

ENVIRONMENTAL AND SOCIAL MANAGEMENT SYSTEM

ESS 9: GENDER



MAR FUND'S ESMS

ENVIRONMENTAL AND SOCIAL MANAGEMENT SYSTEM

ESS 9: GENDER

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“ESS 9: Gender” is part of MAR Fund’s Environmental and Social Management System (ESMS). Therefore, ESS 1 should be read and understood in conjunction with the other 9 Safeguards and the other documents that are part of the ESM



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• GLOSSARY

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| AFD | Agence Française de Développement ¹ |
| BMZ | Bundesministerium für Wirtschaftliche Zusammenarbeit und Entwicklung ² |
| EbA | Ecosystem-based Adaptation |
| CAPEX | Capital Expenditure |
| CSO | Civil Society Organization |
| CTF | Conservation Trust Fund |
| Due Diligence | Environmental and Social Due Diligence |
| EIA | Environmental Impact Assessment |
| ERP | Emergency Response Plans |
| ESAP | Environmental and Social Commitment Plan |
| Escazú Agreement | Regional Agreement on Access to Information, Public Participation, and Justice in Environmental Matters in Latin America and the Caribbean |
| ES | Environmental and Social |
| ESDD | Environmental and Social Due Diligence |
| ESIA | Environmental and Social Impact Assessment |
| ESMF | Environmental and Social Management Framework |
| ESMP | Environmental and Social Management Plan |
| ESMS | Environmental and Social Management System |
| ESPF | Environmental and Social Performance Framework |
| ESSQ | Environmental and Social (ES) Screening Questionnaire |
| ESS | Environmental and Social Safeguards |
| FB | Fundación Biosfera |

¹ French Development Agency

² Federal Ministry for Economic Cooperation and Development of the Federal Republic of Germany.

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| FCG | Fundación para la Conservación de los Recursos Naturales y Ambiente en Guatemala |
| FC–Measures | Financial Cooperation Measures |
| FFEM | Fonds français pour l’environnement Mondial ³ |
| FI | Financial Intermediary |
| FMCN | Fondo Mexicano para la Conservación de la Naturaleza |
| FPIC | Free, Prior, and Informed Consent |
| GCF | Green Climate Fund |
| GEF | Global Environment Facility |
| GHG | Greenhouse gas |
| GMO | Genetically Modified Organism |
| H&S | Health & Safety |
| IDB | Inter–American Development Bank |
| IFC | International Financial Corporation |
| ILO | International Labour Organisation |
| ISPM | International Standard for Phytosanitary Measures |
| IUCN | International Union for Conservation of Nature |
| JMP | WHO/UNICEF Joint Monitoring Programme for Water Supply, Sanitation and Hygiene |
| KfW | Kreditanstalt für Wiederaufbau ⁴ |
| LGBTQ+ | Lesbian, gay, bisexual, transgender, queer (or sometimes questioning) and others. + represents other sexual identities including pansexual and Two–Spirit. |
| MAR | Mesoamerican Reef |
| MAR Fund | Mesoamerican Reef Fund |
| NAP | National Adaptation Plans |
| NDC | National Determined Contributions |
| NGO | Non–Governmental Organization |
| OH&S | Occupational Health & Safety |

³ French Facility for Global Environment.

⁴ Reconstruction and Credit Corporation of the Federal Republic of Germany.

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| PACT | Protected Areas Conservation Trust |
| PPE | Personal Protective Equipment |
| PS | Performance Standards |
| RfP | Request for Proposals |
| SEA | Sexual Exploitation and Abuse |
| SECF | Stakeholder Engagement and Communication Framework |
| SECP | Stakeholder Engagement and Communication Plan |
| SGBV | Sexual and Gender-Based Violence |
| SIA | Social Impact Assessment |
| The Policy | MAR Fund's Environmental and Social Policy |
| ToR | Terms of Reference |
| UN | United Nations |
| UNDP | United Nations Development Programme |
| UNEP | United Nations Environmental Programme |
| UNFCCC | United Nations Framework Convention on Climate Change |
| UN Protocol | United Nations Protocol on Allegations of Sexual Exploitation and Abuse Involving Implementing Partners |
| WASH | Water, Sanitation, and Hygiene |

1 ESS 9: GENDER



1.1 INTRODUCTION

1. The “**ESS 9: Gender**” (ESS 9) is part of MAR Fund’s Environmental and Social Management System (ESMS), which includes the Environmental and Social Management Policy and Exclusion List, nine Environmental and Social Safeguards other than this, an Environmental and Social Screening Questionnaire and formats for several plans and instruments.
2. The purpose of the ESS 9 is to overcome the gender gap in Projects approved by MAR Fund¹ by enhancing gender responsiveness and identifying and managing gender-based risks and potential impacts of these projects.
3. This Safeguard also seeks to halt the recurrence of these risks and impacts, reduce gender inequalities, and contribute to closing the gender gap with the introduction of gender-specific measures.
4. This Safeguard acknowledges that diverse sexual orientations and gender identities can make people more vulnerable, more likely to suffer negative impacts from projects, and less likely to access or enjoy the positive effects these projects may have. Equally, this Safeguard recognizes that Sexual and gender-based violence (SGVB), including sexual exploitation and abuse (*see section 11.1.3 Definitions*), is a prevalent global problem that permeates all sectors of activity and affects women and people of diverse sexual orientations and gender identities (LGTBQ+ persons).
5. This Safeguard is consistent with the IDB’s ESPS 9 Gender Equality to which it is indebted as it reflects its structure and adapts part of its content to MAR Fund's specific circumstances. Likewise, this Safeguard responds to the requirements of the United Nations Protocol on Allegations of Sexual Exploitation and Abuse Involving Implementing Partners.

1.1.1 OBJECTIVES

6. The objectives of the ESS 9 are:
 - i. To identify, anticipate, and prevent adverse risks and impacts based on gender, sexual orientation, and gender identity in projects approved by MAR Fund.
 - ii. To mitigate for impacts that could not be avoided or prevented.

¹ If the conditions of the project make overcoming the gap impossible, the ESS 9 seeks to significantly narrow the gender gap.

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- iii. To prevent discrimination against women or girls and any other gender-based discrimination in projects approved by MAR Fund.
- iv. To prevent SGBV, including sexual harassment, exploitations, and abuse and, when incidents of SGBV occur, to respond promptly and effectively.
- v. To achieve full participation of people of all genders, sexual orientations, and gender identities in Projects approved by MAR Fund and ensure their fair share of their benefits.

1.1.2 SCOPE OF APPLICATION

7. This Safeguard applies to all projects approved (or to be approved) by MAR Fund regardless of the program, mechanism, or window. Some of its requirements and dispositions only apply to projects that trigger them. The environmental and social due diligence with the support of the ESSQ determines the applicability of these specific requirements.

1.1.3 DEFINITIONS

8. For this and all Safeguards of MAR Fund the terms presented in this section will have the following meaning:
 - Discrimination is any “unfair treatment or arbitrary distinction based on a person’s race, sex, religion, nationality, ethnic origin, sexual orientation, disability, age, language, social origin, or other status. Discrimination may be an isolated event affecting one person or a group of persons similarly situated or may manifest itself through harassment or abuse of authority”².
 - Sexual abuse means “the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions”³.
 - Sexual harassment: is “any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment, or creates an intimidating, hostile or offensive work environment. While typically involving a pattern of behaviour, it can take the form of a single incident. Sexual harassment may occur between persons of the opposite or same sex. Both males and females can be either the victims or the offenders”².

² Secretary-General’s Bulletin on Prohibition of discrimination, harassment including sexual harassment, and abuse of authority, ST/SGB/2008/5.

³ Secretary-General’s Bulletin on Special measures for protection from sexual exploitation and sexual abuse, ST/SGB/2003/13.

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- Sexual exploitation is “any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another”³.

1.2 REQUIREMENTS AND PROCEDURES

9. Organizations presenting project proposals to MAR Fund or executing projects approved by MAR Fund (the grantees) must identify and assess the risks and potential impacts of their proposals and projects, including the way these impacts would disproportionately affect women, girls, and LGBTQ+ persons.
10. The grantees must identify, anticipate, and prevent risks and adverse impacts based on sexual orientation and gender identity. Gender-based risks and impacts comprise every form of sexual and gender-based violence (SGBV), including sexual harassment, sexual exploitation, and abuse.
11. Equally, the grantees must identify the intersections of vulnerabilities related to age, race, ethnicity, income, disability, and sex and gender orientation.
12. The grantees will pay attention to the gender differences in ownership status and livelihoods, household workloads, unpaid work, income generation, inheritance of land and other resources, access to credit, mobility restrictions, limit to participation in activities (i.e., pregnancies), parental leave, etc.
13. The grantees must identify measures to ensure that all those recognized as disadvantaged a cause of their sex or gender orientation and any other increased vulnerability, have access to the benefits derived from the project. These measures may include appropriate specific staffing, budget allocations, adoption of gender-responsive monitoring indicators, and other implementation arrangements. It may also include the design of specific process of information disclosure, consultation, and grievance management.
14. The grantees must also identify actions to eliminate the possibility of reinforcing pre-existing inequalities based on gender and opportunities to advance gender equality as well.
15. A list of this type of gender-related measures will be presented with the project proposal and will constitute the basis for the Gender Statement or the Gender Action Plan of the project.
16. Any study or investigation required by the project approval process must include provisions to ensure that the collection and management of data is disaggregated as to track differentiated impacts by sex, age, and other characteristics. This provision also applies to the monitoring activities of all projects approved by MAR Fund.

1.2.1 SEXUAL EXPLOITATION AND ABUSE

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17. MAR Fund develops and maintains internal institutional capacity to prevent and mitigate risks of sexual exploitation and abuse and makes sure that its grantees have similar capacity, including the following:
 - A Grievance Mechanism⁴ and any other necessary reporting and monitoring mechanisms in place to prevent and respond to allegations and incidents of SEA.
 - A procedure to properly screen staff for involvement or alleged involvement in SEA or human rights violations. This procedure can be as simple as a systematic review of references and background checks for grantee personnel.
18. MAR Fund periodically reviews its internal institutional capacity and the capacity of its grantees to prevent and mitigate risks of sexual exploitation and abuse and makes the necessary adjustments.
19. In preventing, addressing, and otherwise dealing with cases of sexual exploitation and abuse, MAR Fund and the grantees will be guided by a human rights perspective. As such, upon any allegation of sexual exploitation and abuse, the resulting process must be guided by a *victim-center approach*, including adherence to, and respect for, the principles of *do no harm*, confidentiality, safety, non-discrimination, participation in decision-making processes, and informed consent on disclosure and use of information.
20. If a documented incident of sexual exploitation and abuse arises in MAR Fund, appropriate measures must be taken without delay, such as immediate referral of the victim to safe and confidential victim assistance, including legal assistance, based on their needs and consent; termination of the staff contract and/or referral for criminal accountability, if appropriate; and share information on the allegation with relevant authorities as appropriate, upon a protection risk assessment and in line with informed consent. MAR Fund will inform the concerned donor or partner about this situation.
21. MAR Fund does not approve proposals from, nor establish partnerships with, organizations that fail to address gender-based violence (SGBV) and harassment, including sexual exploitation and abuse through appropriate preventive measures, investigation, and corrective action.
22. When a serious risk of sexual exploitation and abuse, or a risk of child sexual exploitation and abuse, or any other risk and adverse impact based on sexual orientation and gender identity, is identified, grantees and MAR Fund must abide by the follow procedure:
 - A. The project shall be classified as Category B+ (High Risk).

⁴ See MAR Fund's ESS 10 for guidance related to the Grievance Mechanism.

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- B. Mandatory training specific to sexual exploitation and abuse to be completed by the grantee personnel during the regular approval process as a condition of approval.
 - C. Review of the grantee's existing policies on sexual exploitation and abuse (or gender policy with mention to sexual exploitation and abuse) or, if there is none, formulation of a policy on sexual exploitation and abuse.
 - D. Sensitization of personnel involved with the project and of local community involved in the project (if applicable).
 - E. Formulation of a procedure to ensure that survivors of an eventual incident of sexual exploitation and abuse, have access to multiple forms of support and services. The grantees shall note that LGBTQ+ persons, and especially transgender women, might be subjected to specific forms of sexual exploitation and abuse, and hate crimes and as a result may require additional protections.
 - F. Establishment of special reporting requirements related to sexual exploitation and abuse.
 - G. Prepare, adopt, and implement a stand-alone sexual exploitation and abuse Action Plan.
23. If a documented incident of past or present sexual exploitation and abuse in the organization proposing the project is established⁵, MAR Fund classifies the project as Category A (High Risk), which triggers the end of the approval process as established in *section 3.3.4 Procedures for Category A-Projects*).
24. The provision of the previous paragraph may be superseded if the Board of Directors of MAR Fund considers that the perceived environmental and or social value of the project greatly outweighs the risks and impacts derived from the documented incident, and formally inform its decision to MAR Fund. In that case, MAR Fund will undertake the following actions:
- A. To ask the organization proposing the project to adopt appropriate preventative measures, investigation, and corrective actions.
 - B. To make sure that the person(s) involved in the documented incident as the offending party does not participate in any capacity in the project.
 - C. To make sure that all the staff to be involved in the project undertake additional training and capacity building on sexual exploitation and abuse.
 - D. To establish close monitoring procedures for the grantee that include specific reporting lines on this issue in the regular reports.

⁵ The grantees shall notice that the incident must be documented and established. An allegation by somebody may not be enough to constitute a documented incident. It may constitute a serious risk and subject to the provision of the previous paragraph.

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25. After A., B., C., and D., are satisfactorily performed, MAR Fund at its sole discretion, may decide to re-classify the Activity to Category B+ and continue with the approval process.
26. MAR Fund requires that the grantees' staff assigned to, or otherwise involved with, projects approved by MAR Fund undertake specific training related to Gender, SGBV (including sexual harassment, sexual exploitation, and abuse).⁶

1.2.2 GENDER AND RESETTLEMENT

27. MAR Fund require that grantees make sure that projects involving livelihood restoration and limited resettlement do not compromise existing legitimate rights for land and natural resource tenure and use (including collective rights, subsidiary rights, and the rights of women) or have other unintended consequences. The grantees must take into consideration that more women than men are likely to be vulnerable to displacement from key assets such as land and housing, since they tend not to have clear property rights.
28. The grantees are urged to make sure that “women’s perspectives are obtained, and their interests factored into all aspects of resettlement planning and implementation. Addressing livelihood impacts may require intra-household analysis in cases where women’s and men’s livelihoods are affected differently. Women’s and men’s preferences in terms of compensation mechanisms, such as replacement land or alternative access to natural resources rather than in cash, should be explored”⁷.
29. The grantees, and third-party organizations retained by them, are urged to undertake all necessary actions to document ownership or occupancy and compensation payments in the names of both spouses including same sex couples and single heads of households, including LGBTQ+ persons. In the same sense, grantees shall make resettlement assistance, such as skills training, access to credit, and job opportunities, equally available to women and adapted to their needs⁷.
30. The grantees, and third-party organizations retained by them, shall set out in the Livelihood Restoration and Compensation Plan and the Resettlement Action Plan the rights and entitlements of the affected persons, with particular emphasis on gender aspects, and ensure that these entitlements are provided in a transparent, consistent, and equitable manner.

1.2.3 EQUITABLE PARTICIPATION OF PEOPLES OF ALL GENDERS IN CONSULTATIONS

⁶ The Annex of this document contains a list of training courses related to Gender and SGBV, including sexual exploitation and abuse that are available in MAR Fund’s ESMS or in external sites.

⁷ Environment & Social Framework for IPF Operations – Gender. Good Practice Note. The World Bank.

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31. The grantees shall ensure that the consultation process reflects the concerns of people of all genders, gender identities, and sexual orientations. Different genders may have different views and interests, even within the same stakeholder group. The assessment of risks and impacts may differ according to people's gender. Similarly, gender differences may imply different ideas of avoiding or remedying those risks and impacts.
32. The grantees should identify stakeholders by gender with other relevant aspects (such as age, disabilities, displacement status, etc.) and design participation and information dissemination mechanisms that respond to their specific needs.
33. The grantees shall ensure that there is no gender discrimination hindering a group's ability to influence decision-making in the consultation process. The grantees shall identify and address obstacles of women and people of diverse sexual orientations and gender identities to participate in consultations. Some of these obstacles may include timing and location of consultations, distance away from home, mobility restrictions, household workloads, caring for children or the elderly, lower education, language, security issues, etc.
34. Some of the measures that grantees can take to ensure the participation of women and people of diverse sexual orientations and gender identities in consultations include establishing appropriate meeting times, providing transportation, providing childcare support, and consulting men and women separately (in addition to jointly, where appropriate).
35. Where necessary, and where the size and budget of the project so warrants, grantees should also consider hiring gender and group management specialists who can overcome gender barriers and obstacles in some settings.

* ** END OF ESS 9 ** **

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