulnerable are protected in our work. In this case, we did not." (World Bank 2015c).

The extent to which the Bank was open and honest about the failure to meet its responsibility to prevent harm to communities in this case was quite unusual. When communities submit complaints to the Inspection Panel, Bank management generally prepares a response with their views on whether the Bank's actions around a project were in compliance with Bank policy. Unsurprisingly, these management responses generally argue that the Bank is compliant with all relevant policies. However, in the TSDP case, the management response admitted serious policy violations including around preparation of the Environmental and Social Impact Assessment (ESIA), as well as supervision and monitoring.

The Bank's willingness to admit failure was critical in allowing management to begin to implement measures to remediate the harm to affected community members even before the completion of the Inspection Panel's investigation. In typical Inspection Panel cases, once

the Panel provides Bank management with a report of its investigation, Bank management produces an action plan detailing the ways it will provide redress to complainants. However, in this case, the Bank took action before the investigation concluded. It hired several non-governmental organizations (NGOs), in particular international NGOs World Vision and BRAC, to begin to provide support to girls who were sexually abused by project workers and to get children, both boys and girls, back into school. Given the ways in which a delay of even one year in returning to school can have lifelong implications for a child's life, this willingness to begin to provide services was incredibly important for the ability of the community to recover from the project's impacts.

Once the Panel investigation was complete, additional measures were implemented by the World Bank to support the affected communities. These measures included the "Emergency Child Protection Response", under which the Bank funded BRAC to support the affected children and young women. Through this program survivors of sexual exploitation received psychosocial support as well as direct financial support to meet the immediate needs of their children. More than three dozen girls and young women received skills and job training and financial support to start their own businesses. BRAC engaged the wider community, setting up 35 girls' clubs which provided more than 1000 adolescent girls with life skills training, family planning education, and activities designed to increase empowerment. Additionally, the World Bank provided a \$670,000 grant to the Supporting Children's Opportunities through Protection and Empowerment (SCOPE) project in Kamwenge and Kabarole, the districts affected by the TSDP. SCOPE was designed "to enhance referral mechanisms and improve integration of child survivors and those at risk of sexual violence into the social protection system" (World Bank 2016g).

## IV. Moving Towards Prevention



In response to the final report of the Inspection Panel's investigation, Bank management created not only an action plan admitting policy violations in this case and discussing further plans for providing redress to those affected by the project, but also prepared a document titled "Lessons Learned and Agenda for Action" (World Bank 2016a, World Bank 2016d). This document, which has no equivalent for any recent Inspection Panel case, examined the systemic failures within the Bank that allowed the harms from this project to go unchecked and provided a framework for the broader measures that the Bank intends to take to prevent future projects from having similar negative impacts.

One set of institutional changes discussed in the Agenda for Action document is aimed at addressing risks of the specific type of harm that occurred in this case: sexual exploitation due to an influx of project workers. The World Bank thus developed a guidance note on addressing risks related to an influx of workers around project construction and operation (World Bank 2016b).

Additionally, the World Bank created the Gender Based Violence Task Force, made up of high-level experts from United Nations bodies and NGOs, along with representatives of Bank management (World Bank, n.d.). The creation of the task force was announced in a press release, shopped around to many major media outlets by the World Bank's press office, on the exact day that the Inspection Panel's report went to the Board of Directors (World Bank 2016c). A second press release, announcing the composition of the task force, was put out on the exact day that Bank management sent its action plan to the Board of Directors (World Bank 2016f). The Bank clearly felt the need to advertise the creation of this task force, and to time that advertisement to coincide with the release of materials that criticized the Bank's actions in Uganda.



Graduation celebration for girls supported by the Emergency Child Protection Response. Credit: © Moses Ntenga

This task force released its recommendations in August 2017 and President Kim has committed to implement them fully. The report produced by government representatives in connection with their pledges to support the International Development Association, known as the IDA 18 Deputies' Report, even contained reference to the need to implement the task force recommendations (World Bank 2017a).<sup>7</sup> In November 2017 the World Bank released an action plan for the implementation of the task force recommendations (World Bank 2017d). This action plan consisted primarily of a timeline for the development of tools proposed as part of the task force recommendations.

## V. The Task Force Recommendations



Recommendations of the task force included the following:

- Develop a robust risk assessment methodology, with a rating of “High Risk” of Sexual Exploitation and Abuse (SEA) and Gender-Based Violence (GBV) triggering actions in project design and supervision. Annexes 3 and 4 of the task force report includes guidance on risk factors to consider in this methodology.
- Contractors must be required to have sexual harassment policies and worker codes of conduct. It is recommended that codes of conduct include specific prohibitions against SEA, including prohibition of sexual activities with children, defined as anyone younger than 18. Annex 5 of the task force report contains a sample code of conduct.
- Contractors should declare whether any contracts have been suspended or cancelled or whether bid bonds called for incidents related to SEA and GBV. Disclosure of past incidents should trigger more intensive due diligence.
- For high-risk projects, contractors should demonstrate that they have the capacity to manage SEA risks.
- In high-risk projects, contracts for supervisory engineers should set explicit expectations for monitoring contractor performance of its SEA obligations, with a protocol in place for immediate, timely, mandatory, and confidential reporting in case of incidents.
- Oversight should be further strengthened by using third-party monitoring for high-risk projects.
- Project-level grievance redress mechanisms should integrate protocols to track complaints related to SEA—ensuring confidentiality and anonymity.
- Country engagement instruments such as the Strategic Country Diagnostic and Country Partnership Framework should be used as an opportunity for dialogue with government partners on risks related to SEA and GBV.
- Operational policies and practices for preventing and responding to SEA should be consolidated into a staff guidance note.
- The Bank should establish clear, confidential, and timely internal reporting and response protocols of allegations of SEA. Annex 6 of the report contains sample reporting protocols.
- Monitoring and evaluation should include reviews of a sample of high risk projects over a two- to three-year period to capture lessons learned and improve processes.
- The Bank should also request an Independent Evaluation Group review of implementation of task force recommendations to be conducted after four years.
- Dedicated one-time surge funds will be needed for training and knowledge development for both staff and clients. The Bank should also establish a two-year, time-bound GBV Prevention and Mitigation Fund to supplement high-risk projects, existing project preparation and supervision coefficients as needed. Thereafter, project cost coefficients should reflect actual cost experience developed during this transition period (World Bank 2017c).

The second set of institutional changes address the broader failures around the lack of supervision and monitoring, along with inappropriate risk categorization

and poor quality of the Environmental and Social Impact Assessment that allowed so many negative impacts to go unnoticed around the project. One of the most notable changes involves the way that projects are staffed within the Bank, providing a greater role for regional safeguard advisors throughout the project. This change should better enable the Bank to identify potential problems within a project before they reach the level of those around the TSDP. Similarly, the Bank made changes to the way they assess and monitor the capacity of implementing agencies within borrowing governments, aiming to pick up on the deteriorating capacity of the agencies to comply with social and environmental safeguards. Changes to procurement contracts and bid documents have also been made to ensure that contractors are in a position to comply with social and environmental standards, including by maintaining codes of conduct for their workers.

In addition to the changes at the World Bank itself, pressure from the World Bank also led to significant change at the Ugandan government level. This pressure came in the form of suspension of other Bank-financed road projects, followed by suspension of all new lending to the country. In part due to World Bank pressure, but also due to internal corruption-related issues, the head of UNRA was replaced, the staff were all fired and made to reapply for their jobs, and significant work was done to address the rampant corruption within the agency. The World Bank sent regular teams of specialized staff to assist UNRA in implementing these reforms and strengthening its capacity to implement World Bank safeguards in future projects. UNRA also created and adopted a child protection policy that will be applied to all projects, regardless of their source of funding. Many of these changes have been mandated by the World Bank as a precondition for UNRA to implement Bank-funded projects, but will potentially help to prevent harm in projects beyond those in which the Bank is involved.



Graduation celebration for girls supported by the Emergency Child Protection Response. Credit: © Moses Ntenga

## VI. Factors Driving the World Bank's Robust Response



The Inspection Panel played a decisive role in driving institutional change around the Uganda case. Without the Panel, it is possible that World Bank management would have continued to try to deny the severity of the issue and sweep the problem under the rug. The way in which the Inspection Panel interpreted the Bank policy on Environmental and Social Impact Assessments (OP 4.01) was particularly important in this case given that the policy did not, at the time this project was approved, explicitly require the borrower to assess the risks of sexual exploitation or the unique risks to women and girls (World Bank 2013). Yet the Inspection Panel still found that the cursory manner in which the Environment and Social Impact Assessment for this project addressed the issue of potential sexual exploitation represented a violation of OP 4.01 (World Bank Inspection Panel 2016). The willingness to be expansive in their reading of the policy demonstrates the Panel's desire to remedy serious harm resulting from negligence of World Bank staff in designing and implementing Bank-funded projects.

While the strong stance of the Inspection Panel was necessary for change, it alone was not sufficient, as not all such cases create the momentum for system-wide reform. Several other factors came together to drive change around this case. The first was the willingness of the Bigodi community and Joy for Children to keep pushing despite opposition and even ridicule from the Bank and the government. It is rare to find community members willing to continue to speak out and push for remedy around sensitive issues such as sexual abuse of children. The salacious nature of the harm in this case led to significant attention from the international media, and horror from within the upper levels of Bank management (Mwesigwa 2016). The nature of that harm challenged the Bank's view of itself as an institution that championed the empowerment of women and girls and created the pressure at the top of the Bank to drive change.

The Bank's Board of Directors, including those from both donor and borrower countries, also condemned the Bank's actions in this case and provided strong oversight of management's response, pushing it to do more and better at all stages. The US government's engagement was particularly critical throughout the life cycle of this case, especially in ensuring that the Bank moved swiftly to address the harm to the community after the project's cancellation. Additionally, representatives from the US Executive Director's office, along with the Treasury Department and USAID, encouraged Bank management to go further with the institutional changes being made in the wake of the case. The way in which the US Executive Director's office seeks out expertise and input from multiple agencies, and includes representatives from these various agencies in meetings with World Bank management, meant that the US Government could provide constructive input into the details of the Bank's response to the TSDP project. This allowed the US to influence the process at a much deeper level than other members of the Board, in particular pushing the Bank on things like staffing levels for projects and details of the remediation services provided to the victims in Bigodi. Without a strong US government voice on the Bank's board, significant internal reform would have been unlikely.



Phiona Nampungu, staff member of Joy for Children, Uganda meeting with the Grievance Redress Committee, Bigodi.  
Credit: © Moses Ntenga

## VII. Remaining Questions



Once the Inspection Panel began investigating the Uganda TSDP, the World Bank's response to the community's suffering and its causes has been quite robust. However, as of February 2018, the vast majority of the systemic changes the Bank has proposed remain ideas on paper and significant questions persist about whether they will be implemented in a manner that will effectively prevent harm in future projects. The Gender Based Violence Task Force recommendations represent an example of the type of proposed changes that have the potential to create institutional change but have not yet made a difference on the ground in Bank projects.

Allocation of sufficient budget will be critical, along with sustained interest from top levels of the Bank, such that staff feel the imperative to prioritize the measures proposed. Several project leaders within the World Bank's transport sector appear to be quite committed to doing everything in their power to prevent this type of harm from occurring in their projects. However, others see the push to prevent sexual exploitation in Bank projects as a burdensome requirement taking their focus away from the real work of getting roads built.

If all of the measures contained in the Agenda for Action document, and recommended by the Gender Based Violence Task Force, are truly implemented as written, it is quite likely that the Bank's response to this case will help it to prevent similar failures in the future. There are some promising signs, with the Bank beginning to look more seriously at risks related to sexual exploitation due to an influx of labor in several recent projects. In March 2017, Bank management reported to the Board of Directors on implementation of the Agenda for Action document and the Board appears to be continuing to play a strong oversight role (World Bank 2017b). However there remains a need for sustained attention from both inside the institution, particularly from senior management, and outside the institution, including from the press and civil society, to ensure that communities will be less likely to experience sexual exploitation caused by World Bank projects in the future.

The Bank's particular willingness to learn and apply lessons in this case can be seen as an example for how accountability should work in the development context more broadly. While there are several other notable cases where the World Bank has enacted major reform in the wake of a "problem project," this is not the norm. The Bank, when caught in misconduct will generally remediate the particular harm experienced in the given case while keeping the same systems in place, allowing the problem to reoccur in future similar projects. The dynamic that occurred in this case, with sustained external scrutiny from civil society and the media coupled with an openness within the highest levels of the World Bank to learn lessons from this case, was unique. However, it was this dynamic that allowed the Bank's accountability structures to work as they truly should, catalyzing the type of institution-wide reform that, if properly implemented, will allow the Bank to prevent similar harm in the future, significantly improving its ability to deliver on its mission to end poverty.



Materials provided to girls who received skills training under the Emergency Child Protection Response. Credit: © Moses Ntenga

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## Endnotes

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1. For more on the Uganda Transport Sector Development Project (TSDP), please see <http://projects.worldbank.org/P092837/uganda-transport-sector-development-project?lang=en>.
2. See <http://www.bankinformationcenter.org/69-international-organizations-seek-transparency-in-world-banks-environmental-and-social-policy-review/>.
3. See <https://www.joyforchildren.org>.
4. World Bank internal communications from the period include the following statement "[i]n conclusion, the allegations made in the Request...were neither observed by the mission team, nor substantiated or confirmed by any of the stakeholders consulted during the mission." See Inspection Panel Report: <http://ewebapps.worldbank.org/apps/ip/PanelCases/98-Inspection%20Panel%20Investigation%20Report.pdf>.
5. The Inspection Panel is required to follow up, in some form, on all the cases it receives. More information on this process is available on the Panel's website: <http://ewebapps.worldbank.org/apps/ip/Pages/Processing-a-Request.aspx>
6. The World Bank provides a fact sheet on the project and developments around the case: <http://www.worldbank.org/en/country/uganda/brief/uganda-transport-sector-development-project-fact-sheet>.
7. The document states that "Participants requested that the recommendations of the WBG Global Task Force on Gender-Based Violence be implemented, as applicable, within operations in IDA-eligible countries."

## Accountability Research Center Publications

### Accountability Notes

- Walter Flores. 2018. "How Can Evidence Bolster Citizen Action? Learning and Adapting for Accountable Public Health in Guatemala." *Accountability Note 2*.
- Walter Flores. 2018. "Lecciones sobre acción ciudadana y rendición de cuentas en los servicios públicos de salud de Guatemala." *Accountability Note 2*.
- Abdulkarim Mohammed. 2017. "Following the Money in Ghana: From the Grassroots to the Hallways of the IMF." *Accountability Note 1*.

### Learning Exchange Reports

- Rodríguez Herrera, Brenda, Rebeca Salazar Ramírez, and Mariana González Moyo. 2018. "First Meeting of Auxiliary Watershed organizations: Good Practices, Limitations, Lessons, and Prospects. Rapporteur's Report." *Learning Exchange Report 4*.
- Community Health Worker Voice, Power, and Citizens' Right to Health." *Learning Exchange Report 3*.
- Joy Acheron, Angela Bailey, Shaazka Beyerle and Jonathan Fox. 2017. "Citizen Action Against Corruption." *Learning Exchange Report 2*.
- Victoria Boydell, Jonathan Fox and Sarah Shaw. 2017. "Transparency and Accountability Strategies & Reproductive Health Delivery Systems." *Learning Exchange Report 1*.

### Working Papers

- Francis Isaac, Danilo Carranza and Joy Acheron. 2017. "From the Ground Up: Multi-Level Accountability Politics in Land Reform in the Philippines." *Accountability Working Paper 2*.
- Suchi Pande and Rakesh R. Dubbudu. 2017. "Citizen Oversight and India's Right to Work Program: What do the Social Auditors Say?" *Accountability Working Paper 1*.

See all publications at <http://accountabilityresearch.org/publications/>