

Gender, Law, and Policy in ADB Operations: A Tool Kit

© 2006 Asian Development Bank

Publication Stock No. 050706

Published and printed by the Asian Development Bank.

This tool kit was prepared by a consultant, Eugenia McGill, under the supervision of Francesco Tornieri, Social Development Specialist, Gender, Social Development and Civil Society Division, and Roberta Thami, Senior Counsel, Office of the General Counsel.

The views expressed in this tool kit are those of the author and do not necessarily reflect the views and policies of the Asian Development Bank, or its Board of Governors or the governments they represent.

The Asian Development Bank does not guarantee the accuracy of data included in this publication and accepts no responsibility for any consequences of their use.

Use of the term “country” does not imply any judgment by the author or the Asian Development Bank as to the legal or other status of any territorial entity.

Abbreviations

ACWF	- All-China Women's Federation
ADB	- Asian Development Bank
ADF	- Asian Development Fund
CBO	- community-based organization
CD	- capacity development
CEDAW	- Convention on the Elimination of All Forms of Discrimination Against Women
CGA	- country gender assessment
CLS	- core labor standards
CNCW	- Cambodian National Council for Women
CPIA	- country performance institutional assessment
CPS	- country partnership strategy
DMC	- developing member country
DSP	- Devolution Support Program (Pakistan)
FWC	- female ward commissioner
GAP	- gender action plan
GD	- gender and development (ADB loan classification)
GLP	- gender, law, and policy
GMS	- Greater Mekong Subregion
GRAP	- gender reform action plan
GWG	- gender working group
HIV/AIDS	- human immunodeficiency virus/acquired immune deficiency syndrome
ILO	- International Labour Organization
IMTP	- Irrigation Management Transfer Project (Nepal)
IPSA	- initial poverty and social assessment
Lao PDR	- Lao People's Democratic Republic
LUC	land use certificate
MDG	- Millennium Development Goal
MF	- microfinance
MFI	- microfinance institution
MoEYS	- Ministry of Education, Youth and Sports (Cambodia)
MOWA	- Ministry of Women's Affairs (Cambodia)
MRD	- Ministry of Rural Development
NGO	- nongovernment organization
OGC	- Office of the General Counsel
PPTA	- project preparatory technical assistance
PRC	- People's Republic of China
RETA	- regional technical assistance
RSCG	- Capacity Development and Governance Division
RWSS	- rural water supply and sanitation
SDP	- sector development program
SME	- small and medium enterprise
STI	- sexually transmitted infection
TA	- technical assistance

- UGIAP - Urban Governance Improvement Action Program (Bangladesh)
- UN - United Nations
- UNAIDS - UN Programme on HIV/AIDS
- UNDP - UN Development Programme
- WID - Women in Development
- WSS - water supply and sanitation
- WUA - water users association

Contents

	Page
INTRODUCTION	1
A. Audience	1
B. Rationale and Objectives	1
C. Organization and Use of the Tool Kit	2
I. GENDER, LAW, AND POLICY IN DEVELOPMENT: AN OVERVIEW	3
A. Gender, Law, and Policy — What Are the Links?	3
B. Relevance of GLP to ADB Policies and Strategies	4
C. Gender Issues in Law and Policy	6
D. Rationale for Special Measures to Address Gender Disparities and Discrimination	14
II. GENDER, LAW, AND POLICY IN COUNTRY PARTNERSHIP STRATEGIES	15
A. Gender Ratings for Country Performance Assessments	15
B. Country Gender Assessments	16
C. Country Gender Strategies	18
D. Sector Road Maps	19
III. GENDER, LAW, AND POLICY IN ADB OPERATIONS: GENERAL CONSIDERATIONS	21
A. Sector Analysis and Interventions	21
B. Crosscutting Issues and Themes	25
IV. GENDER, LAW, AND POLICY IN ADB OPERATIONS: SECTOR ISSUES	35
A. Governance and Law Reform	35
B. Agriculture and Natural Resource Management	43
C. Education	49
D. Health Care and HIV/AIDS	54
E. Water Supply and Sanitation	61
F. Urban Development	66
G. Finance	71
H. Trade, Industry, and SME Development	76
I. Infrastructure	81
J. Regional and Subregional Cooperation	87
REFERENCES	
A. General Resources and Links	93
B. Sector-Specific Resources and Links	95
C. Country Resources and Links	98
APPENDIXES	
1. DMCs' Commitments to Gender Equality	105
2. Country Performance Assessment Guidelines (Gender Equality Rating)	107

3. Terms of Reference for Country Gender Assessments (Gender, Law, and Policy Issues)	111
4. Terms of Reference for PPTA Gender Specialists (Gender, Law, and Policy Issues)	112
5. Gender-Focused Assurances	114

TABLES

1. International Gender Equality Commitments and ADB Operations	9
2. Selected Gender, Law, and Policy Issues in Key Sectors	12
3. Gender, Law, and Policy in Country Partnership Strategies	15
4. Relevant Laws and Policies for Gender Equality Rating	16

FIGURE

1. GLP Entry Points in Project Cycle	22
--------------------------------------	----

BOXES

1. Land Reforms in Viet Nam and Lao People's Democratic Republic	5
2. Decentralization in Indonesia	5
3. International Commitments to Gender Equality	7
4. Country Gender Assessment for the People's Republic of China	16
5. Core Labor Standards and National Labor Laws Relevant to Women's Employment	26
6. Energy Project Addressing Gender, Resettlement, Ethnic Minorities, and Local Governance Issues	29
7. Capacity Development of the Ministry of Women's Affairs of Cambodia	33
8. National Gender Strategies for Agriculture in Cambodia, Lao PDR, and Viet Nam	34
9. Capacity Development of Locally Elected Women in South Asia	34
10. GLP Issues in Governance and Law Reform	36
11. Gender Reform Action Plans in Pakistan	42
12. Amending Discriminatory Laws and Promoting Legal Empowerment in Nepal	43
13. Technical Assistance Projects on Gender and Governance	43
14. GLP Issues in Agriculture and Natural Resource Management	44
15. Revising Nepal's Irrigation Policy to Increase Women's Participation	48
16. Addressing Bonded Labor and Gender Exclusion in Pakistan's Agriculture Sector	48
17. Gender Impact of Land Reform in the Central Asian Republics	49
18. GLP Issues in Education	49
19. Supporting Bangladesh Policy to Increase the Number of Female Secondary School Teachers	54
20. Policy Reforms to Increase Girls' Access to Education in Cambodia	54
21. GLP Issues in Health Care and HIV/AIDS	55
22. Law and Policy Frameworks on HIV/AIDS	56
23. Health Care Policy Reforms in the Philippines	60
24. Improving Governance Framework for Urban Primary Health Care in Bangladesh	60
25. GLP Issues in Water Supply and Sanitation	61
26. Integrating Gender in Rural Water Supply and Sanitation Policies and Institutions in Cambodia	65

27. Gender-sensitive Water Tariff Reform and Urban Institutions in Lao PDR	65
28. GLP Issues in Urban Development	66
29. Gender-equitable Urban Development in Bangladesh	70
30. GLP Issues in Finance	71
31. Gender-inclusive Policy Framework for Microfinance in Pakistan	75
32. GLP Issues in Trade, Industry, and SME Development	76
33. Including Businesswomen in the Development of an SME Policy for Bangladesh	81
34. GLP Issues in Infrastructure	81
35. Tariff Reforms in Rural Electrification	86
36. Gender, Law, and Policy Issues in Transport Projects	87
37. Pro-Poor and Gender-equitable Tourism in the Greater Mekong Subregion	91
38. Support to the Pacific Regional Strategy on HIV/AIDS	92
39. Subregional Initiatives to Combat Trafficking in Women and Children	92

Introduction

A. Audience

This tool kit is intended for use by

- project counsel in the Asian Development Bank (ADB)'s Office of the General Counsel (OGC);
- ADB staff in the regional departments and resident missions involved in preparing country partnership strategies (CPSs), sector and thematic studies, loans and technical assistance (TA); and
- ADB consultants involved in preparing CPSs, loans, and TA.

B. Rationale and Objectives

ADB operations increasingly focus on improving the legal and policy environment for development in developing member countries (DMCs), for example, through policy-based loans and related TA. In line with ADB's Policy on Gender and Development, it is important for ADB staff and consultants to recognize the gender implications of their work on law and policy reforms. Greater awareness of these issues can help (i) ensure that proposed law and policy reforms benefit both women and men, and (ii) identify opportunities to address existing gender biases in the law and policy frameworks for particular sectors. This two-track approach is consistent with the Policy on Gender and Development, which requires gender considerations to be integrated in all areas of ADB operations, but also endorses gender-focused activities, especially in DMCs or regions where gender disparities are glaring.

The tool kit is intended for use in

- providing general background on the gender dimensions of the law and policy frameworks that govern and influence ADB-supported projects;
- identifying specific gender, law, and policy (GLP) issues in the main sectors that ADB supports;
- suggesting entry points and practical approaches for addressing GLP issues through CPSs, loans, and TA; and
- providing background materials, internet links, checklists, sample assurances, and other tools to integrate GLP considerations in CPSs, loans, and TA.

The tool kit is intended to build upon and complement the ADB gender checklists that have already been developed for key sectors.¹ These gender/sector checklists

In line with ADB's Policy on Gender and Development, it is important for ADB staff and consultants to recognize the gender implications of their work on law and policy reforms

¹ As of June 2006, gender checklists had been prepared for agriculture, education, health, water supply and sanitation, urban development, and resettlement. Hard copies of the checklists are available from ADB's Gender, Social Development, and Civil Society Division, the ADB Public Information Center, and ADB resident missions. The checklists can also be downloaded from ADB's gender and development website (www.adb.org/Gender/checklists.asp).

were designed primarily for use in project loans to ensure that women as well as men could participate in and benefit from project activities in a sector. In the checklists, law and policy issues are discussed only briefly and in general terms.

This tool kit therefore supplements the gender/sector checklists to assist ADB staff and consultants in more fully analyzing GLP issues in proposed loans, grants, and TA projects. The tool kit should be particularly useful in designing program loans and sector development program (SDP) loans, where law and policy reforms play an especially prominent role. The tool kit covers several sectors for which gender/sector checklists have not yet been prepared, as well as the CPS process and capacity development which are not covered in the gender/sector checklists.

C. Organization and Use of the Tool Kit

- Section I provides an overview of GLP issues and their relevance to ADB's operations.
- Section II identifies GLP issues and entry points in country programming activities, including the calculation of a gender rating for the performance-based allocation of Asian Development Fund (ADF) resources, and the preparation of country gender assessments (CGAs) and CPSs, including sector road maps.
- Section III suggests a general framework for analyzing and addressing GLP issues in projects, programs, and TA activities, including GLP issues in crosscutting areas such as labor standards, social safeguards, and capacity development.
- Section IV applies these principles to the main sectors that ADB supports, and includes checklists, sample assurances, and case studies.
- Appendixes to the tool kit include references and links to GLP resources, including country- and sector-specific resources, and sample assurances addressing GLP issues.

Key background resources (e.g., CGAs, country reports to United Nations (UN) treaty bodies, and national action plans to promote gender equality) are on file with OGC.

An internet-based version of the tool kit is under development, including hypertext links to ADB and external resources that will enable the tool kit to be updated and supplemented at regular intervals.

I. Gender, Law, and Policy in Development: An Overview

A. Gender, Law, and Policy—What Are the Links?

Gender equality and good governance—including the rule of law—are widely accepted development goals. Both are recognized as important goals in their own right and as essential to poverty reduction and broad-based, sustainable development. At the World Summit in September 2005, DMCs and other countries reaffirmed the importance of these goals to their own development strategies and committed themselves to take concrete actions to achieve them.

These goals are closely linked and interdependent. Inequalities between men and women are rooted in, and reinforced by, social norms, practices, laws, and policies. Progress in narrowing gender gaps and expanding opportunities for women as well as men therefore depends on making these formal and informal institutions more equitable and responsive (Jütting and Morrison 2005; UN Millennium Project 2005; World Bank 2001). At the same time, more equitable participation of women in national and local institutions can enhance the legitimacy and responsiveness of these institutions to citizens' needs (ADB 2004b; UNDP 2000; World Bank 2001).

Laws and policies are important instruments for social change, including positive changes in gender relations, the elimination of discriminatory practices based on gender, and empowerment of women and girls. For example, the constitutions of most DMCs include guarantees of equality and nondiscrimination, and many refer specifically to equality between the sexes. Several DMCs have also enacted statutes on gender equality or equal opportunity, and most DMCs have established national policies or action plans to promote gender equality (Appendix 1). Most DMCs have introduced laws, or amendments to existing laws, to eliminate discrimination in particular areas such as personal status, citizenship, land and other property, inheritance, contracts, taxation, employment, and elections. Many DMCs have also enacted laws to address harmful practices such as child marriage, domestic violence, and human trafficking. In several DMCs, public interest litigation has led to the annulment of discriminatory laws and encouraged gender reforms in laws and policies. Women's organizations have played an important role in promoting law and policy reforms through campaigns, lobbying, and litigation. (In India, for example, the Self-Employed Women's Association was instrumental in bringing about the International Labour Organization [ILO] Convention on Homework and India's national policy on street vendors.)

But laws, both formal and informal, and legal institutions also have a history of reinforcing discrimination and bias against women and other social groups. Despite constitutional and other commitments to gender equality, the legal systems of many DMCs still include laws and regulations that discriminate against women.

Laws and policies are important instruments for social change, including positive changes in gender relations, the elimination of discriminatory practices based on gender, and empowerment of women and girls

Customary norms and practices can also discriminate against women and other groups. The indifference or bias of government officials can also lead to the discriminatory application of laws and policies, or to their lack of enforcement altogether.

Laws, policies, and regulations that are apparently gender neutral can inadvertently disadvantage or harm women and other social groups.

For example, recent land reform laws and programs in some transition countries have resulted in serious gender imbalances in the allocation of land (Box 1). Some decentralization laws and policies have also resulted in the issuance of discriminatory regulations by local governments (Box 2).

Some laws and policies originally adopted to protect women, particularly in the area of labor regulation, can substantially limit women's economic opportunities or their access to certain occupations. For example, the labor laws of several DMCs prohibit or severely restrict night work for women. These restrictions are being reexamined in several countries.

ADB staff should therefore be aware of the gender implications of the law, policy, and institutional reforms that ADB supports in its DMCs and seize opportunities to help DMCs address gender biases and gender gaps in their law and policy frameworks.

B. Relevance of GLP to ADB Policies and Strategies

Attention to GLP issues in ADB operations furthers several key ADB policies, strategies, and other commitments:

- ADB's **Policy on Gender and Development** (1998) requires mainstreaming of gender considerations in all aspects of ADB operations, but also supports gender-focused activities, especially to address wide gender disparities and severe social constraints on women's or girls' opportunities and activities.
- Its **Policy on Governance** (1995) supports the principles of transparency, participation, accountability, rule of law, and legal empowerment. A recent review of the policy also emphasized the need for greater attention to governance issues in particular sectors.
- Its **Enhanced Poverty Reduction Strategy** (2004) emphasizes the importance of addressing multiple dimensions of poverty (including insecurity and disempowerment) and reaffirms that gender should be a crosscutting priority in all poverty reduction efforts.
- Its **Social Protection Strategy** (2001) supports the protection of workers through the implementation of international core labor standards, which include standards on the elimination of discrimination in employment and equal remuneration for work of equal value (Section II.B.1).²

² ADB also has a memorandum of understanding with the International Labour Organization (ILO) to facilitate collaboration in matters of common interest, including international labor standards.

Box 1. Land Reforms in Viet Nam and Lao People's Democratic Republic

Women's entitlement to own land can be limited by customary norms and practices, discriminatory statutes and regulations, the biases of government officials involved in land administration, or lack of awareness among women and men of their property rights. Land reform programs that are intended to be gender neutral can also disadvantage women if they are not carefully designed and implemented. For example, Viet Nam's 1993 Land Law provided for the issuance of land use certificates (LUCs) to "land users" in rural areas, without discrimination based on gender or age. However, the LUC forms originally had a space for only one name per family, and were typically registered to the designated "head of household," usually assumed to be the eldest male in the family. Consequently, in cases where husbands had migrated for work or died, or in cases of divorce, wives had difficulty establishing a claim to the land or using it as collateral.

The 2000 Law on Marriage and Family attempted to address this problem by stipulating that LUCs for household common land must list the names of both spouses. However, the General Department of Land Administration has lacked the capacity and resources to implement this provision of the 2000 law, which could involve the reissuing of as many as 10 million LUCs. As

Sources: ADB 2002b; ADB 2004a; UN Country Team Viet Nam 2003; World Bank 2002.

of 2003, less than 3% of LUCs had been registered to both spouses. The land allocation regulations, which are based on the working age of household members, have also disadvantaged women-headed households, since the retirement age for women is 5 years younger than for men, and since women-headed households tend to include fewer members of working age. As of 2003, total farmland for women-headed farms averaged only 54% of that of farms headed by men.

In the Lao People's Democratic Republic, by contrast, the Lao Women's Union lobbied to ensure that the new Land Law would protect the traditional rights of ethnic Lao women to inherit family land. As a result, the 1998 Land Law expressly provides for the names of both spouses to be recorded in the register of family-owned land, and considerable attention has been paid to raising awareness of women's land rights in two land titling projects supported by the World Bank and the Australian Agency for International Development. In the first project, close to 40% of land titles were issued to women, about 30% were issued to men, and about 30% were issued jointly to both spouses.

Box 2. Decentralization in Indonesia

Under Law No. 22/1999, Indonesia embarked on an ambitious program to transfer authority to local governments to manage their own affairs. The decentralization process was intended to increase participation in local government decision making and to make local government more responsive and effective. The law did not refer to women or to gender issues, but it was expected to expand women's opportunities to participate in local decision making and to benefit women by improving the delivery of basic services.

So far, the impact of decentralization on women and on gender issues appears to have been mixed. Since 1999, a large number of citizen's forums have been established at the local level, and women have been active in many of them. However, very few women now hold decision-making positions in local government. Under decentralization, traditional village governance systems have been reintroduced. In West Sumatra, for example, new district regulations have reinstated women elders in the traditional village councils in matrilineal communities. However, the resurgence of interest in traditional norms and practices has also led some district governments to introduce new regulations restricting women's

Source: ADB et al. 2006a.

dress, nighttime travel, and participation in village elections. These regulations have been justified as necessary to maintain "morality and order" and are part of a larger pattern of aggressive rule-making by the newly empowered local governments.

Steps have now been taken to address flaws in the 1999 decentralization law and to strengthen the attention to gender issues at the local level. New Law No. 32/2004 clarifies the authority to local governments and requires that any local regulations comply with existing laws. A 2003 ministerial decree requires the establishment of Women's Empowerment Divisions at the provincial and district levels, and calls for the mainstreaming of gender concerns in district planning, implementation, monitoring, and evaluation.

A 2003 amendment to the Election Law also encourages political parties to include at least 30% women in their candidate lists for local as well as national elections. This resulted in some increase in women's representation in elected bodies following the 2004 elections.

C. Gender Issues in Law and Policy

When the law and policy frameworks in DMCs are examined, some general points should be kept in mind:

The “legal system” in place in most DMCs actually includes several distinct but interconnected systems of laws and norms, including:

- **international law**, including multilateral, regional and bilateral treaties to which the DMC is a party, as well as international and regional declarations and other undertakings that the DMC has endorsed;³
- **state law**, including the constitution, statutes, national policies and action plans, executive orders and regulations, and court decisions;
- **religious law**, which may be codified or interpreted by religious or civil courts;
- **customary law**, which may also be codified or interpreted by courts;
- **project or “donor” law**, including procurement and other rules that apply to particular projects or programs;
- **organizational law**, such as bylaws of user groups and business codes of conduct; and
- various **local norms**, which may include elements of other laws (Meinzen-Dick, Pradhan, and Pradhan 2002).

International and state laws include both “hard” and “soft” laws. “Hard laws,” which are considered to be legally binding, include treaties, the constitution, statutes, regulations, and court decisions. “Soft laws,” which are more aspirational, include outcome documents of international summits and conferences, national development plans and poverty reduction strategies, national policies and action plans on gender equality and other issues, and sector policies and action plans. In many countries, “soft law” instruments actually carry more weight with policy makers and are more directly linked to government budgets and to specific projects and programs. ADB’s operations in DMCs are also closely linked to “soft law” instruments such as national poverty reduction strategies and sector policies. For these reasons, this tool kit covers both “laws” and “policies.”

ADB’s member countries, including its DMCs, have made a number of international commitments to gender equality. These are reflected in “hard law” instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and some key ILO convention relating to equality, and in “soft law” instruments such as the Beijing Platform for Action (the outcome document of the Fourth World Conference on Women in 1995) and the outcome documents of the Millennium Summit and 2005 World Summit.⁴ The Millennium Development

³ “International law,” which is also referred to as “public international law,” consists of the principles and rules that govern relations among states, international organizations, and citizens of states. The main sources of international law include treaties and other international instruments, custom (which is derived from the consistent practices of states), and general principles (which are recognized by most legal systems). International law instruments come in a variety of forms, reflecting the different practices of states and international organizations. The most important distinction is that between instruments that are intended to be legally binding on state parties (including those titled as “treaties,” “covenants,” “conventions,” “protocols,” and “agreements”), and instruments that are not binding but reflect the aspirations of states (including most instruments titled as “declarations,” “platforms,” “programs,” or “plans of action”). See <http://untreaty.un.org/English/guide.asp>.

⁴ The ILO Declaration on Fundamental Principles and Rights of Work, adopted by the ILO Conference in 1998, is somewhat unique. It provides that all ILO members have an obligation to promote the fundamental principles and rights outlined in the declaration—often referred to as “core labor standards” (CLS)—even if they have not ratified the related ILO conventions.

Box 3. International Commitments to Gender Equality

The **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)** was adopted in 1979 by the UN General Assembly and entered into force in 1981. As of December 2005, 180 countries had ratified or acceded to CEDAW, including virtually all of the DMCs of the Asian Development Bank (Appendix 1). CEDAW requires state parties to take appropriate steps in all fields to eliminate discrimination against women and to guarantee women the enjoyment of their human rights and fundamental freedoms on a basis of equality with men. CEDAW permits state parties to adopt “temporary special measures aimed at accelerating de facto equality between men and women” (Article 4.1), and requires state parties to “modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women” (Article 5[a]). CEDAW provides for the establishment of an expert committee to oversee its implementation, and requires state parties to submit national reports to the expert committee on their progress in implementing the convention at least every 4 years. Over a period of years, the expert CEDAW committee has issued 25 general recommendations on various issues of application and interpretation. Additional information on CEDAW, including links to country reports and the committee’s concluding comments on these reports, is available at www.un.org/womenwatch/daw/cedaw.

The **Optional Protocol to CEDAW**, which was adopted by the UN General Assembly in 1999 and entered into force in 2000, establishes two additional procedures under the convention: (i) a communications procedure, which permits individual women or groups of women to submit claims of violation of their rights under CEDAW to the CEDAW committee for review; and (ii) an inquiry procedure, which permits the CEDAW committee to initiate inquiries on the basis of “reliable information indicating grave or systematic violations” by a state party of rights guaranteed by the convention. As of December 2005, several DMCs had become parties to the Optional Protocol (Appendix 1).

Several **conventions adopted by the ILO** and ratified by its member countries address the situation of female workers. These include conventions on nondiscrimination in employment, equal remuneration for work of equal value, maternity leave and benefits, and part-time and home-based work. These and other conventions are discussed below in Section III.B.

Several other treaties that ADB’s member countries have ratified, such as the Convention on the Rights of the Child, include commitments to protect against discrimination based on sex.

The **Beijing Declaration and Beijing Platform for Action** are the outcome documents of the Fourth World Conference on Women held in Beijing in 1995. Delegates from 189 countries, including virtually all DMCs, attended the conference. The

Platform for Action builds on the commitments made at previous world conferences on women. It sets out a comprehensive agenda of actions to be taken by governments, multilateral financial and development institutions (including ADB), bilateral development agencies, national and international nongovernment organizations (NGOs), and women’s groups in 12 strategic areas: (i) poverty, (ii) education and training, (iii) health care, (iv) violence against women, (v) armed conflict, (vi) the economy, (vii) power and decision-making, (viii) institutional mechanisms for the advancement of women, (ix) human rights of women, (x) media, (xi) environment, and (xii) the girl-child. Most DMCs have developed national plans of action to implement their commitments under the Beijing Platform. Countries’ progress in implementing the Beijing Platform was reviewed by a special session of the UN General Assembly in 2000, and by the UN Commission on the Status of Women in 2005. Additional information on the Beijing Platform is available at www.un.org/womenwatch/asp/user/list.asp?ParentID=4001 and www.un.org/womenwatch/daw/Review/english/news.htm.

The **Cairo Programme of Action** is the outcome document of the International Conference on Population and Development, held in Cairo in 1994. All but two DMCs attended the Cairo conference (Timor-Leste, which did not yet exist, and Nauru). The Programme of Action adopted at the conference emphasized the strong links between population and development. In particular, it highlighted the importance of empowering women; providing them with expanded access to education and health care services, skill development and employment; and fully involving them in policy and decision making at all levels. The Cairo Programme outlines a comprehensive set of actions to be taken by governments, the international community, and other actors related to (i) the interrelationships between population, sustained economic growth, and sustainable development; (ii) gender equality, equity, and empowerment of women; (iii) the family, its roles, rights, composition, and structure; (iv) population growth and structure; (v) reproductive rights and reproductive health; (vi) health, morbidity, and mortality; (vii) population distribution, urbanization, and internal migration; (viii) international migration; (ix) population, development, and education; and (v) technology, research, and development. Most DMCs have developed plans of action to implement their Cairo commitments. Countries’ progress in implementing the Cairo Programme of Action was reviewed by the UN General Assembly in 1999 and by the UN Commission on Population and Development in 2004. Additional information on the Cairo Programme of Action is available at www.unfpa.org/icpd/icpd.htm.

The **Millennium Development Goals (MDGs)** are a synthesis of international development commitments made at various UN conferences during the 1990s and reaffirmed by governments at the Millennium Summit in 2000. They include two gender-specific goals, with related targets and indicators: Goal 3, to promote gender equality and empower women; and Goal 5,

Box 3. International Commitments to Gender Equality (cont'd.)

to improve maternal health. Gender equality is also essential to achieving the other MDGs related to the eradication of extreme poverty and hunger, achievement of universal primary education, reduction in child mortality, prevention and treatment of HIV/AIDS and other diseases, and promotion of environmental sustainability.

In the **2005 World Summit Outcome**, DMCs and other governments reaffirmed their commitment to promote gender equality and the empowerment of women (MDG 3) by "(i) eliminating gender inequalities in primary and secondary education by the earliest possible date and at all educational levels by 2015; (ii) guaranteeing the free and equal right of women to own and inherit property and ensuring secure tenure

of property and housing by women; (iii) ensuring equal access to reproductive health; (iv) promoting women's equal access to labor markets, sustainable employment, and adequate labor protection; (v) ensuring equal access of women to productive assets and resources, including land, credit, and technology; (vi) eliminating all forms of discrimination and violence against women and the girl child; [and] (vii) promoting increased representation of women in government decision-making bodies, including through ensuring their equal opportunity to participate fully in the political process." (para. 58) The World Summit Outcome also calls for continued efforts to "eradicate policies and practices that discriminate against women and to adopt laws and promote practices that protect the rights of women and promote gender equality." (para. 134[d]).

Goals (MDGs), which include a specific goal on gender equality and women's empowerment, have been strongly endorsed by both ADB and its member countries. Box 3 describes these international commitments in more detail.

Table 1 shows the links between these commitments and ADB's sector operations. Appendix 1 summarizes each DMC's commitments to gender equality.

Law and policy frameworks have several dimensions:

- the **substance** or "content" of the law or policy;
- the **institutions** or other mechanisms for implementing the law or policy; and
- the **context** in which the law or policy operates, including social and economic conditions and the attitudes of government officials and people in the society or community (Friedman 1969; Schuler 1986; Jalal 1998).

From a gender perspective, laws and policies can have various intentions and effects:

- Some laws and policies may expressly **promote equality and nondiscrimination**, such as the equality and nondiscrimination provisions in many constitutions, and statutes on equal opportunity and equal pay.
- Other laws and policies **support special measures** to correct past discrimination and accelerate progress toward gender equality, such as targets or quotas for women's participation in election laws and civil service rules, and laws or guidelines establishing scholarship programs for girls.
- Some laws or policies provide **special protections to women** related to their reproductive functions, such as maternity leave and maternity benefit laws. Others are based on general assumptions about women's vulnerability, such as labor laws restricting night work or access to certain occupations. It should be noted, however, that night-work prohibitions and similar "protective" laws have been challenged as they can restrict women's economic opportunities.
- Many laws and policies are **gender neutral but provide substantial benefits to women**, including workplace safety laws and laws/policies that extend protections to informal sector workers.

Table 1. International Gender Equality Commitments and ADB Operations

ADB Sector	Convention on the Elimination of All Forms of Discrimination Against Women	ILO Conventions Numbers 100 and 111	Beijing Platform for Action*	Millennium Development Goals	2005 World Summit Outcome (section on Gender Equality and Empowerment of Women)
Agriculture and Natural Resources	Article 14 (eliminate discrimination against women in rural areas)		Strategic Objective A.1 (enhance female farmers' access to land, technology, and financial, extension and marketing services)	Goal 1 (eradicate extreme poverty and hunger)	Paragraph 58(e) (equal access to land, credit and technology) and 58(b) (equal right to secure tenure of property and housing)
Education	Article 10 (eliminate discrimination in education)	Number 111 (promote equal opportunity and treatment in vocational training)	Strategic Objective B (ensure equal access to education; develop to non-discriminatory education and training)	Goal 3/Target 4 (eliminate gender disparity in education)	Paragraph 58(a) (eliminate gender inequalities in education)
Finance	Article 13(b) (right to bank loans, etc.)		Strategic Objective A.3 (provide women with access to financial services and institutions), and F.1 (eliminate biases in finance laws)		Paragraph 58(e) (equal access to credit)
Health	Article 12 (eliminate discrimination in health care)		Strategic Objectives C (increase women's access to appropriate, affordable and quality health care; take gender-sensitive actions to address HIV/AIDS and other STIs), and D (take integrated measures to prevent and eliminate violence vs. women)	Goal 5 (improve maternal health)	Paragraph 58(c) (equal access to reproductive health) and 58(f) (eliminate violence against women and girls)
Industry and Trade	Article 11 (eliminate discrimination in employment)	Number 111 (promote equal opportunity and treatment in employment and occupation, and repeal discriminatory laws and practices)	Strategic Objective F (promote women's access to employment; strengthen women's economic capacity and networks; eliminate employment discrimination)	Goal 3/Indicator 11 (women's share of non-agricultural wage employment)	Paragraph 58(d) (equal access to labor markets, sustainable employment, and adequate labor protection)
Infrastructure	Article 14(h) (right to electricity, transport, and communications)		Strategic Objective F.2 (include women's priorities in public infrastructure investments; involve women in project planning and implementation, including through access to contacts and employment)		
Law, Economic Management, and Policy Planning	Articles 2 (eliminate discrimination through legislation and other means), 3 (ensure development and advancement of women through legislation and other means), 7 (eliminate discrimination in political and public life), and 5 (equality before the law)	Number 100 (promote equal remuneration for work of equal value, and set wage rates without discrimination based on sex)	Strategic Objectives G.1 (ensure women's equal access to power structures and decision-making); H (integrate gender perspective in laws and policies; collect and analyze sex-disaggregated data); and I (promote and protect women's human rights; ensure equality and nondiscrimination under law and in practice; achieve legal literacy)	Goal 3/Indicator 12 (women's representation in national parliament)	Paragraph 58(b) (equal right to own and inherit property), 58(f) (eliminate all forms of discrimination against women and girls) and 58(g) (promote increased representation of women in government decision-making bodies)
Urban and Rural Development (Multisector)			Strategic Objectives F.2 (include women's priorities in public investments in basic infrastructure); and K.2 (support women's equal access to housing, infrastructure and safe water)	Goal 7/Target 11 (slum improvements)	Paragraph 58(e) (equal right to secure tenure of property and housing)
Water Supply and Sanitation (WSS)	Article 14(h) (right to water supply)		Strategic Objective K.2 (support women's equal access to safe water)	Goal 7/Target 10 (safe drinking water and sanitation)	

* Similar commitments are found in the Cairo Programme of Action.

ADB = Asian Development Bank, HIV/AIDS = human immunodeficiency virus/ acquired immune deficiency syndrome, ILO = International Labour Organization, STI = sexually transmitted infection.

- However, other **apparently gender-neutral laws and policies may actually disadvantage women**, such as laws that vest rights only in “heads of household,” landowners, or full-time formal-sector workers.
- Some laws and policies **clearly discriminate between women and men**, such as:
 - inheritance laws and customs that provide different shares of family property to male and female relatives, or that allocate family land only to male heirs;
 - laws that set different requirements for women and men (for example, to establish citizenship, obtain a divorce, give evidence in court, or establish that a crime has occurred);
 - laws or procedures that permit women to enter into contracts, obtain credit, seek employment, migrate, or take other actions only with their husband’s or a male relative’s consent;
 - wage orders or regulations that provide for different wage rates between men and women, or which are gender biased in the way they value the work to be done;
 - laws that restrict the access of women to certain occupations; and
 - laws that provide for the payment of allowances, such as family allowances, only to male workers or to the “head of the household,” which is defined as a male household member.

Internal inconsistencies within legal systems can undermine laws and policies that promote gender equality. These can include the following:

- **Inconsistencies between international law commitments and state laws.** For example, all but three DMCs are parties to CEDAW, which requires state parties to “take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against women.” But various forms of discriminatory laws, customs, or practices persist in all DMCs, as in virtually all countries;⁵
- **Inconsistencies between state laws.** For example, Nepal’s Constitution guarantees fundamental rights and equal treatment without discrimination on the basis of sex, but the Constitution includes discriminatory provisions related to citizenship and 137 discriminatory laws have also been identified and are the subject of pending amendments;
- **Inconsistencies between state laws and administrative procedures.** For example, as noted in Box 1, Viet Nam’s land law provides for the issuance of LUCs without any sex-based restriction, but the LUC forms that were originally issued provided space for only one name and were generally issued only to heads of households, who are predominantly men;
- **Inconsistencies between national and local laws and regulations.** For example, as described in Box 2, some local governments in Indonesia have issued discriminatory regulations that conflict with the constitution and national laws and policies supporting gender equality;

⁵ As shown in Appendix 1, some DMCs have declared “reservations” to particular provisions of CEDAW, indicating that they do not intend to be bound by those provisions (for example, because of a perceived conflict between the CEDAW provisions and state, religious, or customary laws).

- **Inconsistencies between state laws and customary practices.** For example, the land and inheritance statutes in many DMCs provide equal rights to women and men to inherit, acquire, and transfer land, but customary land tenure practices still restrict women from inheriting or acquiring land, or social pressure causes them to relinquish their land rights to male family members; and
- **Overlapping jurisdiction between tribunals.** For example, in Indonesia certain marital, inheritance, and property disputes can be heard in either civil courts or religious courts or decided by traditional village councils, but many women prefer to resolve these disputes in civil courts, unless they reside in matrilineal communities where customary or adat law is more favorable to them.

Customary laws and practices often discriminate against women, but not always. For example, in matrilineal and bilateral kinship groups in India, Indonesia, and Lao People's Democratic Republic (PDR), women have at least equal inheritance and property rights, and female elders may play important roles in local decision making and settlement of disputes.

Various gaps and weaknesses in law and policy frameworks can undermine their effectiveness in promoting equal treatment of women and other social groups. These gaps and weaknesses relate to the substance of the law/policy, the gender inclusiveness and quality of the consultative process for drafting it, the institutions or mechanisms for implementing it, and the social and economic context in which it operates, and can include any of the following:

- **gaps in the coverage of the law/policy** such as exemptions from labor laws for export processing zones, agricultural enterprises, and domestic workers and the general lack of legal protection to migrants;
- **lack of an enforcement mechanism**, for example, for constitutional or statutory guarantees of equality and nondiscrimination;
- **inadequate funding and staffing** of existing implementation and enforcement agencies, such as labor inspection departments, ministries and departments of women's affairs, and women's police desks;
- **complicated, time-consuming, and expensive procedures** to assert legal claims with administrative agencies and formal courts;
- **lack of awareness, bias, or indifference** of government administrators and law enforcement officers;
- **corruption and other forms of poor governance**, for example, demands by government officials for informal payments to issue identity papers, register land, prosecute claims, or perform other public services;
- **women's lack of awareness** of their rights and of the relevant administrative or judicial procedures to assert those rights; and
- **women's lack of time, financial resources, mobility, and power** to pursue claims or seek legal protection.

Other forms of deprivation and discrimination—related to poverty, ethnic or religious identity, citizenship, disability, age, or other factors—can raise similar barriers to equal treatment and access to justice. For those who suffer **multiple forms of deprivation and discrimination**, such as poor, ethnic minority, disabled, or migrant women, the barriers are considerably higher. Illiteracy, lack of awareness of legal and administrative

processes, and lack of resources and other support to pursue legal and administrative claims are especially acute problems for women in poor and marginalized communities.

Table 2 identifies critical GLP issues in the main sectors and multisector areas that ADB supports. These issues, discussed further in Section IV, can be addressed through policy dialogue, loan and grant operations, TA activities, capacity development initiatives, research, and knowledge products.

Table 2. Selected Gender, Law, and Policy Issues in Key Sectors

Gender, Law, and Policy Issues	Relevant Sectors and Areas
Discriminatory Laws, Regulations, and Policies	
Discriminatory citizenship laws, e.g., restricting women's ability to obtain identification cards or passports	Governance
Discriminatory inheritance laws, e.g., religious or customary laws and practices under which land passes only to male relatives, assets are distributed unequally between male and female relatives, or widows have no ownership or use rights with respect to the family homestead	Agriculture, Finance and SME Development (lack of collateral)
Discriminatory land laws, e.g., customary laws and practices under which only male household members can own or transfer land	Agriculture, Urban Development, Finance and SME Development (lack of collateral), Infrastructure (resettlement issues)
Discriminatory tax laws and regulations, e.g., restricting married women from obtaining their own tax identification numbers	SME Development
Discriminatory banking laws and regulations, e.g., bank procedures precluding women from obtaining loans without the consent or guarantee of their husband or a male relative	Agriculture, Finance, and SME Development
Legal requirements that women obtain their husband's or a male relative's consent for medical procedures, employment, travel, purchase or lease of real estate, pledging of land or other assets, or executing contracts or other legal documents	Various sectors
Legal or regulatory restrictions on pregnant or married girls attending public school	Education
Protective Laws and Regulations	
Laws or regulations prohibiting or restricting women's work at night or in "hazardous" occupations	Industry
Laws or regulations prohibiting or restricting women's overseas travel, e.g., for domestic work	Regional Cooperation
Apparently Gender-neutral Laws, Regulations, and Policies with Potentially Discriminatory Effects	
Rigid education requirements and other criteria for civil service positions, including extension workers, teachers, and health workers	Governance, Agriculture, Education, and Health
High literacy requirements for locally elected officials or managers of cooperatives or user groups	Governance, Agriculture, WSS, and Urban Development
Limitation of membership in community organizations, including local school and health committees, cooperatives, or user groups, to registered landowners or "heads of households"	Governance, Agriculture, Education, Health, WSS, and Urban Development
Restriction in land laws and regulations on allocation and registration of land to heads of household	Agriculture, Urban Development, Finance and SME Development (lack of collateral), and Infrastructure (resettlement issues)

Table 2. Selected Gender, Law, and Policy Issues in Key Sectors

Gender, Law, and Policy Issues	Relevant Sectors and Areas
Apparently Gender-neutral Laws, Regulations, and Policies with Potentially Discriminatory Effects	
High user fees for basic services	Education, Health Care, and WSS
High up-front connection charges for water, energy, or telecommunications services	WSS and Infrastructure (energy and telecommunications)
Delegation of government decision-making to traditional leaders, councils, or tribunals	Governance
Complicated procedures and high fees for small business registration, loan applications, administrative claims, or court filings	Governance, Finance, and SME Development
Different minimum wage scales or benefit packages for work of equal value in male- and female-dominated jobs, or job classification systems that are gender-biased	Governance and Industry
Social security or insurance laws limiting eligibility to full-time, formal-sector workers	Industry
-s in Law and Policy Frameworks	
Exclusion of agricultural workers, export processing zone workers, or migrant workers from protection of national labor laws	Agriculture and Industry
Lack of legal protection against gender-based violence e.g., domestic violence	Governance and Health
Lack of antidiscrimination laws protecting people living with HIV/AIDS	Health and HIV/AIDS
Weaknesses in Implementation and Enforcement of Laws and Policies	
Lack of implementation of legal or policy requirements for gender balance in civil service positions (including extension workers, teachers, and health workers), local government, cooperatives, or user groups	Governance, Agriculture, Education, Health, WSS, and Urban Development
Lack of equitable enforcement of land reform, land registration, or tenancy laws	Agriculture, Finance, and SME Development
Lack of enforcement of labor laws, e.g., on equal pay for work of equal value, nondiscrimination against pregnant worker maternity leave, or separate toilet facilities for men and women.	Industry
Lack of implementation of laws and regulations on birth and marriage registration, child marriage, and dowry	Governance; indirect impact in Education, Health, and other sectors
Weaknesses in Government Capacity to Analyze and Address GLP Issues	
Lack of mechanisms for gender analysis of proposed law and policy reforms	All sectors
Lack of awareness among government officials of gender equality provisions in existing laws and policies	All sectors
Lack of awareness of potential for gender bias in implementation of apparently "gender-neutral" laws and policies	All sectors

D. Rationale for Special Measures to Address Gender Disparities and Discrimination

Both confusion and debate surround the subject of “affirmative action” and other special measures to address gender and other forms of discrimination. When the appropriateness of these measures in a particular program or project is considered, some general points should be kept in mind:

Relevant and realistic targets for increasing women’s participation in public decision making and development activities and other special measures—such as scholarships, grants, credit, special training programs, formation of self-help groups, and other social mobilization activities—**can be extremely effective** in redressing serious gender imbalances in government offices and elected bodies, and in overcoming social and other barriers that prevent women and girls from accessing basic services and economic opportunities.

These special measures have a strong basis in international and national laws and policies:

- Article 4 of CEDAW endorses “temporary special measures aimed at accelerating de facto equality between men and women”;
- Paragraph 182 of the Beijing Platform for Action endorses a target of at least 30% of women in decision-making positions; and
- most DMCs have established targets for increasing women’s participation in public decision-making or other areas. These targets may be established in the constitution, specific statutes, the national poverty reduction strategy or development plan, the national MDGs, the national action plan to promote gender equality, or specific sector strategies.

The 30% target for women’s participation in public decision making in the Beijing Platform for Action, endorsed by 189 countries including virtually all DMCs, should generally be viewed as a minimum. It reflects the concept of “critical mass”—the minimum level of representation at which women feel comfortable participating in and can begin to influence the decision-making process (UNDP 2000).

The international 30% target and national targets (which may be higher) can provide a general guide for setting targets in particular programs and projects. However, **local conditions and women’s preferences** also need to be considered.

Targets are usually not enough, however. To ensure that targets are met and result in women’s meaningful participation, complementary measures will usually be needed. These could include:

- changes in the selection process for the targeted positions;
- supplementary training to enable female candidates to compete, for example, in civil service examinations;
- gender sensitization of male government officials and community leaders;
- relevant and appropriately scheduled capacity-building activities for the women who are selected under the target; and
- regular monitoring of the activities of the targeted women and their colleagues and supervisors.

II. Gender, Law, and Policy in Country Partnership Strategies

This section is intended to provide guidance to ADB staff and consultants involved in specific country programming activities, including (i) country performance assessments for Asian Development Fund (ADF)-eligible countries, (ii) preparation of CGAs, and (iii) preparation of CPSs (Table 3).

Table 3. Gender, Law, and Policy in Country Partnership Strategies

Country Programming Activity	Gender, Law, and Policy (GLP) Activity
Country performance assessment (for Asian Development Fund-eligible countries)	Consider laws and policies relevant to the gender equality rating that is part of the country performance assessment
Country gender assessment	Analyze key laws, policies and institutions relevant to gender equality (including implementation and enforcement issues)
Country gender strategy (appendix to country partnership strategy)	Highlight key GLP issues from full country gender assessment
Sector road map (appendix to country partnership strategy)	Highlight key GLP issues in the sector, based on the country gender assessment, sector studies, or recent experience in Asian Development Bank projects.

A. Gender Ratings for Country Performance Assessments

Under ADB's revised Policy on the Performance-Based Allocation of ADF Resources (2004), allocations of ADF resources are made based on a **country performance assessment** that includes **gender equality** as one of several rating categories. Under the revised policy, ADB's criteria for performance-based allocations have been harmonized with the World Bank's criteria for country performance and institutional assessments (CPIAs). The gender equality rating in ADB's policy is based on criteria that the World Bank originally developed for its CPIAs.

Specifically, the **gender equality rating** is based on an assessment of "the extent to which the country has enacted and put in place institutions and programs to enforce laws and policies that:

- promote equal access for men and women to human capital development opportunities;
- promote equal access for men and women to productive and economic resources; and
- give men and women equal status and protection under the law."

The laws and policies that should be considered in developing a gender equality rating are described in Table 4. The complete guidelines for developing a gender equality rating are in Appendix 2.

Attention to gender, law and policy issues can enhance the quality of country partnership strategies, including sector road maps

Table 4. Relevant Laws and Policies for Gender Equality Rating

Rating Criteria	Relevant Laws and Policies
Human capital development opportunities	Laws and policies governing access to primary and secondary education, family planning services, and antenatal and delivery care
Equal access to economic and productive resources	Laws and policies governing labor force participation and remuneration, business ownership and management, and land tenure and inheritance
Equal status and protection under the law	Laws and policies related to personal status and citizenship, violence against women, and political participation at the national and local levels

B. Country Gender Assessments

Under ADB's Policy on Gender and Development, a **CGA** must be prepared and updated periodically as an input to the preparation of each CPS. The CGA should include one or more sections on key laws, policies, and institutions relevant to gender equality in the country, including consideration of inconsistencies, gaps, or weaknesses in these laws, policies, and institutions. Box 4 illustrates the range of law and policy issues and institutional factors that can be explored through a CGA. Suggested terms of reference for analyzing GLP issues in CGAs are provided in Appendix 3.

Box 4. Country Gender Assessment for the People's Republic of China

The People's Republic of China (PRC) has made great strides in reducing income poverty levels and raising living standards for millions of its citizens. However, concern about growing inequality, particularly between urban and rural residents and between registered urban residents and unregistered migrant workers in urban areas, is substantial. Research also indicates that women and men have not benefited equally from the country's rapid economic growth, and that gender disparities have actually widened in some respects. The Asian Development Bank (ADB)'s country operations in the PRC are heavily concentrated in infrastructure development-including transport, energy, urban infrastructure, and water, sanitation and flood control facilities, although support is increasing for agriculture and natural resource management in the western region of the country. ADB is also providing grant-based support for policy analysis and reform to a wider range of sectors including finance, education, and health care. Partly because of the nature of its country operations, ADB addressed gender concerns only marginally in earlier loans and technical assistance to the PRC. However, a new CGA identifies a number of entry points for addressing gender concerns through ADB operations, consistent with the PRC's own international, national, and local commitments to gender equality and women's development.

The PRC has a strong law and policy framework for promoting gender equality and women's development. At the international level, the PRC is a party to CEDAW and has submitted several reports to the CEDAW expert committee on the implementation of its CEDAW commitments. The PRC has also ratified ILO

Conventions Nos. 100 and 111. The PRC has participated actively in international conferences on women, and hosted the Fourth World Conference on Women in 1995. The PRC Constitution establishes equal rights for women and men in political, economic, social, cultural, and family life. These rights are further elaborated in the Law for Protecting the Legal Rights and Interests of Women (Women's Law), which was enacted in 1992 and most recently amended in 2005. Notably, the 2005 amendments to the Women's Law establish gender equality as a general principle of national policy; clarify the responsibility of government departments to integrate women's development objectives into national and local planning and to protect women's rights and interests; prohibit sexual harassment and domestic violence against women; reaffirm the importance of increasing women's representation in national and local government; and introduce important supplements on women's rights related to work, social security, and land contracts. Equal rights for women and men are also stipulated in the laws on labor, elections, urban and village governance, land contracts, marriage and adoption, inheritance, education, health care, and civil and criminal matters. In addition, government commitments to gender equality are reflected in the Basic Policy on Equality between Men and Women and the current Programme for the Development of Chinese Women (2001-2010), and in local women's development programs established in more than 30 provinces, autonomous regions, and municipalities.

The main official bodies for promoting gender equality include the National Working Committee on Children and Women

Box 4. Country Gender Assessment for the People's Republic of China (cont'd.)

under the State Council; the Office for Workers, Youth and Women under the Standing Committee of the National People's Congress; and the All-China Women's Federation (ACWF) and local federations, committees, and groups. Despite this comprehensive law and policy framework, gaps and weaknesses in the implementation and enforcement of gender equality laws and policies are significant. For example, very few lawsuits have successfully challenged discriminatory government actions on the basis of the Constitution's broad provisions on gender equality. Despite impressive efforts by the ACWF and local women's federations, gender awareness within the general population, gender sensitivity among law enforcement officials and judges, and access to legal aid services, especially for poor women, are all still limited. At the same time, public sector reforms and market liberalization have resulted in disproportionate layoffs of women from the public sector, discriminatory hiring practices and wage setting in the expanding private sector, and gender biases in bank lending to small businesses. Despite gender equality provisions in land legislation, large numbers of rural women do not have secure land tenure due to patrilocal residence patterns, increasing divorce rates, and gender bias among local government officials and community leaders.

Women's representation in public decision-making bodies also remains extremely low (with the exception of urban resident committees), and women representatives are commonly assigned responsibility for "soft" areas such as education and health care. The introduction of fees for school and health especially in poor regions and settlements. Despite some relaxation of the household registration system (*hukou*), migrant workers living in urban areas continue to have limited access to education and health care services and little protection against unsafe working conditions and exploitative employers. Domestic violence disproportionately

Source: ADB et al. 2006b

harms women and girls and has been linked to the country's unusually high female suicide rate. Meanwhile, the expansion of road and highway networks is also increasing the risk of HIV infection and human trafficking in rural areas as well as urban centers.

The analysis of GLP issues in the CGA for the PRC suggests several opportunities for ADB to address GLP issues through its PRC operations. These include measures to (i) ensure gender balance, equal pay, and safe and appropriate working conditions in infrastructure and other projects, consistent with the Labor Law; (ii) ensure equitable representation of women in all local decision-making bodies involved in implementing infrastructure and other projects (including both existing bodies and new bodies established in resettled communities), consistent with the organic laws of villagers' committees and urban residents' committees; (iii) promote and protect women's equal land rights in both rural and urban development projects, consistent with the Law on Rural Land Contracts and other relevant laws; (iv) ensure equal access to credit and business services in private sector and financial sector development projects; (v) remove existing gender biases in social security programs, such as the earlier retirement age for women and allocation of certain benefits only to "heads of households"; (vi) ensure that migrant workers and their families have access to basic services and legal protections; and (vii) ensure that HIV and human trafficking risks are effectively addressed in transport and other large infrastructure projects, consistent with the Infectious Disease Prevention and Treatment Law, Women's Law, and other laws and policies addressing HIV/AIDS and trafficking. The CGA also identifies a range of potential partners to help implement and monitor these measures, including the ACWF and local women's federations, service-oriented women's organizations, occupational groups, and research institutes.

This **GLP analysis** should generally cover the following topics:

- **International treaties**, e.g., CEDAW, other human rights treaties and relevant ILO conventions; and any substantive reservations;⁶
- **Other international commitments**, e.g., the Beijing Platform for Action and Cairo Programme of Action;⁷
- **Constitutional provisions**, e.g., on equality and nondiscrimination; civil, political, cultural, economic, and social rights; protection of constitutional rights; and any priority given to religious or customary laws;
- **Any gender equality or equal opportunity law** and its enforcement mechanism;
- **The national policy and action plan on gender** equality and implementing bodies, e.g., national commission and/or ministry for gender equality or women's affairs;

⁶ See footnote 3 for information on international law instruments.

⁷ *Ibid.*

- **Gender equality goals, targets, and initiatives** included in the constitution, statutes, the national development plan, national poverty reduction strategy, national MDGs, or other sources;
- **Civil law and personal status/family law(s)**, including provisions on equality, citizenship, names, marriage and family, divorce, maintenance and child custody;
- **Property laws**, including those covering land, inheritance, registration, and ownership of businesses;
- **Labor and social security laws**, including provisions on equality and nondiscrimination, working conditions, parental leave, protection from hazardous or strenuous work, work and family measures, child labor, and social security entitlements; and any proposals to modify or repeal “protective” laws on night work or particular types of work;
- **Laws on health and reproductive rights**, including any law/policy on HIV/AIDS⁸ and other sexually transmitted infections;
- **Criminal laws**, including provisions on gender-based violence, sexual harassment, and human trafficking;
- General assessment of the **capacity of government bodies** to implement and enforce gender equality laws and policies;
- General assessment of **public awareness**, especially among poor and marginalized women, of their rights and of the procedures for making claims and obtaining legal protection; and
- General assessment of government and NGO activities to increase **legal literacy and access to justice**, especially among poor and marginalized women.

C. Country Gender Strategies

ADB’s Policy on Gender and Development also requires the preparation of a **country gender strategy** to be included as an appendix to each CPS. The country gender strategy is based on the CGA, but is relatively short (less than five pages) and therefore can only highlight the main findings and recommendations from the full gender assessment. In terms of **GLP issues**, the country gender strategy should generally highlight:

- **gender equality provisions** in the constitution, national development plan, and/or national poverty reduction strategy;
- the **gender equality law** (if any), **national action plan on gender equality**, and implementing bodies;
- any **recent or pending GLP initiatives**, e.g., gender reform of land, inheritance, or other laws; laws on equality in the workplace, gender-based violence, sexual harassment, or human trafficking; or measures to increase women’s representation in public decision making at national or local levels;
- any **other GLP issues in the main sectors that ADB supports**, which should be picked up in the relevant sector road maps discussed below.

⁸ Human immunodeficiency virus/acquired immune deficiency syndrome. This analysis should also address HIV/AIDS-related stigmas or discrimination; legal protections for people living with HIV/AIDS, if any; and provisions for HIV counseling and testing (which should be voluntary and confidential).

D. Sector Road Maps

For each CPS, **sector road maps** are prepared for each of the main sectors supported by ADB through its country operations and are included as appendixes to the CPS. These road maps are intended to identify key issues related to sector policies and institutions. Since gender is a crosscutting priority, the sector road maps should also identify any key GLP issues in the sector, based on the CGA, sector studies, or recent experience in ADB projects. These **GLP issues** might include any of the following:

- gender issues in the **main laws, policies, and institutions governing the sector**, such as:
 - gender bias or gender gaps in the sector law/policy;
 - gender bias in implementing or enforcing the sector law/policy;
 - gender balance or imbalance in staffing the sector ministry, especially at the local level;
 - the need for capacity building for ministry staff to understand and integrate gender concerns in their work; or
 - the need for targeted measures to ensure that women and men have equal access to government services in the sector.

- gender issues in **other laws, policies, and institutions affecting the sector**, including land law(s), the decentralization law/policy, labor laws/regulations, or civil service laws/regulations; and

- gender issues in **customary laws or practices affecting the sector**, e.g., relating to land tenure and use, management of other natural resources, tenancy arrangements, community decision making, resolution of local disputes, gender roles in the household, women's mobility, early marriage, or divorce matters including property allocation, maintenance, and child custody.

III. Gender, Law, and Policy in ADB Operations: General Considerations

This section provides an overview of GLP issues and interventions that ADB staff and consultants should consider in preparing loan and grant projects and programs, and in designing TA projects that address law or policy issues. In ADB's loan and grant operations, program and SDP modalities generally provide greater scope for addressing GLP issues because of their emphasis on policy and law reform, but project loans and grants may also present GLP issues. In addition to sector-specific issues, GLP issues can also arise in crosscutting areas such as labor standards, social safeguards, and capacity development (discussed in Section III.B). Advisory TA and regional TA (RETA) projects can be especially useful vehicles for analyzing persistent or emerging GLP issues in particular DMCs or regions, and for supporting law and policy reforms to address these issues. Knowledge products such as the CGAs described in Section II.B can provide valuable background on GLP issues to inform the design of loans, grants, and TA projects. As discussed further in Section III.B, the development of capacity within DMCs to analyze and address GLP issues can be supported through all of these modalities.

A simple checklist of questions can help identify gender, law and policy issues when preparing a project or program

A. Sector Analysis and Interventions

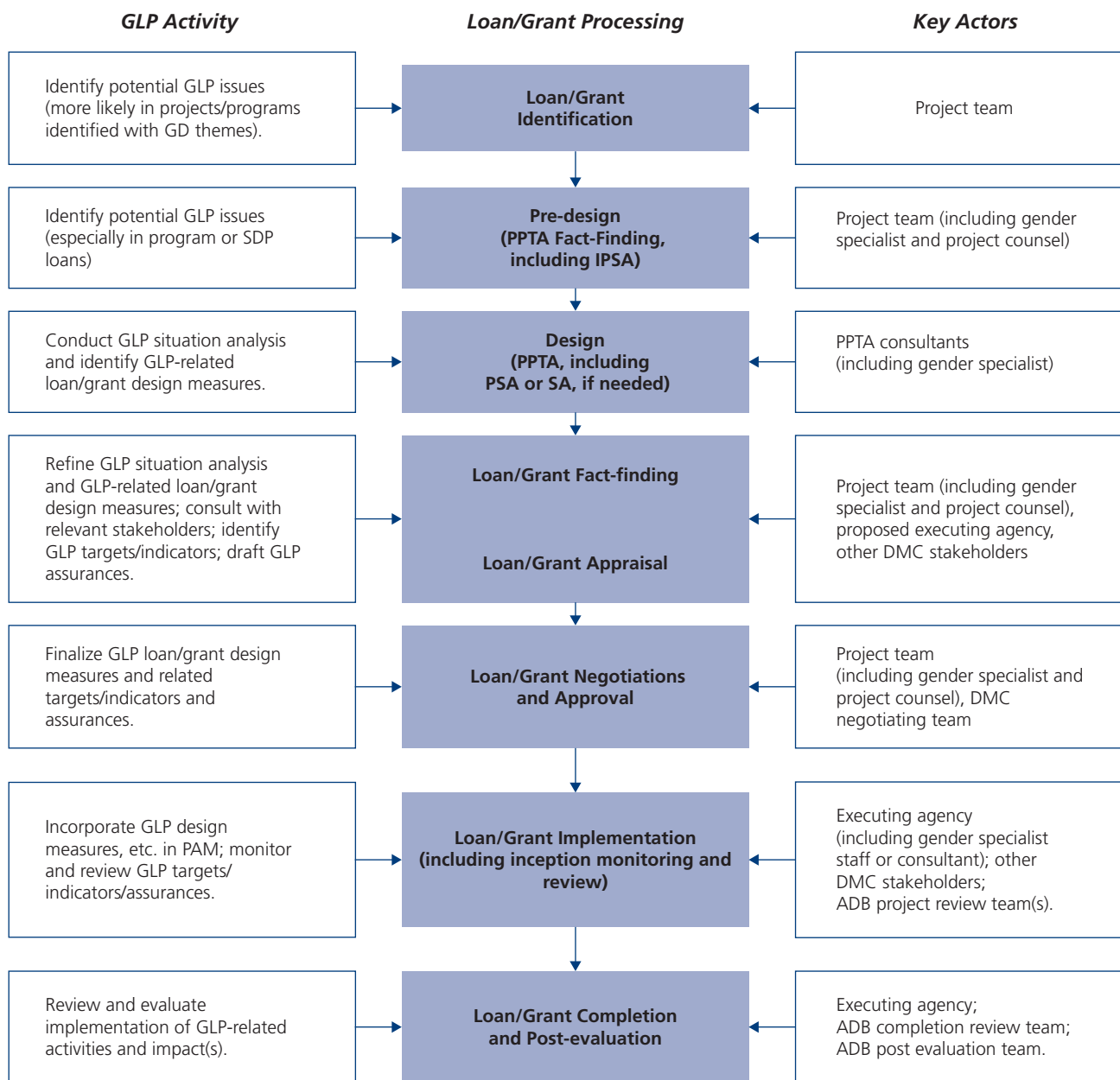
Project/program teams should consider GLP issues at the earliest possible stage in the preparation of a project or program—ideally during fact-finding for the project preparatory technical assistance (PPTA), advisory TA, or RETA. In the case of a loan or grant project/program, the analysis of GLP issues and design of GLP-related interventions should continue through the PPTA, fact-finding, and appraisal. Project counsel should also review these GLP issues at the earliest stage of their involvement in the project/program—ideally during the drafting of the PPTA paper, and then during the fact-finding and/or appraisal mission. Figure 1 illustrates how GLP issues can be identified, addressed, and monitored through the typical project/program cycle.

This subsection outlines general GLP issues and possible interventions to consider in the design of a loan, grant, or TA project. More sector-specific questions, sample assurances, and case studies are provided in Section IV. Project/program teams should also refer to the discussion of crosscutting issues in the following subsection, and to any gender/sector checklists that may be relevant.⁹ The references section at the end includes links to additional sector resources and country resources that may be

⁹ Footnote 1 lists the gender/sector checklists that are available. As noted earlier, these gender/sector checklists were designed primarily for use in project loans to ensure that women as well as men could participate in and benefit from project activities in the sector. However, the checklists include only brief discussions of law and policy issues. This tool kit therefore supplements the gender/sector checklists and can help ADB staff and consultants to analyze GLP issues more fully in proposed loans and grants. The tool kit should be particularly useful in designing program loans and SDP loans, where law and policy reforms play a critical role.

helpful. Appendix 3 provides suggested terms of reference for incorporating GLP issues in a CGA. Appendix 4 provides suggested terms of reference for incorporating GLP issues in a PPTA. Appendix 5 provides sample assurances on GLP issues.

Figure 1. GLP Entry Points in Project Cycle



ADB = Asian Development Bank; DMC = developing member country; GD = gender and development; GLP = gender, law, and policy; IPSA = initial poverty and social assessment; PPTA = project preparatory and technical assistance; PAM = project administration memorandum; SA = social analysis; SDP = sector development program.

1. Situation Analysis

To identify and analyze the GLP issues in a proposed program or project, project/program teams should consider the following questions:

- What are the **main laws, policies, regulations, and institutions** governing the sector?
- Do these laws and policies contain any **explicit references to men and women, or boys and girls?**
 - If the law and policy framework includes special measures to narrow gender disparities, have these been effective?
 - If not, what have been the weaknesses or obstacles?
- Does the law and policy framework contain any **implicit gender biases** or provisions that could disadvantage women? Questions to consider include the following:
 - Does the law/policy allocate rights or entitlements only to heads of household, landowners, full-time workers, members of particular user groups, or decision-making bodies, who are more likely to be men?
 - Does the law/policy condition rights or entitlements on a certain educational level, or on basic literacy or numeracy? Are these requirements necessary?
 - Does the law/policy require identity papers or other documentation to access basic services? Are these documents necessary? Do both women and men possess them, or are they easy and inexpensive to obtain?
 - Does the law/policy require collateral to obtain credit? Are there alternative ways to provide security to the lender?
 - Does the law/policy establish connection charges, user fees, or other financial requirements to access basic services? Are provisions made for paying connection charges in installments? Are exemptions or lifeline tariffs for poor or female-headed households available?
 - Does the law/policy provide for a citizen complaint or dispute settlement mechanism? Is it well publicized? Does it provide for prompt and inexpensive resolution of complaints/disputes?
 - Does the law/policy establish educational credentials or entrance exams to qualify for employment in the sector? Are these requirements reasonably related to the positions in the sector? What are the minimum requirements for the positions?
- What **changes in the law and policy framework for the sector** are proposed under the project/program?
 - Will these changes address gender biases or gaps in the law and policy framework?

- Could any of the proposed changes inadvertently disadvantage women (for any of the reasons listed above)?
- Do any **other formal or informal barriers** restrict women in accessing basic services in the sector or otherwise participating in the project/program? For example:
 - Are women excluded from local decision-making bodies, dispute settlement mechanisms, or user groups that are relevant to the sector?
 - Do women need their husband's or community leader's permission to participate in sector activities?
 - Do women lack the time or financial resources to participate in sector activities?
 - Do women's limited literacy or numeracy skills limit their participation in sector activities? Is literacy or numeracy necessary for women (or men) to participate meaningfully in these activities?
 - Do women lack confidence or experience in public or market interactions?
- What is the **gender balance at different levels in key organizations in the sector**, including government offices, user groups, and local decision-making bodies? What are the possible causes of any gender imbalances? Do sector organizations provide equal pay and benefits to men and women for work of equal value? Do these organizations provide culturally appropriate facilities for women and men?
- Are **civil society groups**, including NGOs, community-based organizations (CBOs), workers' or employers' organizations, and self-help groups already involved in mobilizing women to participate in the sector? If not, do civil society groups that could take on these activities exist?

2. Project/Program Design

Based on the situation analysis and other country diagnostics, a project/program team should consider the following GLP questions in designing the project or program:

- What **measures** could be taken under the project/program to address gender biases or gaps in the law and policy frameworks, or other barriers to women's equitable participation in the sector? (Section IV includes sample project/program designs from a wide range of sectors.) For example, could the project/program:
 - support improvements in the law and policy frameworks for the sector through amendment or repeal of discriminatory laws, or issuance of supplemental regulations or directives?
 - establish new organizations or institutional mechanisms, or improve the accessibility and responsiveness of existing institutions in the sector?
 - correct any gender imbalances, discrimination, poor working conditions, or inadequate facilities in sector organizations?

- provide training to government staff on proper implementation and enforcement of the sector law/policy?
 - raise awareness among community leaders and women's groups of women's rights and entitlements under the sector law/policy?
 - provide legal assistance or other support to women and women's groups to claim their rights and entitlements, e.g., through NGOs or CBOs?
- What **stakeholders** should be involved in project/program activities, in addition to the sector ministry or agency, to ensure that GLP issues are addressed? For example:
- the Ministry of Women's Affairs or provincial/local women's development offices?¹⁰
 - the Ministry of Justice?
 - locally elected women officials?
 - local NGOs or CBOs?
- What **targets or indicators** should be included in the design and monitoring framework for the project (or the policy matrix for a policy-based loan) to ensure that GLP-related activities are implemented and monitored?
- What **assurances** should be obtained from the government and/or executing agency to support these activities, targets, and indicators? (These assurances provide the basis for covenants to be included in the loan documents; see Appendix 5 for sample assurances on GLP issues.)

In preparing a project or program, also consider gender, law and policy issues related to labor standards, social safeguards and capacity development

B. Crosscutting Issues and Themes

In addition to sector-related issues, project/program teams should also consider the GLP dimensions of key crosscutting issues and themes that may be relevant to a project or program. In ADB's operations, these crosscutting areas include labor standards, social safeguards, and capacity development.

1. Labor Standards

Under its Social Protection Strategy, ADB is committed to support "**core labor standards**" (CLS) through its operational activities. According to the ILO, the CLS include (i) elimination of discrimination in employment and occupation, (ii) elimination of all forms of forced and compulsory labor, (iii) effective abolition of child labor, and (iv) freedom of association and effective recognition of the right

¹⁰ In some countries, other government bodies, such as an interministerial committee or women's union, may be responsible for promoting gender equality.

to collective bargaining. These CLS are the foundation for the international labor standards elaborated in more than 180 international labor conventions and over 190 international labor recommendations. All ILO members, including most of ADB's DMCs, have endorsed the CLS by adopting the ILO Declaration on Fundamental Principles and Rights at Work (1998) (Appendix 1). All DMCs also endorsed the CLS through their approval of ADB's Social Protection Strategy, and most DMCs have already incorporated the CLS in their national labor laws.

The CLS on nondiscrimination in employment and occupation and equal remuneration are particularly relevant to female workers, in light of the strong patterns of gender-related job segregation, discrimination in hiring and promotion, and pay gaps in most DMCs. However, the CLS on forced labor, child labor, and freedom of association are also relevant, as are labor standards concerning employment policy, workplace safety and health, maternity protection and workers with family responsibilities. In the past, several DMCs also enacted or inherited "protective" legislation, which restricted women from working in certain occupations or at night. Recognizing that these laws restrict women's options, some countries have already narrowed these laws or replaced them with alternative labor protections that apply to both women and men. (See Box 5.)

Box 5. Core Labor Standards and National Labor Laws Relevant to Women's Employment

Of the core labor standards (CLS) that have been identified by the ILO, the CLS on elimination of discrimination in employment and occupation and equal remuneration for work of equal value is particularly relevant to women workers. This CLS is reflected in two ILO conventions, the Discrimination (Employment and Occupation) Convention (No. 111) and the Equal Remuneration Convention (No. 100), which most DMCs have ratified (Appendix 1). However, other CLS are also relevant to women workers. The CLS on forced labor supports national laws and regulations to eliminate debt bondage and human trafficking, through which women are especially vulnerable to physical and sexual abuse. The CLS on child labor aims to eliminate the economic exploitation of both boys and girls, which also deprives them of the opportunity to attend school, but it is especially important for girls working as domestic servants, who are at high risk of physical and sexual abuse. The CLS on freedom of association can help to empower women and give them a voice in expressing their rights at work.

Beyond the CLS, several other ILO conventions are particularly relevant to women workers. These include the Employment Policy Convention (No. 122), Maternity Protection Convention (No. 183), Workers with Family Responsibilities Convention (No. 156), Part-Time Work Convention (No. 175), and Home Work Convention (No. 177). It is notable that the Home Work Convention was conceived and promoted by the Self-Employed Women's Association in India. The Occupational Safety and Health Convention (No. 155) and Safety and Health in Agriculture Convention (No. 184) are also relevant to

women workers, who are the majority of factory workers in the garment industry and other sectors, and often the majority of agricultural workers on plantations and commercial farms.

Some earlier ILO conventions were also introduced to "protect" women from arduous working conditions and dangerous occupations (such as mining) and from the hardships and risks of night work through outright prohibitions. However, the more recent trend, reflected in the Night Work Convention (No. 171) adopted in 1990, is to regulate (rather than prohibit) night work by both women and men, with provisions for women to request alternative work during pregnancy and after childbirth. For example, the Night Work Recommendation (No. 178), also adopted in 1990, suggests several possible measures to reduce workers' travel expenses and improve their safety while traveling at night. This shift in approach is due to changing working conditions and new technologies, as well as increased awareness of the changing role of women in economic life and society.

DMCs' labor laws may go further than the ILO conventions they have ratified, both in scope and level of detail. In the area of equal pay and nondiscrimination in employment and occupation, these labor rights may also be protected by constitutional provisions or a separate statute on gender equality, by civil service or other laws, by collective bargaining agreements, or by court decisions in employment cases.

Effective enforcement of labor laws and regulations remains a general challenge for most DMCs, especially in the informal sector where a majority of the workers are typically women.

The CLS and other labor standards apply in all sectors, so it is important for ADB staff and consultants to consider how these standards apply to female as well as male workers in a particular project or program, and what steps need to be taken to ensure that the standards are implemented and enforced within the project or program. Questions that should be considered during the preparation of a project or program (starting with the fact-finding for the PPTA) include the following:

- What labor laws and regulations—or civil service laws and regulations, for the public sector—apply to workers in the relevant sector?
- Are any categories of workers excluded from these laws and regulations, e.g., agricultural workers, migrant workers, domestic or home-based workers, or workers in special industrial zones?
- Are these laws and regulations generally enforced, and are they equitably enforced with respect to female workers, e.g., laws on equal pay, separate facilities for male or female workers, sexual harassment, or maternity protection?
- Are any law or policy changes proposed under the project/program that could adversely affect workers, especially women, e.g., restructuring or downsizing of the civil service, state-owned enterprises or private sector firms, introduction of sex-differentiated retirement ages, or establishment of special industrial zones excluded from labor law coverage?
- Do any changes in existing labor or civil service laws or regulations correct gender biases or gaps in these laws?
- What mechanisms can be used in the project/program to ensure that the CLS and applicable labor laws and regulations are equitably enforced, e.g., revision of hiring and promotion criteria for civil service employees, employment targets, provisions in civil works contracts, formation of labor contracting societies for unskilled female workers, or monitoring by construction supervision consultants or an independent NGO?

More sector-specific questions related to gender and labor standards are included in relevant subsections of Section IV. Boxes 16 and 29 also illustrate approaches to gender and labor standards in specific projects.

2. Social Safeguards

ADB's social safeguard policies, including the Policy on Involuntary Resettlement and the Policy on Indigenous Peoples, are intended to avoid, minimize, and mitigate any social costs to households and communities, or to marginalize vulnerable groups that could result from ADB-supported development projects.¹¹ These policies reinforce the **international commitments that DMCs have made to social safeguards**:

¹¹ These policies are currently being reviewed and updated, which may result in their consolidation in a single policy statement on safeguards. However, the substance of the safeguard policies is not expected to change as a result of this review. Asian Development Bank (ADB). 2005. *Safeguard Policy Update: A Discussion Note*.

- With respect to **involuntary resettlement**, for example, the Universal Declaration of Human Rights provides that “[n]o one shall be arbitrarily deprived of his property” (Article 17.2), and the International Covenant on Economic, Social and Cultural Rights¹² requires state parties—which include most DMCs—to recognize and ensure realization of “the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions” (Article 11). CEDAW also requires state parties—which include most DMCs—to take appropriate measures to ensure that “women in rural areas...participate in and benefit from rural development,” including participation in development planning and all community activities, in order to “enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport, and communications” (Article 14.2).
- The rights and interests of **indigenous peoples and ethnic minorities** are protected under a number of international instruments, including the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, to which most DMCs are state parties, as well as ILO Conventions No. 107 (Indigenous and Tribal Populations) and No. 169 (Indigenous and Tribal Peoples).¹³ Moreover, the Beijing Declaration, which virtually all DMCs have endorsed, commits governments to “[i]ntensify efforts to ensure equal enjoyment of all human rights and fundamental freedoms for all women and girls who face multiple barriers to their empowerment and advancement because of such factors as their race, age, language, ethnicity, culture, religion, or disability, or because they are indigenous people” (para. 32). The Beijing Platform for Action includes numerous commitments to address the particular needs of women in racial and ethnic minorities and indigenous groups.

ADB’s social safeguard policies also complement the **national social safeguard laws, policies, regulations, and procedures** that DMCs have put in place. Most DMCs have introduced laws or policies governing involuntary resettlement in connection with development projects, in several cases with TA from ADB.¹⁴ Several DMCs with indigenous or ethnic minority communities have also established a law or policy framework to protect and support these communities, either through constitutional provisions, statutes, or policy documents.¹⁵

ADB’s social safeguard policies and related DMC laws and policies integrate safeguard considerations at all stages of the project/program cycle, and establish procedures for consulting with affected communities, developing mitigation plans, and monitoring their implementation and impact. While involuntary resettlement issues arise mainly in infrastructure and urban development projects, indigenous and ethnic minority issues can arise in any development projects undertaken in areas where indigenous or ethnic minority groups are present. Infrastructure projects in rural areas often raise both resettlement and indigenous/ethnic minority issues, which may be dealt with

¹² The covenant protects the rights of ethnic, religious, or linguistic minorities to “enjoy their own culture, to profess and practice their own religion, or to use their own language” (Article 27).

¹³ ILO Convention No. 169 updates the earlier convention.

¹⁴ ADB has also occasionally provided loan support to strengthen a DMC’s resettlement policy framework, as in the Lao PDR Environment and Social Program (Loan No. 1867, approved in 2001).

¹⁵ For example, in Lao PDR the rights and interests of ethnic groups are protected under both the Constitution and policy documents.

through a comprehensive mitigation plan, or an umbrella framework and several subplans. Both resettlement and development activities in indigenous/ethnic minority areas raise significant gender issues, including GLP issues. These issues are increasingly being addressed through specific gender strategies incorporated in the resettlement and/or indigenous/ethnic minority development plans. Box 6 describes a recent ADB-supported energy project incorporating all these issues.

Box 6. Energy Project Addressing Gender, Resettlement, Ethnic Minorities, and Local Governance Issues

Viet Nam's **Northern Power Transmission Expansion Sector Project** (2005) [Loan No. 2225] involves the resettlement of more than 250 households in areas where ethnic minorities constitute up to 66% of the population. The Government has established an overall resettlement framework (RF) and specific resettlement plans (RPs) that address the needs of ethnic minority households. The RF and RPs also build on recent government decrees that expand the role of local communities in self-government and in supervising and monitoring investment projects through local "democracy boards" and "commune investment supervisory groups".

During the initial preparation of one of the RPs, it was noted that women were not being adequately consulted and involved. Therefore, a gender strategy was developed for the RPs, which included the following steps: (i) capacity development activities for women commune leaders, with priority given to ethnic minority women; (ii) inclusion of representatives from the district women's union in the district resettlement committee; (iii) separate meetings with men and women at the village, hamlet, and commune levels to discuss preparation and implementation of the RPs, including separate consultations with women from

households that will lose more than 10% of their productive land, to identify appropriate assistance; (iv) a socioeconomic support program focusing on women-headed households, poor households, and ethnic minority households; (v) registration of land use rights in the name of both husband and wife where households are allocated alternative agricultural or residential land; (vi) special attention to grievances of women, ethnic minorities, and poor households; (vii) priority given to women and men from poor households for employment on civil works; (viii) employment targets for women, provisions for nondiscrimination and equal pay, and a prohibition on child labor, all in compliance with the Labor Code; (ix) involvement of the local women's union, youth union, health workers, and women community leaders in HIV/AIDS and trafficking awareness campaigns; (x) collection and monitoring of data disaggregated by sex and ethnicity; and (xi) gender sensitization training for staff of the executing agency, members of the provincial and district resettlement committees, and commune leaders. A national social development and gender specialist is included in the project team to facilitate implementation of the gender strategy, and a budget to implement the strategy is included in the project costs.

GLP issues in involuntary resettlement. ADB's *Gender Checklist: Resettlement* (2003)¹⁶ outlines several GLP issues that can arise in connection with involuntary resettlement, related to women's and men's formal and informal property rights, representation in local decision-making bodies, and eligibility for assistance under the law and policy framework for resettlement. To address these issues, the checklist includes the following recommendations:

- The resettlement law or policy framework should not limit compensation or other assistance only to those with title or other legally recognized claim to land and property, since this could exclude many women, especially the poorest women in a community, from assistance.
- Women's customary rights to access land, water, forest resources, and other natural resources should also be recognized and compensated under the resettlement framework.
- Definitions of "persons eligible for compensation" and "eligibility criteria" in the resettlement framework should be carefully drafted to ensure that women receive direct and appropriate assistance.

¹⁶ See footnote 1 for more information on this and other gender checklists.

- Any land or house titles, leases, or grants under the resettlement framework should be in the name of both spouses (or in the name of the female household head, if relevant).
- Consultations with communities concerning resettlement should not be limited to traditional leaders and decision-making bodies in the communities, since they may not fairly represent the interests of women in those communities; separate meetings with women's associations and informal women's groups may also be needed.
- Any new decision-making bodies established to supervise resettlement and resolve any related disputes should be structured to ensure equitable representation of women in the resettled community, including women from different ethnic groups or castes, as appropriate.

ADB staff and consultants should consult the *Gender Checklist: Resettlement* for more detailed guidance on these issues. Temporary construction camps set up for large infrastructure projects can also introduce social risks in the surrounding communities, including demand for sex workers, which can increase the potential for trafficking of girls and young women from surrounding areas and the risk of HIV infection for both construction workers and women and men in the project area. Transport projects also introduce the long-term risk of increased demand for sex workers at transport facilities, rest stops, and restaurants/tea shops along the transport corridors, with similar implications for HIV infection and human trafficking. Boxes 6 and 36 illustrate how these social risks can be addressed through the social safeguard frameworks for infrastructure projects.

GLP issues related to indigenous and ethnic minority groups. The GLP issues that are likely to arise in projects/programs affecting indigenous or ethnic minority groups may relate to the customary rights of women and men to access land and other resources, customary practices and taboos that affect women's and men's activities, and the role of women and men in community decision making.¹⁷ Questions that should be considered during the preparation of the project/program—starting with the fact-finding for the PPTA—and addressed during the development of the indigenous people's or ethnic minority development plan (if any), include the following:

- What laws and/or policies govern the rights and interests of indigenous or ethnic minority groups in the DMC?
- How does this law and policy framework interact with the DMC's laws and policies related to gender equality?
- What customary laws, practices, or taboos in indigenous or ethnic minority groups are likely to affect women's and men's ability to participate in, and benefit from, the proposed project/program? These may concern communal ownership and use of land and other assets, access to common resources such as water or forest products, agricultural practices, other livelihood activities, household responsibilities, health-related practices, or marriage age and rituals.

¹⁷ In infrastructure projects that raise both resettlement and indigenous/ethnic minority issues, such as transport or energy projects located in indigenous or ethnic minority areas, the *Gender Checklist: Resettlement* will be a useful tool for addressing both sets of safeguard issues, since it also includes consideration of women's property rights and decision-making power in indigenous and ethnic minority communities.

- What roles do women and men play in community decision making and dispute resolution?
- Could any laws or policy reforms proposed under the project/program adversely affect women or men in indigenous or ethnic minority communities? These may concern allocation or registration of land only to heads of households, promotion of cash crops that could conflict with growing cycles for subsistence crops, liberalization of trade in indigenous plants used for medicinal purposes, stricter qualifications for teachers or health or extension workers that indigenous/ethnic minority applicants may not be able to meet, or a policy against use of ethnic minority languages by teachers in public schools.
- What mechanisms could be introduced under the project/program to ensure that the rights of both women and men in indigenous/ethnic minority communities are protected, and that both women and men in these communities can benefit from the project/program? These may concern separate consultations with indigenous/ethnic minority women regarding project design and implementation, joint or communal registration of land, hiring of indigenous/ethnic minority women as members of the project implementation team, partnership with local NGOs or CBOs that work with indigenous/ethnic minority women, relaxation of qualifications for teachers or health or extension workers to facilitate hiring of indigenous/ethnic minority women and men, liberalization of the “language of instruction” policy in education, or introduction of legal literacy or legal aid services for indigenous/ethnic minority women.

3. Capacity Development¹⁸

In ADB, **capacity development** (CD) refers to activities aimed primarily at supporting processes through which national organizations and groups become more capable of mobilizing and using resources to achieve agreed objectives on a sustainable basis. CD is the newest thematic priority for ADB loans, grants, and TA projects. ADB’s increasing focus on CD responds to the needs expressed by DMC stakeholders during the review of ADB’s Poverty Reduction Strategy, as well as an international consensus, that increased national capacity is essential to achieving the MDGs and the sustainability of development aid. CD is especially important for the achievement of DMCs’ gender equality goals, since the limited capacity of government institutions to address gender concerns systematically—including GLP issues—is well recognized. It is also important to ensure that ADB’s support for GLP initiatives leads to capacity development rather than “capacity depletion,” for example, by strengthening existing organizations and decision-making structures and by coordinating closely with other development agencies.

CD activities to improve the quality of GLP analysis and interventions can target various **stakeholders**, including both government and nongovernment entities and groups. In line with ADB’s general orientation toward CD, the primary entry points

¹⁸ This subsection draws in part from a draft working paper, Integrating Capacity Development into Country Programs and Operations: Proposed Medium-Term Framework and Action Plan 2006–2010 (December 2005), prepared by ADB’s Capacity Development Working Group.

for capacity support related to GLP are likely to be central government agencies, but CD activities may also include parliamentarians, local government officials, and civil society organizations and groups. The relevant stakeholders will vary depending on the sector, the national and local contexts, and the gender-related objectives (gender mainstreaming or promotion of specific gender goals). These stakeholders may include:

- the Ministry of Women’s Affairs or some other government body responsible for promoting gender equality, e.g., an interministerial committee or women’s union;
- the Ministry of Justice;
- key central ministries, such as finance, planning, and interior/home affairs;
- sector ministries;
- the national parliament, including any women’s parliamentary caucus or committee responsible for gender issues;
- local government bodies, including elected women officials;
- NGOs or CBOs, including legal services NGOs or women’s organizations; and
- workers’ and employers’ organizations.

ADB can support the development of capacity for GLP analysis and interventions through various **modalities**:¹⁹

- advisory TA projects, including sequential and “cluster” TAs;
- RETAs;
- loan or grant projects or programs; and
- seminars and workshops, including peer exchanges.

Activities to develop capacities for GLP analysis and interventions can be linked to the **three main dimensions of CD**:

- **organizational development**, e.g., to develop organizational and management processes to support GLP analysis and the design and implementation of GLP interventions;
- **institutional development**, e.g., to develop processes for analyzing laws and policies from a gender perspective, and for identifying appropriate law and policy reforms to correct gender biases or gaps; and
- **network, client, and partnership development**, e.g., to develop processes to raise public awareness of gender-related laws and policies and collaborate more effectively with other government agencies, NGOs, women’s groups, and international partners on GLP issues.

The **design of activities** to strengthen GLP capacity should generally include:

- a **stakeholder analysis**, to identify the key entry points for strengthening GLP capacity, relevant government entities, and other stakeholders;²⁰

¹⁹ Past experience has shown that sustained, long-term CD support is generally more effective than isolated or sporadic activities.
²⁰ Stakeholder analysis is a dynamic process that should be updated and refined over the course of a CD project or activity. ADB’s *Project Performance Management System Guidelines for Preparing a Design and Monitoring Framework* (2005) includes a useful template for stakeholder analysis, including consideration of (i) all potentially relevant organizations and groups, (ii) their interests, (iii) their perceptions of their own capacity and other relevant issues, (iv) the financial and nonfinancial resources available to them, and (v) their mandates to carry out particular functions (5-7).

- a **baseline assessment** of their existing capacities for GLP analysis and interventions;²¹
- an **action plan**, including a logical sequence of CD activities with related performance indicators; and
- arrangements for **implementing and monitoring** these CD activities, including the identification of relevant and monitorable targets and indicators for improved capacity related to GLP.

In designing activities to develop capacity for GLP analysis and interventions, the following **issues and constraints** should be kept in mind:

- The government bodies responsible for promoting gender equality, e.g., the Ministry of Women's Affairs, interministerial committee on gender equality, or women's union, are generally understaffed and underresourced, and their formal roles in national law and policy making may be limited or nonexistent.
- Although these government bodies generally have a mandate to promote gender equality concerns at the law and policy levels, they often lack the technical expertise to carry out this mandate and are reluctant to shift from their earlier roles as implementers of women-focused projects.
- Officials and staff in other government bodies, including central and line ministries, parliament, and local government, are likely to be unfamiliar with concepts such as "gender" and "gender mainstreaming," or to relate these concepts mainly to projects in traditional sectors such as agriculture, education, and health.
- Gender-related CD is a challenging and long-term process because it requires participants to address deeply rooted assumptions about gender roles and norms.

Boxes 7-9 provide **illustrations of CD activities** targeting a Ministry of Women's Affairs, key line ministries, and local government officials to develop their capacity for more gender-responsive law and policy making.

Box 7. Capacity Development of the Ministry of Women's Affairs of Cambodia

Since the mid-1990s, ADB has played a leading role in supporting gender-related CD in Cambodia, mainly through three successive TA projects supporting the newly established Ministry of Women's Affairs (MOWA) [TAs No. 2157, 2503, and 3327]. A recent TA performance audit report found that the three TAs had succeeded in helping MOWA develop its capacity to influence national policies and laws, as reflected in its contributions to Cambodia's Socioeconomic Development Plan (2001–2005) and National Poverty Reduction Strategy, its review of legislation affecting the status of women, and its drafting of a domestic violence law.

Despite frequent organization and staffing changes in MOWA, periods of political instability, and overly ambitious TA designs, the audit report found that the TAs had supported a logically connected sequence of CD activities, beginning with support for the establishment of MOWA, collection of data on sector gender issues, formulations of policies and strategies, and efforts to increase MOWA's profile in the

Government and with the public. The last TA continued the process of **institutional development**, by supporting the development of MOWA's strategy for women's economic empowerment; **organizational development**, through on-the-job training and training workshops to improve MOWA's management systems; and **communications and partnership development**, by supporting the establishment of the Cambodian National Council for Women (CNCW), an interministerial advisory body, and gender focal points in 12 line ministries.

Nonetheless, the audit report found that further efforts were needed to improve the organizational structure of MOWA, strengthen the CNCW and gender focal points, and develop capacity for gender mainstreaming in key line ministries. ADB has followed up on the latter recommendation by supporting the Ministry of Agriculture, Forestry, and Fisheries in developing a gender policy and strategy for the agriculture sector, discussed in Box 8.

²¹ Relevant tools for capacity assessment can be obtained from the Capacity Development and Governance Division (RSCG).

Box 8. National Gender Strategies for Agriculture in Cambodia, Lao PDR, and Viet Nam

For several years, ADB and other development banks and agencies have supported gender integration strategies in the agriculture projects they finance. However, these strategies are not always consistent and they often are not replicated in other projects in the sector. Recognizing the weaknesses in this fragmented approach, ADB recently provided support to several agriculture ministries to develop and implement sector-wide gender strategies. This sector-wide approach began with two TA projects supporting Viet Nam's Ministry of Agriculture and Rural Development, **Gender Strategy and Implementation Plan for Agriculture and Rural Development** (2002) [TA No. 3831] and **Gender Mainstreaming Action Plan**

for Agriculture and Rural Development (2004) [TA No. 4452]. This sector-wide strategy was shared with government officials in neighboring DMCs, and led Cambodia's Ministry of Agriculture, Forestry, and Fisheries and Lao PDR's Ministry of Agriculture and Forestry to request similar technical support. A gender policy and strategy for Cambodia's agriculture sector is being developed and implemented under Cambodia's **Agriculture Sector Development Program** (2003) [Loan No. 2023]. Similar technical support to prepare and implement a gender strategy for Lao PDR's agriculture sector is also being provided through a TA project, **Capacity Building for Gender Mainstreaming in Agriculture** (2005) [TA No. 4655].

Box 9. Capacity Development of Locally Elected Women in South Asia

Recent legislative reforms in Bangladesh, Nepal, and Pakistan have established quotas for women elected to local government bodies. However, these newly elected women officials have been hampered by deep-seated patriarchal attitudes and by their own lack of experience in public decision making. Through a RETA project on **Gender and Governance Issues in Local Government** (2001) [TA No. 6008], ADB recently supported pilot activities by experienced NGOs in the three countries to develop the capacity of these locally elected women and to recommend improvements in the regulatory framework for local government.

In Bangladesh, for example, the national NGO BRAC provided training to female union parishad (local government unit) members as well as the (male) union parishad chairs in several poor districts. The female participants received training in union parishad procedures; the union budget and allocation process; their role as union members; skills such as running meetings, negotiation, and mediation; available government and NGO services; family and property laws; and

the procedures in local arbitration courts (shalish). Following the training, the female councilors became much more active in identifying vulnerable community members for government safety net programs; accessing development resources for rural infrastructure projects; and arranging training, microcredit, and work opportunities for poor women in the community. About 60% also participated in shalish, which encouraged more women and poor people to come forward with their grievances.

The project also facilitated the setting up of local development forums, in which elected women and their constituents could meet with local representatives of line ministries and NGOs to discuss ways to match local needs with available programs. These forums provided key opportunities for the elected women to present their constituents' concerns directly to government officials and enhanced their authority and credibility in their communities. In addition, the project recommended changes in the local government ordinance and related procedures to clarify the functions of elected women and men, their participation in local government committees and other matters.

IV. Gender, Law, and Policy in ADB Operations: Sector Issues

This section discusses GLP issues and interventions in particular sectors that ADB staff and consultants should consider in preparing loan and grant projects and programs, and in designing TA projects, in those sectors. Advisory TA projects (either stand-alone or piggy-backed to loans or grants) can be useful for analyzing GLP issues in a particular sector, and for proposing law and policy reforms to address these issues.

Project/program teams should consider GLP issues at the earliest possible stage in preparing a project or program (ideally during fact-finding for the PPTA, advisory TA, or RETA). In the case of a loan or grant project/program, the analysis of GLP issues and design of GLP-related interventions should continue through the PPTA, fact-finding, and appraisal. Project counsel should also review these questions at their earliest stage of involvement in the project (ideally during the drafting of the PPTA paper, and then during the fact-finding and/or appraisal mission).

The following subsections present sector-specific issues, possible interventions, sample assurances, and case studies.²² For multisector projects, it may be useful to refer to more than one sector topic. Project/program teams should also refer to the discussion of crosscutting issues and themes in Section III.B, and to any gender/sector checklists that are relevant.²³ The references section at the end includes links to additional sector and country resources that may be helpful. Appendix 4 provides sample terms of reference for analyzing GLP issues at the PPTA stage. Appendix 5 provides sample assurances on GLP issues.

A. Governance and Law Reform

Governance is a broad area that encompasses several discrete subareas. In ADB operations, governance-related activities can be categorized as either a sector or crosscutting theme. The relevant sector is law, economic management, and public policy, which includes (i) national government administration, (ii) economic management, (iii) law and judiciary, (iv) public finance and expenditure management, and (v) subnational or local government administration. Governance as a crosscutting theme includes (i) financial and economic governance, (ii) public governance, (iii) civil society participation, and (iv) anticorruption. To incorporate a gender perspective, different types of analysis and different interventions may be appropriate, depending on the nature of the governance program or project. Indicative GLP issues related to governance and law reform are summarized in Box 10.

For each sector, this section presents (1) common gender, law and policy issues, (2) possible interventions to address these issues, (3) sample assurances, and (4) case studies

²² Most of the case studies are based on loans, grants, and TA projects in South Asian or Mekong countries. This should not suggest that no substantial GLP issues arise in the other subregions, but rather that most of ADB's experience to date in addressing GLP concerns has been through its operations in South Asia and the Greater Mekong Subregion.

²³ See footnote 1 for information on the ADB gender/sector checklists that are available, and footnote 9 for suggestions on how the checklists and this tool kit can be used together.

Box 10. GLP Issues in Governance and Law Reform

GLP issues that may be relevant to governance and law reform in particular DMCs include the following:

- discriminatory citizenship laws, e.g., restricting women's ability to obtain identification cards or passports;
- legal requirements that women obtain their husband's or a male relative's consent to undertake employment, travel, purchase or lease real estate, pledge land or other assets, or execute contracts or other legal documents;
- rigid education requirements and other criteria for civil service positions;
- high literacy requirements for locally elected officials;
- limitations on membership in community decision-making bodies to registered landowners or heads of households;
- delegation of government decision making to traditional leaders, councils, or tribunals;
- different employment status, wage scales, allowances, or benefit packages for work of equal value in male- and female-dominated jobs in the civil service;
- gender bias in laws on family and household responsibilities;
- lack of implementation of legal or policy requirements for gender balance in civil service positions or local government;
- lack of implementation of laws and regulations on birth and marriage registration, child marriage, and dowry;
- lack of legal protection against gender-based violence, e.g., domestic violence;
- lack of mechanisms for systematic gender analysis of proposed law and policy reforms;
- lack of awareness among government officials of gender equality provisions in existing laws and policies, or of the potential for gender bias in implementation of apparently "gender-neutral" laws and policies;
- gender bias on the part of government officials (including prosecutors and judges) and community leaders;
- women's lack of awareness of their rights under national laws and policies; and
- women's lack of resources and household/community support to pursue their rights through administrative or court proceedings.

DMCs' international commitments in the area of gender, governance, and law reform include the following:

- **CEDAW**, which requires state parties to eliminate discrimination through legislation and other means (Article 2), ensure the development and advancement of women through legislation and other means (Article 3), eliminate discrimination in political and public life (Article 7), and ensure equality before the law (Article 15);
- **ILO Convention No. 111**, which requires ratifying states to promote equality of opportunity and treatment between men and women in employment and occupation, and to repeal discriminatory laws and practices (Articles 2 and 3);
- **ILO Convention No. 100**, which requires ratifying states to promote equal remuneration between men and women for work of equal value, and to determine remuneration rates without discrimination based on sex (Articles 1 and 2);
- the **Beijing Platform for Action**, which includes government commitments related to women in power and decision making (Strategic Objective G), institutional mechanisms for women's advancement (Strategic Objective H), and the human rights of women (Strategic Objective I); and
- the **2005 World Summit Outcome**, in which governments committed themselves to protect women's equal right to own and inherit property, eliminate all forms of discrimination against women and girls, and promote increased representation of women in government decision-making bodies (para. 58).

Program/project teams should consider the following GLP issues and possible interventions in preparing a governance loan, grant, or TA project.

1. Situation Analysis

To analyze the GLP issues in a particular program or project, consider the following questions:

- Does the governance and law reform sector have a **gender and governance strategy**, either stand-alone or as part of a national governance strategy or national strategy on gender equality? If so, how effective has it been in increasing women's participation in governance bodies, and improving the responsiveness of those bodies to women's concerns?
- Do the relevant laws and policies—such as the civil service laws/regulations, election laws/procedures, planning and budgeting procedures, or decentralization law/policy—include any **special measures to increase women's participation** in public decision making? If so, have they been effective? What have been the weaknesses or obstacles?
- Does the governance framework contain any **discriminatory provisions or implicit gender biases** in the governance framework, or other provisions that could disadvantage women? These might include:
 - male dominance of political parties,
 - rigid qualifications for civil service admission,
 - exclusion of the Ministry of Women's Affairs from national planning and budgeting processes,
 - decentralization of public decision making to male-dominated local bodies,
 - literacy or other requirements for locally elected officials (and consider whether these requirements are necessary for the positions),
 - lack of women in high-level political and executive positions or in the judiciary, and
 - concentration of female civil servants in low-level positions or as contract staff.
- What **changes in the governance framework** are proposed under the project/program?
 - Will these changes address gender biases in the relevant laws and policies?
 - Could any of the proposed changes inadvertently disadvantage women (for example, changes related to public sector downsizing, decentralization of powers to local bodies dominated by men, or introduction or increase of fees for basic services)?
- Do any other **formal or informal barriers restrict women's participation** in public decision making? These might include:
 - traditional domination of public decision-making bodies by men, particularly from elite groups;
 - women's lower levels of education; and/or
 - women's lack of time, resources, or mobility.

- What is the **gender balance at different levels in key governance bodies** (for example, in the civil service, elected bodies, the judiciary, law enforcement, or local government)? What are the possible causes of any gender imbalance? Do these entities provide equal pay and benefits to men and women for work of equal value? Do they provide culturally appropriate facilities for women and men?
- Are **civil society groups**, such as NGOs, CBOs, lawyers' associations, or legal aid offices, already involved in mobilizing women to participate in public decision making and to claim their entitlements and rights? If not, do women's organizations or other civil society groups that could take on these activities exist?

2. Project/Program Design

The appropriate **GLP interventions** for a particular governance project or program will depend on the situation analysis, other country diagnostics, and the nature of the project/program. Boxes 11-13 provide case studies of ADB governance loans and TA projects supporting GLP initiatives. Some possible measures could include the following:

- Development of a **gender and governance strategy or action plan**.
- **Amendments or supplements to existing laws and policies** to correct gender biases or gaps, or repeal of discriminatory provisions.
- Establishment of **new governance mechanisms**, such as an equal opportunity commission or ombudsperson, or **improvements to existing mechanisms**, to better promote gender equality and improve access to justice for women and other disadvantaged groups;
- In the area of **national government administration**, specific measures might include:
 - a gender audit of relevant ministries and other agencies,
 - provisions to shield women's jobs from downsizing initiatives,
 - preparatory courses for female applicants for civil service jobs, and
 - conversion of female contract staff into full-time workers.
- In the area of **public finance and expenditure management**, measures could include:
 - gender analysis of national or sector budgets, and
 - gender analysis of proposed tax reforms or other revenue-mobilization strategies.
- In the area of **subnational or local government administration**, measures could include:
 - targets or reservations for women in local government offices or elected bodies,
 - gender sensitization of local government leaders,

- training and other capacity-development activities for local women officials, and
- introduction of gender-responsive planning and budgeting processes at the local level.

■ In the area of **law and the judiciary**, possible measures could include:

- a gender audit of the judiciary and court offices, including opinion surveys of judges, lawyers, and women who have had contact with the judicial system;
- gender sensitization of judges, lawyers, and court personnel;
- preparatory courses for female candidates for the judiciary;
- establishment of special courts or expedited procedures for cases involving marital disputes, child custody, or violent crimes against women;
- targets for recruiting additional women as police, prison guards, or court officers;
- establishment of women's police cells to deal with female crime victims and female defendants;
- gender sensitization of law enforcement personnel;
- appointment of independent monitors to curb abuses of women in detention or prison;
- a gender audit of police and court records to identify any gender-specific patterns in arrests and prosecutions;
- funding of public or nonprofit legal aid offices that provide services to poor women;
- support for improvements in traditional dispute settlement mechanisms to adjudicate claims and disputes involving women more fairly;
- national or local information campaigns on issues such as violence against women or women's land rights, supported by media, national or local government, and civil society groups; and/or
- mobilization of women through self-help groups or CBOs to take action on issues such as land and inheritance rights, protection from violence and forced marriage, registration of births and marriages, and entitlements to basic services.

■ **Law reform initiatives** may be supported as part of a loan project or program, or through an advisory TA:

- Gender-specific law reforms could include **amendments to existing laws** to remove discriminatory provisions or inconsistencies with other laws, or the enactment of new laws on gender equality, violence against women, sexual harassment, or other matters.
- In supporting any gender-specific law reform initiatives, it is important to ensure
 - (i) a broad and iterative consultation process on the proposed reforms, involving a wide range of stakeholders;
 - (ii) a comprehensive strategy for publicizing the new law or policy, including community awareness raising and training of government officials and the legal community; and
 - (iii) adequate budgetary funding to implement and enforce the new policy or law.

- Most law reforms supported by ADB do not have a specific gender goal, but may have different consequences for women and men. From a GLP perspective, these **other proposed reforms should be subjected to gender analysis** in terms of:
 - the substantive law involved;
 - the government bodies that would administer it;
 - other formal or informal laws that could affect its implementation, or that could be affected by it; and/or
 - the social and cultural contexts in which the law would operate, including attitudes of government officials, lawyers, and court officers, and public awareness and understanding of the law, especially among poor women and men.

- Another law reform initiative would be to support the establishment of a **unit in the Ministry of Justice** to analyze all proposed legislation from a gender perspective.²⁴

- Gender-equitable **implementation and enforcement of laws** remain a significant challenge in many DMCs. Broad guarantees of gender equality in constitutions or statutes may have no direct enforcement mechanism, or the existing enforcement mechanisms, such as the criminal justice system or labor inspectorates, may be seriously understaffed and underfunded. Lack of gender awareness, gender bias, or corruption among administrative or law enforcement personnel can also thwart the proper implementation of gender-equitable laws. At the same time, traditional dispute-settlement bodies at the community level may issue gender-biased rulings that undermine national laws and policies promoting gender equality. Initiatives that can be taken to address these issues include the following:
 - analysis of the gender responsiveness of formal administrative and law enforcement institutions and informal dispute-settlement mechanisms,
 - gender-related capacity development for administrative or law enforcement institutions,
 - support for alternative dispute-settlement mechanisms that are gender equitable, and
 - support for the establishment or strengthening of public legal aid services and/or legal services NGOs.

3. Stakeholders

Possible stakeholders to be included in the design and implementation of a governance project or program will vary widely, depending on the nature of the project/program. To ensure that GLP issues are addressed, the following stakeholders should be considered, in addition to the relevant governance institutions:

²⁴ Similarly, ADB could support capacity development of legal units in line ministries to analyze proposed sector laws, regulations, and policies from a gender perspective.

- Ministry of Women's Affairs, or its local departments/offices;²⁵
- Ministry of Justice (for any law reforms);
- female parliamentarians, including any women's political caucus or parliamentary committee on women's affairs;
- women's NGOs and CBOs and other NGOs/CBOs with gender-focused programs; and
- in projects/programs related to decentralization or legal empowerment, locally elected female officials.

4. Targets and Indicators

Possible targets and indicators for GLP-related activities for the design and monitoring framework (or policy matrix for a policy-based loan), include the following:

- drafting and approval of a gender and governance strategy;
- amendments or other changes to relevant laws and policies;
- targets for increased participation of women in the relevant public institutions, and for women's participation in training or other capacity-building activities; and
- special activities such as gender audits; gender-responsive budget analysis; special courses for female candidates for the civil service, elected office, or the judiciary; or establishment of women's police cells, special courts, legal aid offices, or other specialized institutions.

5. Assurances

For loans and grants, appropriate assurances should be obtained from the government or executing agency to support GLP activities, targets, and indicators. In program loans, key assurances could be conditions for tranche release. In project loans, some key assurances could be conditions for loan negotiations, for approval by the ADB Board of Directors, or for loan effectiveness. Sample assurances include the following:

- The Government will ensure that the [National Gender Reform Action Program] is approved by the Cabinet by [date], that it is fully implemented in a timely manner, and that adequate resources are allocated for this purpose.
- The Government will ensure that the [Planning Guidelines] under the [Local Government Act] are revised to require that [relevant levels of local government] prepare (or update) a Gender Action Plan (GAP) as part of their annual planning process; that locally elected female officials, local women's organizations, and other relevant stakeholders are invited to participate in the planning process; and that all activities included in the GAP are fully costed and included in the relevant local budgets.

²⁵ Or other government body responsible for promoting gender equality (e.g., interministerial committee or women's union).

- The Government will submit the [draft Equal Opportunity Law] to the Parliament for approval by [date].
- The Government will establish [an Equal Opportunity Commission,] including ___% female members, within 3 months of parliamentary approval of the [Equal Opportunity Law].
- The Government will ensure that an amendment to the [title of discriminatory law,] including provisions to [specify changes to eliminate discriminatory provisions], is submitted to the Parliament for approval by [date].
- The Government will establish [a gender analysis unit in the Ministry of Justice] by [date].
- The Government will ensure that the best qualified female candidate for each civil service position at levels ___ and above is selected for that position, in order to increase the percentage of female staff at those levels to at least ___% by the completion date of the project.
- The Government will ensure that the percentage of female staff participating in each training activity under the project is at least equal to the percentage of women in the work unit(s) eligible for the training.²⁶
- The Government will ensure that gender-related indicators are included in the monitoring and evaluation systems for the project/program and that sex-disaggregated data are collected and monitored.

6. Case Studies

Box 11. Gender Reform Action Plans in Pakistan

Pakistan's **Devolution Support Program** (DSP) [Loans No. 1935-1938], which is being supported by a cluster of ADB program and TA loans approved in 2002, aims to improve the representation, accountability, and efficiency of local government to deliver basic services. The DSP includes a number of measures to mainstream gender equality principles and practices into governance at the federal, provincial, and local levels. A condition for release of the first tranche of the DSP loan was the promulgation of the Local Government Ordinance, stipulating that 33% of elected seats at all three levels of local government would be reserved for women. A condition for release of the second DSP tranche was cabinet approval and implementation of gender reform action plans (GRAPs) at the federal and provincial levels.

The federal and provincial GRAPs were initially developed with support from an ADB TA, and include proposed actions and related costings in four reform areas: (i) improved representation and participation of women in political and administrative structures; (ii) a policy shift from social welfare to social development, and from women's development to gender equality; (iii) restructuring of government institutions and procedures to better address gender and social development issues; and (iv) changes in planning and budgetary processes to narrow the gender gap in public expenditure and service delivery. The GRAPs, which were developed through extensive consultation with local stakeholders, are based on Pakistan's National Plan of Action (1998) and National Policy for Development and Empowerment of Women (2002). Implementation of the GRAPs is being supported through a TA loan and TA grant under the DSP.

²⁶ Where a work unit has only a small percentage of women, it may be appropriate to set a higher percentage target for women's participation in training activities.

Box 12. Amending Discriminatory Laws and Promoting Legal Empowerment in Nepal

The **Gender Equality and Empowerment of Women Project** [Loan No. 2143], approved in late 2004, aims to improve the socioeconomic conditions of poor rural women in Nepal through interventions to promote (i) economic empowerment, (ii) legal empowerment, (iii) social empowerment, and (iv) strengthening of institutions for gender mainstreaming. It is the first ADB-supported project in which a national focal agency on gender—the Department of Women Development—is the executing agency.

The project supports a number of gender-related legal reforms and policy changes. For example, one condition for loan effectiveness is the passage of legislation to eliminate several provisions in existing laws that discriminate against women. Under the project, the Government also committed itself to

pass legislation on domestic violence and on the powers of the National Women's Commission and National Dalit Commission (initially by the cabinet). The legal empowerment component of the project supports (i) a large-scale awareness-raising campaign on legal issues related to gender, caste, and ethnicity; (ii) preparation of a specialized university law course on the rights of women and other vulnerable groups; (iii) training of judicial and local government officials and police officers on the rights of women and other vulnerable groups; (iv) establishment of alternative dispute resolution mechanisms and training of mediators and paralegals; and (v) legal aid to poor women in project districts. The institutional strengthening component supports an organizational audit of the Department of Women Development, to identify training and capacity-building needs of staff at the central and local levels.

Box 13. Technical Assistance Projects on Gender and Governance

Through the technical assistance project **Supporting the Preparation of the Law on Gender Equality** (2004) [TA No. 4453], ADB has been assisting the Viet Nam Women's Union in drafting a proposed Law on Gender Equality. The assistance has included (i) review and comments on successive drafts of the proposed law; (ii) research on related topics, such as alternative implementation and enforcement mechanisms, and overlaps and conflicts with existing laws; (iii) support for consultations with a wide range of national and local stakeholders; (iv) collaboration with other development agencies, for example, on a workshop on cross-country experiences with different implementation and enforcement mechanisms; and (v) establishment of an external panel of legal experts to comment on the draft law. As of June 2006, the draft law was being reviewed by relevant committees of the National Assembly.

Other recent technical assistance projects that have addressed gender, law, and policy issues in governance include the following:

Advisory Technical Assistance

Indonesia: Gender Equity in Policy and Program Planning (2002) [TA No. 3846]

Indonesia: Gender-Responsive Public Policy and Administration (2004) [TA No. 4479]

Pakistan: Support to Implementation of Gender Reform Action Plans (2005) [TA No. 4602]

Regional Technical Assistance

Establishing Legal Identity for Social Inclusion (2004) [TA No. 6188]

Gender and Governance in Local Government (2001) [TA No. 6008] (as discussed in Box 9)

Legal Empowerment for Women and Disadvantaged Groups (2005) [TA No. 6248]

Youth- and Gender-Sensitive Public Sector Management for the Pacific (2001) [TA No. 5998]

B. Agriculture and Natural Resource Management

The agriculture and natural resource management sector encompasses several sub-sectors, including agriculture (also including agroprocessing and agribusiness), forestry, fisheries, irrigation, livestock, and water resource management. ADB projects in the sector may also include components on rural finance and rural infrastructure development. Because women and men are likely to play different roles in the various subsectors, the law and policy frameworks for these subsectors may present very different gender issues. The GLP issues will also vary depending on country and local conditions and the scope of the ADB project or program. Indicative GLP issues in the agriculture and natural resource management sector are summarized in Box 14.

Box 14. GLP Issues in Agriculture and Natural Resource Management

GLP issues that may be relevant to agriculture and natural resource management in particular DMCs include the following:

- discriminatory inheritance laws, e.g., religious or customary laws and practices under which land passes only to male relatives, assets are distributed unequally between male and female relatives, or widows have no ownership or use rights with respect to the family home and land;
- discriminatory land laws, e.g., customary laws and practices under which only male household members can own or transfer land;
- land laws and regulations restricting allocation and registration of land to heads of household;
- pay structures and wage orders providing different remuneration rates for women and men;
- lack of equitable enforcement of land reform, land registration, or tenancy laws;
- discriminatory banking laws and regulations, e.g., bank procedures precluding women from obtaining loans; without the consent or guarantee of their husband or a male relative;
- excessive collateral requirements for agriculture loans;
- legal requirements that women obtain their husband's or a male relative's consent to purchase, lease, pledge, or transfer real estate;
- rigid educational or other qualifications for agricultural extension workers;
- high literacy requirements for managers of cooperatives or user groups;
- limitations on membership in cooperatives or user groups to registered landowners or heads of household; and
- exclusion of agricultural workers from national labor law protection.

DMCs' international commitments related to gender and agriculture include the following:

- **CEDAW**, which requires state parties to eliminate discrimination against women in rural areas (Article 14);
- the **Beijing Platform of Action**, which includes various government commitments related to women and poverty (Strategic Objective A) and women and the environment (Strategic Objective K); and
- the **2005 World Summit Outcome**, in which governments committed themselves to ensure equal access to land, credit, and technology and equal rights to secure tenure of property and housing (para. 58).

Project/program teams should consider the following GLP issues and possible interventions in preparing an agriculture or natural resource management loan, grant, or TA project.²⁷

1. Situation Analysis

To analyze the GLP issues in a particular project or program, consider the following questions:

- Does the agriculture sector have a **gender strategy**? If so, how effective has it been in increasing women's participation in the sector? What have been the obstacles to its implementation?
- Do the relevant sector laws and policies relating to agriculture, forestry, fisheries, irrigation, livestock, or watershed management include any **special measures to increase women's participation** in the sector? If so, have they been effective? What have been the weaknesses or obstacles?

²⁷ ADB's gender checklist for agriculture will also be a helpful resource. See footnote 1 for information on this checklist, and footnote 9 for suggestions of how it can be used together with this tool kit.

- Do the law and policy frameworks include any **discriminatory provisions or implicit gender biases**, including the charters/bylaws of cooperatives and user groups, or other provisions that could disadvantage women? Examples could include the following:
 - Is membership in cooperatives or other user groups, or access to extension services or credit, limited to heads of household or landowners?
 - Are management positions in these cooperatives or user groups limited to heads of household, landowners, or members with a certain literacy or numeracy level? Are these literacy or numeracy requirements necessary?
 - Is the number of female extension workers in rural areas very low?
 - Do any wage laws, regulations or orders lead to pay differentials between men and women in agriculture?

- What **changes in the law and policy framework** are proposed under the project/program?
 - Will these changes address gender biases in the law and policy framework?
 - Could any of the proposed changes inadvertently disadvantage women (for example, changes related to the privatization of extension services, allocation of land or credit only to heads of households or landowners, or the promotion of commercial crops)?

- What **other laws and policies** influence women's participation in the sector, for example, through land laws, rural finance regulations, cooperative laws, tenancy laws, decentralization laws or policies, or laws protecting indigenous or ethnic minority groups?

- Do any other **formal or informal barriers** restrict women's participation in the sector or project/program? These might include:
 - customary exclusion of women from owning land,
 - social exclusion of women from extension programs,
 - women's limited literacy or numeracy, or
 - women's lack of time, resources, or mobility to attend extension programs.

- What is the **gender balance in key organizations** in the sector, such as the sector ministry, extension offices, local government, village development committees, and user groups? What are the possible causes of any gender imbalance? Are male and female extension workers and other government staff paid equally for work of equal value? Do government offices provide culturally appropriate facilities for women and men?

- Are **civil society groups** (such as self-help groups, user groups, or other CBOs) already involved in mobilizing women to participate in the sector? If not, do women's organizations that could take on these activities exist?

2. Project/Program Design

The appropriate GLP interventions for a particular project or program in agriculture or natural resource management will depend on the situation analysis, other country diagnostics, and the nature of the project/program. Boxes 15-17 provide case studies of ADB loans and TA projects supporting GLP initiatives in agriculture. Possible measures could include the following:

- development of a **gender strategy** for the sector;
- **amendments or supplements to the existing sector law and policy** (including any standard charters or bylaws of cooperatives and user groups) to correct gender biases or gaps, or repeal of discriminatory provisions;
- enhanced **incentives for female extension workers** to be posted in rural areas;
- **training of government staff** on gender awareness and gender-responsive implementation of the sector law and policy;
- mechanisms to **facilitate women's employment** in construction and maintenance of project facilities, e.g., targets, provisions for equal pay and safe working conditions, child care facilities or formation of women's construction groups; and
- partnership with a local NGO or CBO to **raise women's awareness of their rights** to land, extension services, credit, and other project benefits; and to mobilize women to form self-help groups to participate in the project/program.

3. Stakeholders

Possible stakeholders to be included in the design and implementation of an agriculture project or program will vary, depending on the nature of the project/program. To ensure that GLP issues are addressed, the following stakeholders should be considered, in addition to the Ministry of Agriculture and/or Environment:

- Ministry of Women's Affairs, or its local department/office;²⁸
- Ministry of Justice (for any law reforms);
- local government, especially including female elected officials;
- community leaders;
- NGOs and CBOs working in the project/program area, especially those with experience in mobilizing rural women; and
- representatives of cooperatives, user groups, and women's self-help groups.

4. Targets and Indicators

Possible targets and indicators for GLP-related activities for the design and monitoring framework (or policy matrix for a policy-based loan) include the following:

²⁸ Or other government body responsible for promoting gender equality, e.g., interministerial committee or women's union.

- drafting and approval of a gender strategy for the sector;
- amendments or other changes to the law and policy framework;
- targets for the staffing of female extension workers in local offices; women's representation in mixed user groups or formation of women-only groups; and/or women's participation in training, construction, or other project activities; or
- special activities such as women-only training programs; or support to women to participate in user groups, access credit and other inputs, and exercise land rights.

5. Assurances

For loans and grants, appropriate assurances should be obtained from the government or executing agency to support GLP activities, targets, and indicators. In program loans, key assurances could be conditions for tranche release. In project loans, some key assurances could be conditions for loan negotiations, for approval by the ADB Board of Directors, or for loan effectiveness. Such assurances could include the following:

- The Government will ensure that [the Ministry of Agriculture] prepares and adopts a gender mainstreaming strategy for the [agriculture] sector by [date].
- The Government will ensure that an amendment to the [Cooperatives Rules], increasing the minimum percentage of female members in agricultural cooperatives to _%, is submitted to the Cabinet for approval by [date].
- The Government will ensure that the [Department of Irrigation] adopts the project Gender Action Plan (GAP), that it is implemented in a timely manner over the entire project period, and that adequate resources are allocated for this purpose. In particular, the Government will ensure that [insert key provisions from the GAP, such as targets for increasing the number of female extension workers in rural areas, ensuring women's participation in cooperatives or user groups, forming women-only user groups, or women's participation in extension activities]. The Project Implementation Office will prepare a field manual for the GAP and will conduct training for all project staff on the GAP. Implementation of the GAP will be closely monitored, and the progress will be reported in the quarterly reports to ADB.
- The Government will ensure that gender-related indicators are included in the monitoring and evaluation system for the project/program, and that gender-disaggregated data are collected and monitored.

6. Case Studies

Box 15. Revising Nepal's Irrigation Policy to Increase Women's Participation

ADB has supported Nepal's irrigation sector for many years through loans and TA projects. Although rural women in Nepal play important roles in irrigated agriculture, social norms have historically excluded them from membership in irrigation water users associations (WUAs). In the 1990s, the Government began to address this problem by including a 20% quota for women's participation in WUAs in its irrigation sector policy. ADB-supported projects such as the 1994 **Irrigation Management Transfer Project (IMTP)** [Loan No. 1311] supported this quota in the project design and assurances. However, a special evaluation study found that the gender-equity provisions in the project were not being followed during implementation. A gender specialist subsequently joined the Nepal Resident Mission and began to work with the Department of Irrigation to increase women's representation in WUAs in line with the irrigation policy. The resulting gender strategy included hiring a gender specialist to work with the IMTP team, providing gender training to district irrigation office staff, and mobilizing female water users to join the WUAs and to participate in WUA activities, including collection of irrigation service fees.

A pilot project was also initiated in one of the IMTP subproject areas to demonstrate ways in which women can contribute to irrigation management, cost recovery, and improved agricultural production. Under the pilot project, a women's facilitator group (representing main, branch, and outlet canals) was formed to identify problems in the irrigation system and recommend possible solutions. The pilot project resulted in (i) amending the WUA constitution to allow wives and adult children of male members to become members, (ii) increasing women's representation in the WUA to 60%, (iii) increasing by 80% the level of household participation in service fee payments, and (iv) exceeding the project objective for total irrigated area through construction of an additional canal. The successful gender strategies from the pilot project were later replicated in the other IMTP subprojects. The pilot initiative also persuaded the Department of Irrigation to amend the irrigation sector policy to increase the quota for women's participation in WUAs from 20% to 33%. The lessons learned from IMTP and the pilot project have also been incorporated in the **Community-managed Irrigated Agriculture Sector Project (2004)** [Loan No. 2102], which includes a comprehensive gender action plan.

Box 16. Addressing Bonded Labor and Gender Exclusion in Pakistan's Agriculture Sector

The **Sindh Rural Development Project (2002)** [Loan No. 1934] aims to reduce poverty in four districts in southern Sindh Province by (i) improving governance and empowering poor farmers (especially tenant farmers and agricultural laborers), village artisans, and women; (ii) improving their access to public services; (iii) transferring technology to improve livelihoods; and (iv) providing essential infrastructure. The governance and legal support components of the project address the pervasive problem of bonded labor in the agriculture sector by (i) implementing a large-scale awareness-raising campaign on the Sindh Tenancy Act and other relevant legislation, debt bondage, the importance of registering as a tenant, and obtaining a national identity card; (ii) developing a simple account-keeping system for landlords and tenants; (iii) issuing national identity cards and property deeds, and updating land and tenancy records; (iv) training of local revenue administrators to prepare

land and tenancy records; and (v) training paralegals to assist poor farmers in exercising their rights and to refer them to other legal aid services as needed. The project also supports a review of legislation relevant to agricultural workers and, if needed, the drafting of appropriate amendments.

Recognizing women as the most disadvantaged target group, the project includes a comprehensive GAP linked to all of the main project components. For the governance and legal support components, the GAP provides for (i) specific strategies to disseminate legal awareness information to women in view of their limited mobility in rural Sindh; (ii) at least 30% women's participation in all legal literacy programs; and (iii) separate legal literacy programs for women, to be conducted by women's NGOs at times and locations that accommodate women's limited mobility and household responsibilities.

Box 17. Gender Impact of Land Reform in the Central Asian Republics

As part of the transition to more market-based economies, the Central Asian republics have initiated major changes in their agriculture sectors, highlighted by the privatization of state and collective farms and of rural land. The privatization process, supported by ADB and other international agencies, was generally carried out without attention to possible gender-related impacts. Recent country gender assessments carried out by ADB for several Central Asian republics confirm that the dismantling of the state and collective farms have had multiple negative repercussions on women. These farms were not only a major source of employment for rural women and men, but also the main providers of social infrastructure and services in rural areas. With the breakup of the farms, large numbers of rural women lost jobs as well as basic social services such as schools, health-care centers, and child-care facilities. Moreover, because the new land privatization laws and procedures provide for rural land to be allocated to families or households, individual plots of land have been allocated primarily to heads of households, generally assumed to be men. Female heads of households have generally been allocated smaller plots of land.

In the **Kyrgyz Republic**, for example, the law “On Management of Agricultural Lands” does not discriminate

against women on its face, but in practice land titles have been issued to households, and only the head of household—usually a man—has been listed on the title document. Only one original land title document is issued to a household, and land registration records list only the registered owner. Furthermore, agricultural land can be bequeathed only to one heir—customarily a male relative—and can be sold only in its entirety and exchanged only within the same village. These provisions in the state land law, combined with customary norms favoring male ownership of land, effectively deprive rural women of legal rights to land, notably in the event of divorce or the death of a husband. With support from the United Nations Development Fund for Women, the Women Entrepreneurs Support Association, a Kyrgyz NGO, has proposed legislative changes to address the gender biases in the current land law regime. Through an ongoing TA project, **Study of the Impact of Land Reform on Agriculture, Poverty, and Environment** (2004) [TA No. 4408], ADB is also supporting a comprehensive assessment of the Kyrgyz land reform process, including the gender-related impacts of the laws and regulations governing land redistribution and registration and resolution of land disputes, to assist the Government and inform ADB’s future assistance.

C. Education

ADB’s loan support to the education sector is shifting from traditional investment projects to more policy-based loans, including program loans and SDPs. Consideration of GLP issues in these policy-based loans is especially important, since most of ADB’s education loans also have a gender theme or gender-related objectives. Indicative GLP issues in the education sector are summarized in Box 18.

Box 18. GLP Issues in Education

GLP issues that may be relevant to education in particular DMCs include the following:

- legal or policy restrictions on pregnant or married girls’ attending public school,
- rigid qualifications for primary and secondary school teachers,
- lack of implementation of legal or policy requirements for gender balance among school administrators or teachers,
- limitations on membership in school committees to heads of household,
- high tuition fees, and
- lack of implementation of laws and regulations on child marriage.

DMCs' international commitments related to gender and education include the following:

- **CEDAW**, which requires state parties to eliminate discrimination in education (Article 10);
- **ILO Convention No. 111**, which requires ratifying states to promote equality of opportunity and treatment in access to vocational training and guidance (Articles 1-3);
- the **Beijing Platform for Action**, which includes government commitments related to the education and training of girls and women (Strategic Objective B);
- the **Cairo Programme of Action**, which also includes government commitments to the education and training of girls and women (Chapter XI);
- **Millennium Development Goal 3**, Target 4, which aims to eliminate gender disparities in education; and
- the **2005 World Summit Outcome**, in which governments committed themselves to eliminate gender inequalities in education (para. 58).

Project/program teams should consider the following GLP issues and possible interventions in preparing an education loan, grant or TA project.²⁹

1. Situation Analysis

To analyze the GLP issues in a particular project or program, consider the following questions:

- Does the education sector have a **gender strategy**? If so, how effective has it been in increasing girls' school attendance (or women's participation in nonformal education activities)? What have been the obstacles to its implementation?
- Do the education laws and policies include any **special measures** to increase girls' school attendance (or women's participation in nonformal education)? If so, have they been effective? What have been the weaknesses or obstacles?
- Does the law and policy framework contain any **discriminatory provisions or implicit gender biases** or other provisions that could disadvantage women and girls? These might include:
 - legal or policy restrictions on pregnant or married girls' attending school;
 - school fees or requirements that students pay for books or uniforms;
 - limitations on membership in school management committees to heads of households;
 - an insufficient number of female teachers;

²⁹ ADB's gender checklist for education will also be a useful resource. See footnote 1 for more information on this checklist, and footnote 9 for suggestions on how the checklist can be used together with this tool kit.

- rigid teacher accreditation requirements that are difficult for rural or ethnic minority candidates to satisfy, especially female candidates;
 - rigid language-of-instruction policies that prohibit teaching in ethnic minority languages; and/or
 - vocational courses geared to the interests of male students, or tracking of boys and girls into traditionally male and female vocations.
- What **changes in the law and policy framework** are proposed under the project/program?
- Will these changes address gender biases in the law and policy framework?
 - Could any of the proposed changes inadvertently disadvantage women or girls (for example, an increase in school fees or a hiring freeze for teachers)?
- What **other laws and policies** influence girls' attendance at school (for example, civil service laws and regulations; decentralization laws or policies; or laws or policies protecting indigenous or ethnic minority groups)?
- Do any other **formal or informal barriers** impede girls' school attendance or women's participation in school management committees or informal education programs? These might include:
- social pressure for early marriage,
 - girls' household duties,
 - parents' concerns about their daughters' security in traveling to school, and
 - women's household work burden.
- What is the **gender balance among key actors** in the sector, e.g., in the Ministry of Education and among school administrators, teachers, and management committees? What are the possible causes of any gender imbalances? Do the ministry and school districts provide equal pay and benefits to men and women for work of equal value? Do they provide culturally appropriate facilities for women and men (and girls and boys)?
- Are **civil society groups** (such as self-help groups, workers' or employers' organizations, CBOs, or NGOs) already involved in mobilizing women to participate in nonformal education activities? If not, do women's organizations or other civil society groups that could implement these activities exist?

2. Project/Program Design

The appropriate GLP interventions for a particular education project or program will depend on the situation analysis, other country diagnostics, and the nature of the project/program. Boxes 19 and 20 provide case studies of ADB education loans that support GLP initiatives. Possible measures could include the following:

- development of a **gender strategy** for the sector;
- **amendments or supplements to existing education laws and policies** to correct gender biases or gaps, or repeal of discriminatory provisions;
- enhanced **incentives for female teachers** to be posted in rural areas;
- policy measures to **improve the learning environment** for girls and boys, including training of teachers (both men and women) in gender awareness, providing support to female students, and promoting positive messages to students (especially boys) related to gender roles and responsible sexual behavior;
- **awareness-raising campaigns** on the benefits of delayed marriage and/or childbearing and continued education for girls, involving locally elected female officials and targeting community leaders and parents; and
- partnership with a local NGO or CBO to **mobilize women to form self-help groups for training** in literacy and numeracy, life skills, livelihood skills, and/or vocational skills.

3. Stakeholders

Possible stakeholders to be included in the design and implementation of an education project or program will vary, depending on the scope of the project/program. To ensure that GLP issues are addressed, the following stakeholders should be considered, in addition to the Ministry of Education:

- Ministry of Women's Affairs or its local department/office;³⁰
- Ministry of Justice (for any law reforms);
- local government, especially including female elected officials;
- community leaders;
- NGOs and CBOs working in the project/program area, especially those with experience in mobilizing women in poor communities and rural areas; and
- teachers' associations and school management committees.

4. Targets and Indicators

Possible targets and indicators for GLP-related activities for the design and monitoring framework (or policy matrix for a policy-based loan) include the following:

- drafting and approving a gender strategy for the education sector;
- amendments or other changes in the law and policy framework;
- targets for hiring female teachers, women's representation in school management committees, girls' enrollment and completion rates, or women's participation in vocational training and informal education; and
- special activities such as women-only training, or NGO support for legal literacy and legal assistance.

³⁰ Or other government body responsible for promoting gender equality (e.g., interministerial committee or women's union).

5. Assurances

For loans and grants, appropriate assurances should be obtained from the government or executing agency to support GLP activities, targets, and indicators. In program loans, key assurances could be conditions for tranche release. In project loans, some key assurances could be conditions for loan negotiations, for approval by the ADB Board of Directors, or for loan effectiveness. Sample assurances include the following:

- The Government will ensure that the Ministry of Education prepares and adopts a gender mainstreaming strategy for the education sector [or for a specific subsector such as primary, secondary, technical/vocational or nonformal education] by [date].
- The Government will ensure that the Ministry of Education issues revised regulations under the [Education Act] to require that at least _% of the members of each school management committee are women.
- The Government will ensure that the Ministry of Education develops an improved compensation and benefit package for primary and secondary school teachers posted in rural areas, and that this package is costed and included in the medium-term expenditure framework for [years] and in the annual budget for education beginning in [year].
- The Government will ensure that the Ministry of Education adopts the project Gender Action Plan (GAP), that it is implemented in a timely manner over the entire project period, and that adequate resources are allocated for this purpose. In particular, the Government will ensure that [insert key provisions from the GAP, such as targets for increasing the number of female teachers or the percentage of women on school management committees, review and revision of teaching materials to eliminate gender for nonformal education programs]. The Project Implementation Office will prepare a field manual and will conduct training for all project staff on the GAP. Implementation of the GAP will be closely monitored, and the progress will be reported in the quarterly reports to ADB.
- The Government will ensure that gender-related indicators are included in the monitoring and evaluation system for the project/program, and that sex-disaggregated data are collected and monitored.

6. Case Studies

Box 19. Supporting Bangladesh Policy to Increase the Number of Female Secondary School Teachers

Girls' enrollment at the secondary level has improved significantly in Bangladesh, due in large part to the Government's stipend program supported by ADB and others. However, girls' attendance and performance in secondary schools are undermined by several factors, including an insufficient number of female teachers and male teachers' lack of understanding of societal pressures on adolescent girls. (For example, the lack of female teachers prevents girls from sitting for examinations, since recent regulations require students to be searched before entering an exam room, and only female teachers can search female students.) A Ministry of Education policy provides for the allocation of 30% of teaching positions to women, but this reservation is not being met in nongovernment schools (most secondary schools are private) and in rural areas. One factor that has prevented secondary schools from hiring more female teachers is the recruitment practice of school management committees (SMCs). The SMCs, which tend to be dominated by men, often display traditional attitudes toward hiring female teachers and also require applicants for teaching positions to

make a "donation" to the school. Parents are more willing to make such a donation to ensure the employment of a son rather than a daughter, and female applicants for teaching posts rarely have the resources to make the donation on their own.

The **Teaching Quality Improvement in Secondary Education Project** (2004) [Loan No. 2101] aims to improve the learning environment in secondary schools, especially for girls, and to increase the number of female teachers at the secondary level in line with the policy of the Ministry of Education. Specific measures being taken under the project include (i) introducing an enrollment quota for female students in teacher training institutions; (ii) improving the teacher training curriculum to include materials on adolescent behavior and counseling; (iii) restructuring SMCs to include at least 40% female members, including mothers and female teachers, locally elected officials, and community leaders; (iv) providing gender sensitization to SMC members and head teachers; (v) raising recruitment targets for female teachers; and (vi) appointing more women as examiners and head examiners.

Box 20. Policy Reforms to Increase Girls' Access to Education in Cambodia

Cambodia's Ministry of Education, Youth and Sport (MoEYS) has developed a Gender Strategy (2002-2007) consisting of three main components: (i) giving girls equal access to education; (ii) enhancing gender equity in education management and delivery services; and (iii) strengthening gender technical capacity in education programming and policy making. The **Second Education Sector Development Program** (2004) [Loan No. 2122] aims to improve access to quality education at the basic and upper secondary level and to community-based skills training for out-of-school youth, through both policy interventions and investment activities. A gender and ethnic minority action plan for the overall program supports MoEYS's Gender Strategy at both policy and project levels.

One of the main policy measures in the program is the abolition of informal school fees in grades 1-9 through an increase in teacher compensation and the regulation of contributions for post-basic education. Since informal school fees are a major

barrier to girls' enrollment, this policy measure is expected to help meet the program's target of increasing girls' share of enrollment at the lower secondary level from 38% (2004) to 49% (2008). The community-based skills training component of the program also has a target of 50% women in all training courses. The program supports the preparation of an "action plan for ensuring equitable intake of trainee teachers into [teacher training institutions] and subsequent deployment into new secondary schools in underserved areas," but it is unclear whether the action plan is intended to ensure equity on the basis of gender, ethnicity, poverty, or other factors.

The program also provides technical support to MoEYS to draft a new education law, but the terms of reference for the technical assistance make no reference to the MoEYS Gender Strategy or to gender issues in the sector. Whether the resulting legislation will be consistent with the Gender Strategy is therefore unclear.

D. Health Care and HIV/AIDS

ADB's loan support to the health care sector includes both traditional investment projects and policy-based loans, particularly SDPs. Grant resources are also available from the ADF and other sources to support projects on HIV/AIDS and other

communicable diseases. Policy-based loans and grants in particular are likely to raise GLP issues, especially since most of ADB's health care loans/grants have gender themes or gender-related objectives.

ADB's strategic response³¹ to the looming HIV/AIDS crisis in Asia and the Pacific recognizes that HIV/AIDS is a crosscutting concern with clear gender dimensions. It therefore calls for multisector and gender-responsive approaches to prevention, treatment, and care. Law and policy reforms can also play a part in these responses, for example, to address the social and economic vulnerabilities of at-risk groups, to ensure confidential HIV testing and equal access to treatment, and to prohibit discrimination against people living with HIV/AIDS in health care facilities, the workplace, and other settings.³²

Indicative GLP issues related to the health sector and HIV/AIDS are summarized in Box 21. DMCs' international commitments related to gender and health include the following:

- **CEDAW**, which requires state parties to eliminate discrimination in health care (Article 12);
- the **Beijing Platform for Action**, which includes government commitments related to women and health care (Strategic Objective C) and violence against women (Strategic Objective D);
- the **Cairo Programme of Action**, which includes government commitments to ensure reproductive rights and reproductive health and the prevention of HIV/AIDS and other sexually transmitted infections (Chapter VII);
- **Millennium Development Goal 5**, which aims to improve maternal health; and
- the **2005 World Summit Outcome**, in which governments committed themselves to provide equal access to reproductive health care and to eliminate violence against women and girls (para. 58).

Box 21. GLP Issues In Health Care and HIV/AIDS

GLP issues that may be relevant to health care and HIV/AIDS in particular DMCs include the following:

- legal requirements that women obtain their husband's or a male relative's consent to certain medical procedures,
- rigid qualifications for health care workers,
- limitations on membership in local health committees to heads of household,
- high fees for basic medical services,
- lack of legal protection against gender-based violence,
- lack of anti-discrimination laws protecting people living with HIV/AIDS,
- lack of implementation of legal or policy-based targets for hiring of female health care workers, and
- lack of implementation of laws and regulations on birth and marriage registration and child marriage.

DMCs' international commitments related to the prevention and treatment of HIV/AIDS are summarized in Box 22.

³¹ ADB. 2005. *Development, Poverty and HIV/AIDS: ADB's Strategic Response to a Growing Epidemic*. Manila. ADB also has a memorandum of understanding with the Secretariat of the Joint United Nations Programme on HIV/AIDS (UNAIDS) to facilitate collaboration on HIV/AIDS prevention and care in Asia and the Pacific.

³² ADB. 2005. *Gender Network News: Special Issue—Perspectives on Gender and HIV/AIDS*. September.

Box 22. Law and Policy Frameworks on HIV/AIDS

The **Declaration of Commitment on HIV/AIDS**, adopted at the UN General Assembly Special Session on HIV/AIDS in 2001, commits governments by 2003 (i) to adopt and implement national strategies for combating HIV/AIDS, and (ii) to enact and enforce “legislation, regulations, and other measures to eliminate all forms of discrimination against and to ensure the full enjoyment of all human rights and fundamental freedoms by people living with HIV/AIDS and members of vulnerable groups” (para. 37).

The Declaration outlines the principles that should inform national strategies for combating HIV/AIDS. In general, these national strategies should (i) confront stigma, silence, and denial; (ii) address gender- and age-based dimensions of the epidemic; (iii) eliminate discrimination and marginalization; (iv) involve partnerships with civil society and the business sector, and the full participation of people living with HIV/AIDS, particularly women and young people; (v) fully promote and protect human rights and fundamental freedoms; (vi) address risk, vulnerability, prevention, care, treatment, support, and reduction of the impact of the epidemic; and (vii) strengthen health care, education, and legal system capacity (para. 37).

The **International Guidelines on HIV/AIDS and Human Rights**, published by the Joint UN Programme on HIV/AIDS (UNAIDS) and the Office of the UN High Commissioner for Human Rights, provide recommendations for countries to ensure that their legal frameworks support a rights-based approach to HIV/AIDS. Specifically, the International Guidelines include checklists for revising (i) public health legislation; (ii) criminal laws and correctional systems; (iii) antidiscrimination and protective laws; (iv) regulation of goods, services, and information; and (v) legal support services. The International Guidelines pay particular attention to the impact of discrimination against women, children, men who have sex with men, and other vulnerable groups. For example, lack of

legal protection from sexual violence can expose women to HIV infection in cases of rape. Since women are more likely to work in the informal sector, without the benefit of labor law protections, they are less likely to have health insurance and job security in the event that they become infected with HIV. Land administration practices, customary rules, and social norms that recognize only male heads of household as legal owners of land and housing can also disadvantage women whose husbands have become incapacitated or have died of HIV/AIDS, leaving the women at risk of losing the family homestead to their husbands’ relatives or creditors.

ILO has also recommended legislation on HIV/AIDS in the workplace, including (i) prohibition of discrimination at work related to HIV status, (ii) prohibition of mandatory pre- and post-employment testing, (iii) protection of HIV-related data, (iv) prevention and containment of transmission risks, (v) workplace accommodation, including working time flexibility, (vi) grounds for dismissal not being related solely to HIV status, (vii) benefits, (viii) grievance and disciplinary procedures, and (ix) implementation mechanisms.

In Asia and the Pacific, countries have addressed HIV/AIDS through “soft laws” (policies or strategies), “hard laws” (including acts, ordinances, decrees, orders, and regulations), or both. Many countries have already developed, and are implementing, multisector HIV/AIDS policies or strategies. Several countries, including **Cambodia, Kazakhstan, Philippines, and Viet Nam**, have enacted comprehensive laws specifically addressing HIV/AIDS. Other countries, such as **Singapore**, have addressed HIV/AIDS through their general laws on communicable diseases. Several countries are still in the process of developing HIV/AIDS strategies and/or laws, often with support from UNAIDS or the ILO.

Sources: UN 2001; UNAIDS 1999; ILO 2003.

Project/program teams should consider the following GLP issues and possible interventions in preparing health loans, grants, and TA projects.³³

1. Situation Analysis

To analyze the GLP issues in a particular project or program, consider the following questions:

- Does the sector have a **gender strategy**? If so, how effective has it been in increasing women’s as well as men’s access to health care services? What have been the obstacles to its implementation?

³³ ADB’s gender checklist for health will also be a useful resource. See footnote 1 for more information on this checklist, and footnote 9 for suggestions of how it can be used together with this tool kit.

- Do the relevant laws and policies (such as those on health care, population, nutrition, HIV/AIDS, and violence against women) include any **special measures** to improve women's access to health care services (including counseling and treatment for HIV/AIDS or other sexually transmitted infections (STIs), or for the effects of violence)? If so, have they been effective? What have been the weaknesses or obstacles?
- Do the law and policy framework or provisions contain any **discriminatory provisions or implicit gender biases** that could disadvantage women and girls? These might include:
 - a requirement that a husband or parent consent to certain medical treatments;
 - fees for health care services and out-of-pocket costs for drugs and hospital stays;
 - mandatory, nonconfidential HIV/AIDS testing at antenatal clinics;
 - limitation of community membership in local health committees to heads of household;
 - an insufficient number of female health personnel, especially in poor and rural areas; and
 - health insurance programs that are available only to full-time, formal sector workers.
- What **changes in the law and policy framework** are proposed under the project/program?
 - Will these changes address gender biases in the law and policy framework?
 - Could any of the proposed changes inadvertently disadvantage women or girls, for example, new fees for health care services, a reduction in the coverage of free health care services, a hiring freeze for health care workers or introduction of mandatory or nonconfidential HIV testing?
- What **other laws and policies** influence women's access to health care services, for example, laws relating to the manufacture and importation of pharmaceuticals, patents on pharmaceuticals, drug safety and essential drugs; health insurance laws and regulations; civil service laws and regulations; decentralization laws or policies; laws protecting indigenous or ethnic minority groups; or criminal laws?
- Do any other **formal or informal barriers** restrict women's access to health care services? These could include:
 - social pressure for early marriage;
 - social norms limiting women's mobility and interaction with male health care personnel;
 - women's preference for traditional birth attendants and traditional health care practices, including birthing practices;
 - community or police tolerance of domestic violence;
 - misinformation, stigma, and discrimination surrounding HIV/AIDS; and
 - low literacy levels and language barriers, especially among ethnic minority women.

- What is the **gender balance among key actors** in the sector, e.g., in the Ministry of Health and among staff in hospitals, health centers, and local health committees? What are the possible causes of any gender imbalance? Do the ministry and health facilities provide equal pay and benefits to men and women for work of equal value? Do they provide culturally appropriate facilities for women and men?
- Are **civil society groups** (including NGOs, CBOs, workers' or employers' organizations, or self-help groups) engaged in awareness raising concerning entitlements to health services and benefits of family planning, safe sex, antenatal care, delivery in a health care facility, or other public health matters? Are any of these organizations providing treatment, support, or legal assistance to victims of domestic violence or to people living with HIV/AIDS? If not, do women's organizations or other civil society groups that could implement these types of activities exist?

2. Project/Program Design

The appropriate GLP interventions for a particular health care project or program will depend on the situation analysis, other country diagnostics, and the nature of the project/program. Boxes 23 and 24 provide case studies of ADB health care loans and grants supporting GLP initiatives. Possible measures could include the following:

- development of a **gender strategy** for the sector;
- **amendments or supplements to the existing health care laws and policies** to correct gender biases or gaps, to improve access to essential medicines (including antiretroviral drugs), or to prohibit discrimination against people living with HIV/AIDS (see Box 22);
- enhanced **incentives for female health care workers** to be posted in rural areas;
- **training for health care workers** (both men and women) to deal sensitively with female patients, especially victims of domestic violence and those living with HIV/AIDS;
- **awareness-raising campaigns** about the benefits of family planning, antenatal care, delivery in health care facilities, prevention of HIV and/or protection against violence, involving locally elected female officials and targeting community leaders, adolescents and men; and
- **Partnership with local NGOs or CBOs** to provide health care outreach services, promote family planning and HIV awareness, and/or provide counseling and legal aid to victims of domestic violence and people living with HIV/AIDS.

3. Stakeholders

Possible stakeholders to be included in the design and implementation of a health care project or program will vary, depending on the scope of the project/program. To ensure that GLP issues are addressed, the following stakeholders, in addition to the Ministry of Health and national HIV/AIDS coordinating body, should be considered:

- Ministry of Women's Affairs, or its local department/office;³⁴
- Ministry of Justice (for law reforms);
- local governments, especially including female elected officials;
- community leaders;
- women's crisis centers and shelters;
- NGOs and CBOs working in the project/program area, especially those with experience in mobilizing women in poor communities and rural areas; and evaluation system for the project/program, and that sex-disaggregated data are collected and monitored.
- medical associations and local health committees.

4. Targets and Indicators

Possible targets and indicators for the design and monitoring framework (or policy matrix for a policy-based loan) include the following:

- drafting and approval of a gender strategy for the health care sector;
- amendments or other changes in the law and policy framework;
- targets for hiring and training of female health workers, or for women's representation in local health committees; and
- special activities such as NGO or CBO outreach on family planning, HIV awareness, safe pregnancy and delivery, or other public health issues; health education programs and health care services in primary and secondary schools; or provision of services and protection to domestic violence victims and those living with HIV/AIDS.

5. Assurances

For loans and grants, appropriate assurances should be obtained from the government or executing agency to support GLP activities, targets and indicators. In program loans, key assurances could be conditions for tranche release. In project loans, some key assurances could be conditions for loan negotiations, for approval by the ADB Board of Directors, or for loan effectiveness. Sample assurances include the following:

- The Government will ensure that the Ministry of Health prepares and adopts a gender mainstreaming strategy for the health care sector [or for a specific area such as reproductive health, adolescent health, or HIV/AIDS prevention and treatment] by [date].
- The Government will submit the draft [HIV/AIDS Prevention and Treatment Act] to Parliament for approval by [date].
- The Government will ensure that the Ministry of Health develops an improved compensation and benefit package for health care workers posted to rural areas, and that this package is costed and included in the medium-term expenditure framework for [years] and in the annual budget for health care beginning in [year].

³⁴ Or other government body responsible for promoting gender equality, e.g., interministerial committee or women's union.

- The Government will ensure that the Ministry of Health adopts the project Gender Action Plan (GAP), that it is implemented in a timely manner over the entire project period, and that adequate resources are allocated for this purpose. In particular, the Government will ensure that [insert key provisions from the GAP, such as targets for increasing the number of female doctors, midwives, and community health workers in rural areas; or contracting with women's NGOs to establish and run crisis centers and shelters for domestic violence victims]. The Project Implementation Office will prepare a field manual for the GAP and will conduct training for all project staff on the GAP. Implementation of the GAP will be closely monitored, and the progress will be reported in the quarterly reports to ADB.
- The Government will ensure that gender-related indicators are included in the monitoring and evaluation system for the project/program, and that gender-disaggregated data are collected and monitored.

6. Case Studies

Box 23. Health Care Policy Reforms in the Philippines

The **Health Sector Development Program** (2004) [Loan No. 2136] aims to improve primary health care for the poor in the Philippines, and especially for women, by increasing financial resources for reproductive health and family planning programs, expanding social health insurance coverage for the poor, and ensuring the availability of essential drugs. The program includes targets for reducing maternal mortality rates, increasing contraceptive use and use of health care facilities for high-risk deliveries, and lowering drug prices (which would particularly benefit women as the primary caregivers in most Philippine households).

Related policy conditions for the release of loan tranches under the program include: (i) development of a new health insurance scheme for the informal sector; (ii) establishment of targets to increase the share of public health expenditure for public health

care programs (including reproductive health care and family planning); (iii) issuance of a contraceptive strategy targeting poor women; (iv) revision of the National Drug Formulary to include contraceptives; and (v) development of guidelines to improve drug price controls. A related investment project supports (i) the upgrading of selected health facilities to provide enhanced services for family planning, reproductive health care counseling, and attended deliveries; (ii) skills upgrading for community health care workers; (iii) provision of seed funds to poor women's groups to set up community health care projects; and (iv) full sex disaggregation of health care statistics, including identification of women-headed households. These provisions are reflected in the gender strategy and more detailed gender action plan for the program, which are intended to support the Department of Health's gender policy for the health sector.

Box 24. Improving Governance Framework for Urban Primary Health Care in Bangladesh

The **Second Urban Primary Health Care Project** (2005) [Loan No. 2172] supports innovative mechanisms to improve access to quality health care in cities and municipalities of Bangladesh, particularly for poor women and children. These include (i) the subcontracting out of primary health services to NGOs, which will manage health care centers providing emergency obstetric care, care for reproductive tract infections, STIs, and other essential services, as well as miniclinics and outreach services; (ii) building of community toilets (50% for women); (iii) community mobilization and awareness raising on health issues, especially those related to HIV/AIDS and STI prevention and control, and on the availability of free services for the poor; and (iv) establishment of voluntary testing and counseling centers for HIV/AIDS. At least 50% of health care providers and at least 30% of project staff will be women.

The project will also strengthen urban institutions to manage primary health care services by (i) providing training to municipal officials and partner NGOs on pro-poor and gender-sensitive targeting and monitoring; (ii) establishing ward primary health care committees cochaired by female ward commissioners; (iii) establishing a grievance mechanism for health care recipients; (iv) independent monitoring and auditing to ensure timely disbursements to partner NGOs and appropriate disbursements; (v) operational research studies on effective pro-poor targeting, reduced gender inequalities, the impact of user fees on health service utilization, effective STI and HIV/AIDS prevention strategies for slum dwellers and squatters, and other topics; and (vi) support for drafting an urban health strategy. The gender action plan for the project also provides for legal counseling for abused women and women under threat of abuse.

E. Water Supply and Sanitation

ADB's support for the water supply and sanitation sector includes both urban and rural projects, and different scales of infrastructure ranging from small, community-based systems to large facilities servicing metropolitan areas or regions. Women's and girls' important roles in managing household water resources are generally acknowledged, but WSS projects do not always recognize the benefits of including women in designing and managing WSS facilities. The GLP issues in a particular WSS project will also depend on the location and scale of the project, as well as country and local conditions. Indicative GLP issues in the WSS sector are summarized in Box 25.

Box 25: GLP Issues in Water Supply and Sanitation

GLP issues that may be relevant to water supply and sanitation in particular DMCs include:

- limitations on membership in water users' associations to registered landowners or heads of household,
- a high literacy requirement for managers of water user groups, and
- high up-front connection charges and user fees for piped water supply.

DMCs' international commitments related to gender and WSS include the following:

- **CEDAW**, which requires state parties to ensure rural women's right to water supply (Article 14.2[h]); and
- **Millennium Development Goal 7**, Target 10, which aims to provide safe drinking water and sanitation to both rural and urban households.

Project/program teams should consider the following GLP issues and possible interventions in preparing a WSS loan, grant, or TA project.³⁵

1. Situation Analysis

To analyze the GLP issues in a particular project or program, consider the following questions:

- Does the WSS sector have a **gender strategy**? If so, how effective has it been in increasing women's participation in the sector and ensuring that WSS facilities meet their needs? What have been the obstacles to its implementation?
- Do WSS laws and policies (including the bylaws of water/sanitation user groups) include any **special measures** to increase women's participation in WSS activities? If so, have they been effective? What have been the weaknesses or obstacles?

³⁵ ADB's gender checklist for water supply and sanitation will also be a useful resource. See footnote 1 for more information on this checklist, and footnote 9 for suggestions of how it can be used together with this tool kit.

- Does the WSS law and policy framework contain any **discriminatory provisions or implicit gender biases**, or other provisions that could disadvantage women? Possible examples:
 - Is decision making on the location and type of WSS facilities limited to district or village officials, with little or no community participation?
 - Is the water tariff structure regressive (without a lifeline block, installment scheme for connection charges, or other accommodation for poor households)?
 - Is membership in water/sanitation user groups limited to heads of households?
 - Are management positions in water/sanitation user groups limited to members with high literacy and numeracy skills? Are these necessary for these positions?
 - Do local water authority offices contain few female staff?

- What **changes in the law and policy framework** are proposed under the project/program?
 - Will these changes address gender biases in the law and policy framework?
 - Could any of the proposed changes inadvertently disadvantage women, for example, through increases in water tariffs, or establishment of water management bodies or water/sanitation user groups without adequate women's representation?

- What **other laws and policies** influence women's participation in the sector, for example, decentralization laws or policies, labor laws/regulations, civil service rules, or the resettlement law/policy (relevant to the construction of large WSS facilities)?

- Do any **other formal or informal barriers** restrict women's participation in the sector, such as men's traditional control of community decision-making; women's low literacy/numeracy levels; or women's lack of time, mobility, or confidence to participate in water/sanitation user groups or other sector activities?

- What is the **gender balance in key organizations** in the sector, such as the national and municipal water authorities, their local offices, and water/sanitation user groups? What are the possible causes of any gender imbalance? Do the water authorities provide equal pay for work of equal value? Do the authorities' offices provide culturally appropriate facilities for women and men?

- Are **civil society groups**, such as NGOs, CBOs, or self-help groups, already involved in mobilizing women to participate in WSS activities? If not, do women's organizations or other civil society groups that could carry out these activities exist?

2. Project/Program Design

The appropriate GLP interventions for a particular WSS project or program will depend on the situation analysis, other country diagnostics, and the nature of the project/program. Boxes 26 and 27 provide case studies of WSS grant projects that support GLP initiatives. Some possible measures include:

- development of a **gender strategy** for the sector;
- **amendments or supplements to existing WSS law or policy** (including model bylaws of water/sanitation user groups) to correct gender biases or gaps, or repeal of discriminatory provisions;
- enhanced **incentives for female water authority staff** posted in rural areas;
- **training for water authority** staff in gender awareness and techniques to involve women in WSS activities;
- mechanisms to facilitate women's involvement in the design of WSS facilities and employment in construction and maintenance (such as consultation with women's groups, employment targets, provisions for equal pay and safe working conditions, or formation of women's construction groups);
- **awareness-raising campaigns** on the benefits of safe water and sanitation practices, involving locally elected female officials, community leaders, and women's groups; and
- partnership with local NGOs or CBOs to **mobilize women to form self-help groups** to finance household WSS improvements and promote hygiene awareness.

3. Stakeholders

Possible stakeholders to be included in the design and implementation of a WSS project or program will vary, depending on the nature of the project/program. To ensure that GLP issues are addressed, the following stakeholders should be considered, in addition to the relevant water authorities:

- Ministry of Women's Affairs, or its local department/office;³⁶
- Ministry of Justice (for any law reforms);
- local government, especially including female elected officials;
- community leaders, including women leaders;
- NGOs and CBOs working in the project/program area, especially those with experience in mobilizing women in poor and rural areas; and
- water/sanitation user groups and women's self-help groups.

4. Targets and Indicators

Possible targets and indicators for GLP-related activities to be included in the design and monitoring framework (or policy matrix for a policy-based loan) include the following:

³⁶ Or other government body responsible for promoting gender equality, e.g., interministerial committee or women's union.

- drafting and approval of a gender strategy for the WSS sector;
- amendments or other changes in the law and policy framework;
- targets for hiring female staff in local water authority offices, for women's membership and leadership in management of water/sanitation user groups, and for women's participation in training and other project activities; and
- special activities (such as women-only training in water management, or NGO/CBO support for women to participate in water/sanitation user groups and resolve disputes relating to water access and use).

5. Assurances

For loans and grants, appropriate assurances should be obtained from the government or executing agency to support GLP activities, targets, and indicators. In program loans, key assurances could be conditions for tranche release. In project loans, some key assurances could be conditions for loan negotiations, for approval by the ADB Board of Directors, or for loan effectiveness. Sample assurances include the following:

- The Government will ensure that [the national water authority or relevant ministry] prepares and adopts a gender mainstreaming strategy for the WSS sector by [date].
- Amendments to [the National Water Ordinance], increasing to _% the minimum percentage of female members of water and sanitation user group boards, will be submitted to the Cabinet for approval by [date].
- The Government will ensure that the [executing agency] adopts the project Gender Action Plan (GAP), that it is implemented in a timely manner over the entire project period, and that adequate resources are allocated for this purpose. In particular, the Government will ensure that [insert key provisions from the GAP, such as targets for increasing female staff in local water authority offices, increasing women's membership or leadership in water/sanitation user groups, or women's participation in training activities]. The Project Implementation Office will prepare a field manual for the GAP and will conduct training for all project staff on the GAP. Implementation of the GAP will be closely monitored, and the progress will be reported in the quarterly reports to ADB.
- The Government will ensure that gender-related indicators are included in the monitoring and evaluation system for the project/program, and that sex-disaggregated data are collected and monitored.

6. Case Studies

Box 26. Integrating Gender in Rural Water Supply and Sanitation Policies and Institutions in Cambodia

The **Tonle Sap Rural Water Supply and Sanitation Sector Project** (2005) [Grant No. 0018] aims to help Cambodia achieve its national targets for improving access to safe water and sanitation facilities in rural areas. The project, which is funded from an ADF grant, includes four components: (i) community mobilization and skills development, (ii) water supply improvement, (iii) sanitation improvement, and (iv) capacity building and institutional support. Recognizing the important role of women as primary water users and hygiene educators and managers, the project includes a strong gender focus reflected in a comprehensive gender action plan.

At the policy level, the project will support the gender working group (GWG) already established in the Ministry of Rural Development (MRD) in preparing national guidelines on mainstreaming gender in the rural water supply and sanitation (RWSS) sector; updating MRD's guidelines on water use and hygiene education to reflect gender and ethnicity concerns; and preparing guidelines on community

participation (including women's participation) and gender-focused monitoring and evaluation. At an institutional level, the chair of the MRD GWG is on the national steering committee for the project; another member of the GWG will participate in the RWSS strategic policy unit; other GWG members will also be active in the project management unit; and at least 40% of the membership of water and sanitation user group boards in the project areas will be women.

Each project component includes mechanisms to ensure that women's as well as men's concerns are reflected in the design and construction of WSS facilities, and that women are treated equally in terms of compensation, resettlement allowances, and access to training. Women's resource groups will also have equal opportunities to bid for construction and other contracts under the projects. On the other hand, the project requires that men represent at least 40% of participants in hygiene and sanitation education activities, recognizing the need to involve men in these areas.

Box 27. Gender-sensitive Water Tariff Reform and Urban Institutions in Lao PDR

The **Northern and Central Regions Water Supply and Sanitation Sector Project** (2005) [Grant No. 0016] aims to improve the accessibility, quality, reliability, and sustainability of water supply services in 12 small towns in Lao PDR, and to improve environmental conditions in those towns. Like the Cambodian project profiled in Box 26, this project is financed from an ADF grant. Its components include: (i) strengthening water supply sector regulation and management; (ii) water supply development; (iii) urban environmental improvement; (iv) participation, awareness, and community actions; and (v) project implementation assistance and capacity building. As with the project in Box 26, this project recognizes the important role of women in managing household water use, hygiene, and sanitation, and includes a detailed gender strategy covering all main components.

At the policy level, the project supports increases in the overall level of cost recovery in urban water supply systems, but the proposed tariff includes a lifeline block and a deferred payment scheme for connection charges for poor households. This progressive tariff

structure should benefit women in poor households (including women-headed households), since Lao women typically use their cash income to pay for basic household services. At an institutional level, the project includes roles for the National Commission for the Advancement of Women (on the national steering committee for the project), the Lao Women's Union (in the project implementation units), and the women's union from the Ministry of Communication, Transport, Posts and Construction (to represent consumers' interests in the Water Authority Regulatory Committee).

At least 30% female representation is required on community action teams and in water supply and sanitation units, and at least 30% of new jobs generated by the project in communities are reserved for qualified women. Preference will also be given to women's proposals for village environmental improvement projects. Women as well as men will be consulted on the design of all project facilities, and popular media such as radio will be used to ensure that the project's health and sanitation awareness programs reach illiterate women and men, especially those in ethnic minority communities.

F. Urban Development

ADB's support for urban development covers multiple sectors and can include components on WSS, other basic infrastructure, housing and housing finance, urban planning and land use, and local governance. The GLP issues presented in a particular urban development project or program will vary depending on the components, and on country and local conditions. Indicative GLP issues in urban development are summarized in Box 28.

Box 28. GLP Issues in Urban Development

GLP issues that may be relevant to urban development in particular DMCs include:

- discriminatory land laws, e.g., customary laws and practices under which only male household members can own or transfer land;
- land laws and regulations restricting allocation and registration of land to heads of household;
- discriminatory banking laws and regulations, e.g., bank procedures precluding women from obtaining loans without the consent or guarantee of their husband or a male relative;
- legal requirements that women obtain their husband's or a male relative's consent to purchase, lease or mortgage real estate, or to execute contracts or other documents;
- limitations on membership in community organizations to registered landowners or heads of household;
- high literacy requirements for locally elected officials or managers of user groups; and/or
- lack of implementation of legal or policy requirements for gender balance in local government or user groups.

DMCs' international commitments in the area of gender and urban development include:

- the **Beijing Platform for Action**, which includes governments' commitments to address the needs of poor women, including the need for affordable housing (Strategic Objective A.1) and to ensure that women's priorities are included in any public investments in basic infrastructure (Strategic Objective F.2);
- the **Cairo Programme of Action**, which includes governments' commitments to sustainable urban development (Chapter IX);
- **Millennium Development Goal 7**, Target 11, which aims to improve conditions in slum settlements; and
- the **2005 World Summit Outcome**, in which governments committed themselves to ensure equal rights to secure tenure of property and housing.

Project/program teams should consider the following GLP issues and possible interventions in preparing an urban development loan, grant, or TA project.³⁷

1. Situation Analysis

To analyze the GLP issues in a particular project or program, consider the following questions:

³⁷ The questions provided elsewhere in this Section for governance, WSS, and finance projects, and ADB's gender checklist for urban development and housing, will also be helpful resources. See footnote 1 for more information on this checklist and footnote 9 for suggestions of how it can be used together with this tool kit.

- Does the urban development sector have a **gender strategy**? If so, how effective has it been in increasing women's participation in the sector and ensuring that urban facilities meet their needs? What have been the obstacles to its implementation?
- Do the relevant laws and policies, including those related to urban planning and zoning, land allocation and tenure, basic infrastructure, housing, housing finance, and microfinance, include any **special measures** to increase women's participation in urban development activities? If so, have they been effective? What have been the weaknesses or obstacles?
- Do the urban development laws and policies contain any **discriminatory provisions or implicit gender biases** or other provisions that could disadvantage women? Examples include the following:
 - Is decision making on urban planning and infrastructure limited to municipal officials with little community participation?
 - Is the tariff structure for household water and energy use regressive (without lifeline tariffs, installment schemes for connection charges, or other accommodations for poor households)?
 - Is membership in community organizations and user groups limited to heads of household?
 - Is leadership in these organizations and groups limited to those with high literacy and numeracy skills? Is literacy or numeracy necessary for these positions?
 - Is entitlement to housing plots and housing loans limited to heads of households?
 - Is the number of female staff in municipal offices small?
 - Do housing finance regulations or guidelines require a husband's or male family member's endorsement on a woman's housing loan application?
- What **changes in the law and policy framework** are proposed under the project/program?
 - Will these changes address gender biases in the law and policy framework?
 - Could any of the proposed changes inadvertently disadvantage women, for example, through increases in tariffs for basic services; introduction of public housing schemes limited to "heads of households"; or the establishment of new municipal corporations, community associations, or user groups for basic services without adequate female representation?
- What **other laws and policies** influence women's participation in the sector, for example, banking laws/regulations; regulations on housing finance, microfinance, or microenterprise development; decentralization laws or policies; labor laws and regulations; or the resettlement law/policy (relevant to the construction of large infrastructure facilities)?
- Do **other formal or informal barriers** restrict women's participation in the sector? These might include:

- men's traditional control of community decision-making;
 - customary rules or social norms restricting women's ownership of land and housing;
 - women's limited literacy and numeracy; or
 - women's lack of time, mobility, or confidence to participate in community associations, user groups, or other sector activities.
- What is the **gender balance in key organizations in the sector**, such as municipal governments and agencies, community associations, and water user groups? What are the possible causes of any gender imbalance? Do the municipal governments and agencies provide equal pay for work of equal value? Do they provide culturally appropriate facilities for women and men?
- Are **civil society organizations** (such as NGOs, CBOs, or self-help groups) already involved in mobilizing women to participate in urban development activities? If not, do women's organizations or other civil society groups exist that could take on these activities?

2. Project/Program Design

The appropriate GLP interventions for a particular urban development project or program will depend on the situation analysis, other country diagnostics, and the nature of the project/ program. Box 29 provides a case study of ADB loans that support GLP initiatives in urban development. Possible measures could include the following:

- development of a **gender strategy** for the sector;
- **amendments or supplements to existing urban development laws and policies** (including any model charters/bylaws of community associations and user groups, or housing finance regulations) to correct gender biases or gaps, or repeal of discriminatory provisions;
- **recruitment of additional female staff** in municipal government and municipal agencies;
- **training for municipal government staff** in gender awareness and strategies to involve women in urban development activities;
- **mechanisms to facilitate women's involvement** in urban planning, in the design of housing settlements and basic infrastructure facilities, and in employment on construction and maintenance of housing and basic infrastructure, such as employment targets, provisions for equal pay and safe working conditions, or the formation of women's construction groups;
- **awareness-raising campaigns** on alternative housing and tenure arrangements, safe water and sanitation practices, and other matters, involving locally elected female officials, community leaders, and women's groups;
- partnership with local NGOs or CBOs to **mobilize women through self-help groups** to finance housing, other household improvements, or microenterprises; and

- **partnership with slum dwellers' associations** (including female members and leaders) to construct appropriate housing, community toilets, and other improvements for slum dwellers.

3. Stakeholders

Possible stakeholders to include in designing and implementing an urban development project or program will vary, depending on the nature of the project/program. To ensure that GLP issues are addressed, the following stakeholders, in addition to the relevant urban planning authorities, should be considered:

- Ministry of Women's Affairs, or its local department/office;³⁸
- Ministry of Justice (for any law reforms);
- municipal government, especially including female elected officials;
- community leaders, including women;
- NGOs and CBOs working in the project/program area (especially those with experience in mobilizing women in slum areas); and
- community associations, user groups, and women's self-help groups.

4. Targets and Indicators

Targets and indicators for GLP-related activities, to be included in the design and monitoring framework (or policy matrix for a policy-based loan), could include the following:

- drafting and approval of a gender strategy for the urban development sector;
- amendments or other changes in the law and policy framework;
- targets for increasing female staff in municipal government and agencies, women's membership and leadership in community associations, women's employment in construction and maintenance, or women's participation in training and other project activities; or
- special activities, such as consultations with women's groups on the design of housing and infrastructure; training of locally elected female officials in urban planning and management; or NGO/CBO support for women to participate in self-help groups and resolve disputes relating to land tenure and access to basic services.

5. Assurances

For loans and grants, appropriate assurances should be obtained from the government or executing agency to support GLP activities, targets, and indicators.

³⁸ Or other government body responsible for promoting gender equality, e.g., interministerial committee or women's union.

In program loans, key assurances could be conditions for tranche release. In project loans, some key assurances could be conditions for loan negotiations, for approval by the ADB Board of Directors, or for loan effectiveness. Sample assurances include the following:

- The Government will prepare and adopt a gender mainstreaming strategy for urban development by [date].
- Revisions to the [Public Housing Guidelines,] eliminating the requirement of men's signatures on the housing applications of female applicants, will be submitted to the Cabinet for approval by [date].
- The Government will ensure that the [executing agency] adopts the project Gender Action Plan (GAP), that it is implemented in a timely manner over the entire project period, and that adequate resources are allocated for this purpose. In particular, the Government will ensure that [insert key provisions from the GAP, such as targets for increasing female staff in municipal government offices, training municipal government officials and locally elected officials including women, or contracting with local women's organizations to carry out social mobilization or construction activities]. The Project Implementation Office will prepare a field manual for the GAP and will conduct training for all project staff on the GAP. Implementation of the GAP will be closely monitored, and the progress will be reported in the quarterly reports to ADB.
- The Government will ensure that gender-related indicators are included in the monitoring and evaluation system for the project/program, and that sex-disaggregated data are collected and monitored.

6. Case Study

Box 29. Gender-equitable Urban Development in Bangladesh

ADB's past experience supporting urban development in Bangladesh has shown that physical infrastructure improvements cannot be sustained unless weaknesses in municipal governance are addressed. Therefore, the consultations in 2001 on a new urban development project resulted in the development of an Urban Governance Improvement Action Program (UGIAP). The UGIAP includes five subprograms: (i) citizen awareness and participation, (ii) women's participation, (iii) integration of the urban poor, (iv) financial accountability and sustainability, and (v) administrative transparency. Under these subprograms, pourashavas (secondary towns) that want to participate in ADB-financed projects are asked to develop participatory municipal development plans and poverty reduction action programs, form town-level citizens' committees, strengthen the role of female ward commissioners (FWCs), operate microcredit programs for poor women, and increase tax collection. The performance criteria for the women's participation subprogram of the UGIAP include (i) delineation of responsibilities of the FWCs in each pourashava by the municipal council; (ii) formation of gender and environment subcommittees headed by the FWCs; (iii) participation of the

FWCs in other pourashava committees; and (iv) organization of semiannual rallies on social and gender issues at the ward level involving women.

The UGIAP has formed the basis for the **Urban Governance and Infrastructure Improvement (Sector) Project** (2002) [Loan No. 1947], and, more recently, the **Secondary Towns Integrated Flood Protection Project, Phase 2** (2004) [Loan No. 2117]. In line with the UGIAP, both projects include a strong focus on women's participation in local governance and in the design, construction, and maintenance of infrastructure facilities, reflected in the GAPs for the projects.

For the 2004 project, the GAP was developed through a participatory process involving consultations with pourashava officials and workshops with local women and men. The GAP is also in line with the gender strategy of the Local Government Engineering Department. Some project activities reflected in the GAP include (i) orientation on the GAP and gender issues for ward chairmen and commissioners; (ii) training for FWCs on their roles; (iii) establishment of gender and environment committees chaired by the FWCs;

Box 29. Gender-equitable Urban Development in Bangladesh (cont'd.)

(iv) inclusion of the FWCs in other pourashava committees; (v) establishment of a forum for FWCs to share experience and provide mutual support; (vi) recruitment of women to fill at least 20% of project management positions, as well as government positions in pourashavas; (vii) gender sensitization and training for project staff; (viii) involvement of the FWCs in resettlement activities; (ix) employment of female construction workers (at least 25% of the total) on the basis of equal pay for equal work; (x) formation of women's labor contracting societies to carry out road maintenance

work and encourage group solidarity; (xi) consultations and awareness-raising programs with local women on the solid waste management and sanitation activities in the project; (xii) location and design of public toilets and other facilities to meet women's needs; (xiii) designation of roles for women in maintenance of tube wells and public toilets (formalized in the lease deeds for these facilities); (xiv) motivation of women to improve tax collection; and (xv) collection and monitoring of sex disaggregated data on the project and on pourashava activities.

G. Finance

Projects and programs in the finance sector can include financial sector reform and development, rural finance, microfinance, and housing finance. Gender issues are commonly associated with the microfinance sector, since the majority of borrowers in microfinance programs are women. However, the law and policy frameworks for other types of finance—including housing finance, rural finance, finance for SMEs, trade finance, and remittances—may also raise gender issues, depending on social norms and other factors that affect women's and men's access to financial services in these areas. Indicative GLP issues in the finance sector are summarized in Box 30.

Box 30. GLP Issues in Finance

GLP issues that may be relevant to the finance sector in particular DMCs include the following:

- discriminatory inheritance laws, (e.g., religious or customary laws and practices under which land passes only to male relatives, assets are distributed unequally between male and female relatives, or widows have no ownership or use rights with respect to the family home or land) which restrict women's access to collateral;
- discriminatory land laws, e.g., customary laws and practices under which only male household members can own or transfer land, which also restrict women's access to collateral;
- land laws and regulations restricting allocation and registration of land to heads of household, which also restrict women's access to collateral;
- discriminatory banking laws and regulations, e.g., bank procedures precluding women from obtaining loans without the consent or guarantee of their husband or a male relative;
- legal requirements that women obtain their husband's or a male relative's consent to mortgage real estate or execute contracts or other legal documents; and/or
- complicated procedures and high fees for processing loan applications.

DMCs' international commitments related to gender and finance include:

- **CEDAW**, which requires state parties to ensure that women have equal rights to obtain bank loans, mortgages, and other forms of financial credit (Article 13[b]);
- the **Beijing Platform for Action**, which includes government commitments to provide women with access to savings and credit mechanisms and institutions (Strategic Objective A.3) and to eliminate any biases against women in finance laws (Strategic Objective F.1); and
- the **2005 World Summit Outcome**, in which governments committed themselves to ensure that women have equal access to credit (para. 58).

Project/program teams should consider the following GLP issues and possible interventions in preparing a finance loan, grant, or TA project:³⁹

1. Situation Analysis

To analyze the GLP issues in a particular project or program, consider the following questions:

- Does the finance sector, or do particular subsectors such as rural finance, microfinance, or housing finance, have a **gender strategy**? If so, how effective have they been in increasing women's access to savings and credit, and ensuring that savings and loan products meet their needs? What have been the obstacles to their implementation?
- Do the finance laws, regulations, and policies include any **special measures** to increase women's access to savings and credit? If so, have they been effective? What have been the weaknesses or obstacles?
- Do the finance laws and policies contain any **discriminatory provisions or implicit gender biases** or other provisions that could disadvantage women? Possible examples:
 - Do all commercial loans require collateral?
 - Are housing loans extended only to heads of households?
 - Are commercial loan products geared toward large enterprises?
 - Are savings products geared toward wealthier savers?
 - Are women required to obtain the consent (or guarantee) of their husbands, or the endorsement of other men, in order to apply for a personal or business loan?
 - Are loan applications complicated and time-consuming to process?
 - Do banks and other financial institutions such as credit unions employ few female officers?
 - Are the locations and business hours of financial institutions inconvenient for female customers?
- What **changes in the law and policy frameworks** are proposed under the project/program?
 - Will these changes address gender biases in the law and policy frameworks?
 - Could any of the proposed changes inadvertently disadvantage women? These could include changes in prudential regulations that might be difficult for microfinance institutions (MFIs) and other nonbank financial institutions to meet; introduction of new documentation requirements for banking transactions that are difficult for small businesses or individuals

³⁹ For housing finance, ADB's gender checklist for urban development and housing will also be a useful resource. See footnote 1 for more information on this checklist, and footnote 9 for suggestions of how it can be used together with this tool kit.

to satisfy; establishment of new financial institutions with few savings and loan products geared to small businesses and individuals; elimination of subsidized credit for small farmers or businesses; or the discontinuation of social mobilization activities or business development services linked to small or microloans.

- What **other laws and policies** influence women's access to savings and credit, for example, land and other property laws, inheritance laws, business registration and licensing regulations, or tax laws and regulations?
- Do any **other formal or informal barriers** restrict women's access to financial services? These might include the following:
 - men's traditional control of household income and assets;
 - social norms that assign responsibility to men to sign contracts, register land interests, or conduct banking business;
 - difficulty for women in obtaining their own identity cards or tax identification numbers;
 - bias of bank officers against female customers;
 - women's limited literacy and numeracy (considering what level of literacy/numeracy is necessary to access financial services); or
 - women's limited mobility or lack of time to transact banking business or participate in savings and credit groups.
- What is the **gender balance in key organizations** in the sector, such as the finance ministry, housing finance corporations, rural banks, credit unions, and MFIs? What are the possible causes of any gender imbalance? Do these institutions provide equal pay for work of equal value? Do they provide culturally appropriate facilities for women and men?
- Are **civil society organizations**, such as NGOs, CBOs, women's business associations, or workers' or employers' associations already involved in mobilizing women for savings and credit activities? If not, do women's organizations or other civil society groups exist that could take on these activities?

2. Project/Program Design

The appropriate GLP interventions for a particular finance project or program will depend on the situation analysis, other country diagnostics, and the nature of the project/program. Box 31 provides a case study of an ADB microfinance loan that incorporates GLP initiatives. Possible measures include the following:

- development of a **gender strategy** for the sector;
- **amendments or supplements to existing finance laws, regulations, or policies**—including model charters, lending guidelines, or codes of conduct of financial institutions—to correct gender biases or gaps, or repeal discriminatory provisions;

- **recruitment or promotion of more female staff** in rural banks, credit unions, and housing finance offices;
- **training of finance ministry staff and staff in financial institutions** in gender awareness and strategies to improve women's access to financial services; or
- **partnerships with NGOs, CBOs, or women's business associations** to mobilize women for savings, credit, and business development activities.

3. Stakeholders

Possible stakeholders to be included in the design and implementation of a finance project or program will vary, depending on the nature of the project/program. To ensure that GLP issues are addressed, the following stakeholders should be considered, in addition to the finance ministry and relevant financial institutions:

- Ministry of Women's Affairs, or its local department/office;⁴⁰
- Ministry of Justice (for any law reforms);
- local government, especially including female elected officials;
- community leaders, including women;
- NGOs and CBOs with experience in mobilizing women for savings, credit, or business development activities; and/or
- women's business associations.

4. Targets and Indicators

Possible targets and indicators for GLP activities for the design and monitoring framework (or policy matrix for a policy-based loan) include the following:

- drafting and approval of a gender strategy for rural finance, microfinance, and housing finance;
- amendments or other changes in the finance law and policy frameworks;
- targets for hiring female staff in rural banks, credit unions, and housing finance offices;
- targets for women's participation as financial clients, in training or other project activities; and
- special activities for women (such as a targeted credit line for female entrepreneurs or financial or business services targeted to female clients).

5. Assurances

For loans and grants, appropriate assurances should be obtained from the government or executing agency to support GLP activities, targets and indicators.

⁴⁰ Or other government body responsible for promoting gender quality, e.g., interministerial committee or women's union.

In program loans, key assurances could be conditions for tranche release. In project loans, some key assurances could be conditions for loan negotiations, for approval by the ADB Board of Directors, or for loan effectiveness. Sample assurances include:

- The Government will prepare and adopt a gender mainstreaming strategy for the [rural finance, microfinance or housing finance] subsector by [date].
- Revisions to the [Credit Program for Women-owned Businesses,] eliminating the requirement of men's signatures on the loan applications of female applicants, will be submitted to the Cabinet for approval by [date].
- The Government will ensure that the [Ministry of Finance] adopts the project Gender Action Plan (GAP), that it is implemented in a timely manner over the entire project period, and that adequate resources are allocated for this purpose. In particular, the Government will ensure that [insert key provisions from the GAP, such as targets for the percentage of female borrowers/savers, for recruiting or promoting additional female staff in participating financial institutions, or for the participation of female staff or clients in training programs; or a credit line specifically for women-owned businesses]. The Project Implementation Office will prepare a field manual for the GAP and will conduct training for all project staff on the GAP. Implementation of the GAP will be closely monitored, and the progress will be reported in the quarterly reports to ADB.
- The Government will ensure that gender-related indicators are included in the monitoring and evaluation system for the project/program, and that sex-disaggregated data are collected and monitored.

6. Case Study

Box 31. Gender-inclusive Policy Framework for Microfinance in Pakistan

During the 1990s, Pakistan embarked on a number of financial sector reforms with support from ADB and the World Bank. However, these reforms did not address the specific needs of the microfinance sector. Through the **Microfinance Sector Development Program** (2000) [Loan No. 1805], ADB has supported the development of a microfinance (MF) policy framework for Pakistan that (i) encourages the emergence of MFIs to increase outreach to the poor and excluded, especially poor women; (ii) recognizes the need to direct investments to build social capital and mitigate risks faced by the poor; (iii) promotes linkages between MFIs specializing in financial intermediation and NGOs with competence in social intermediation, in order to provide financial and nonfinancial services to individuals as well as groups; (iv) promotes public-private partnerships and private sector initiatives, including enhanced roles for NGOs; and (v) encourages the State Bank of Pakistan to take a proactive role in establishing the financial infrastructure to support MF development and integrate MF in the broader financial system.

The strong emphasis on social intermediation is drawn from the experience of MF programs in Pakistan, which suggests that the formation of solidarity groups and skills development are important complementary activities to enable poor women to

access and use microloans. The program has also supported the establishment of a new MFI, which has two independent female directors, 40% female staff and 40% female clients, and integrates gender considerations into its products and service delivery methodology, including the use of mobile banking units, links with women community organizers, and help to MF clients in obtaining identity cards.

The program also supported several special funds established with the State Bank of Pakistan: a Microfinance Social Development Fund, to finance social mobilization, skills training, and empowerment activities to enable poor people, especially women, to use MF services effectively; a Community Investment Fund, to finance community-based infrastructure projects to support the livelihood activities of MF clients; a Risk Mitigation Fund, to help MF borrowers who lose their source of income due to circumstances beyond their control; and a Deposit Protection Fund, to secure the savings mobilized by MFIs. A related investment project provides a credit line to the new MFI, with conditions to ensure women's access to financial services, including a 40% target for microloans to women and contracting arrangements with NGOs to mobilize MF clients, facilitate group formation, and provide skills and leadership training.

H. Trade, Industry, and SME Development

ADB's support for trade, industry, and small and medium enterprise (SME) development is extremely varied, and may include market analysis, law and policy reforms, infrastructure improvements, credit lines, corporate restructuring, and other activities. The gender issues raised by these activities will also vary considerably and may be linked to the different opportunities and risks for men and women as business owners, employees, and/or consumers. Particularly in trade and industry, the gender-related impact of a policy change or investment activity may be indirect and therefore less obvious. Indicative GLP issues related to trade, industry, and SME development are summarized in Box 32.

Box 32. GLP Issues in Trade, Industry, and SME Development

GLP issues that may be relevant to trade, industry, and SME development in particular DMCs include the following:

- discriminatory inheritance laws (e.g., religious or customary laws and practices under which land passes only to male relatives, assets are distributed unequally between male and female relatives, or widows have no ownership or use rights with respect to the family home and land), which restrict women's access to collateral;
- discriminatory land laws, e.g., customary land laws and practices under which only men household members can own or transfer land, and which also restrict women's access to collateral;
- land laws and regulations restricting registration and titling of land to heads of household, which also restrict women's access to collateral;
- discriminatory tax laws and regulations, e.g., restricting married women from obtaining their own tax identification numbers;
- discriminatory banking laws and regulations, e.g., bank procedures precluding women from obtaining loans without the consent or guarantee of their husband or a male relative;
- complicated procedures and high fees for business registration, loan applications, or import/export licenses;
- laws or regulations restricting women's work at night or in "hazardous" occupations;
- discriminatory pay structures, or allowances paid only to head of households;
- exclusion of workers in special enterprise zones from the coverage of national labor laws; and
- lack of equitable enforcement of labor laws.

DMCs' international commitments in the area of gender and trade, industry, and SME development include the following:

- **CEDAW**, which requires state parties to eliminate discrimination in employment (Article 11) and to eliminate discrimination against women in other areas of economic life (Article 13);
- **ILO Convention No. 111**, which requires ratifying states to promote equality of opportunity and treatment between men and women in employment and occupation, and to repeal discriminatory laws and practices (Articles 2 and 3);
- **ILO Convention No. 100**, which requires ratifying states to promote equal remuneration between men and women for work of equal value, and to determine remuneration rates without discrimination based on sex (Articles 1 and 2)
- the **Beijing Platform for Action**, which includes government commitments to promote women's access to employment with appropriate working conditions, economic resources, markets, and trade; to strengthen women's economic capacity and commercial networks; and to eliminate occupational segregation and other forms of employment discrimination (Strategic Objective F); and

- the **2005 World Summit Outcome**, in which countries committed themselves to ensure women's equal access to labor markets, sustainable employment, and adequate labor protection (para. 58).

Project/program teams should consider the following GLP issues and possible interventions in preparing a trade, industry or SME loan, grant, or TA project.

1. Situation Analysis

To analyze the GLP issues in a particular project or program, consider the following questions:

- Does the trade, industry, or SME sector have a **gender strategy**? If so, how effective has it been in increasing women's business and employment opportunities in these sectors? What have been the obstacles to its implementation?
- Do the relevant laws and policies (related to trade, industrial development, or SME development) include any **special measures** to increase women's employment and business opportunities? If so, have they been effective? What have been the weaknesses or obstacles?
- Do these laws and policies contain any **discriminatory provisions or implicit gender biases**, or other provisions that could disadvantage women? Examples include the following:
 - Do business registration and licensing requirements, tax credits and other incentives, tax regulations, import/export rules, or other business regulations favor large enterprises?
 - Do women need the consent of their husband or a male family member in order to enter into contracts, apply for a loan, register or pledge land or other assets, or transact other business?
 - Is it difficult for women (especially married women) to obtain an identity card or their own tax identification number?
 - Are businesswomen excluded from business advisory councils, national trade associations, or chambers of commerce?
 - Do wage laws, orders or regulations provide different wage rates for women and men, or are they biased in the way they value different types of work?
 - Do labor laws provide for allowances to be paid only to male workers or heads of households?
 - Are labor laws poorly enforced?
 - Do more relaxed labor standards apply in export processing or other industrial zones?
 - Do protective labor laws prevent women from seeking employment in certain sectors, or from working at night?

- What **changes in the law and policy frameworks** are proposed under the project/program?
 - Will these changes address gender biases in the law and policy frameworks?
 - Could any of the proposed changes inadvertently disadvantage women, for example, tariff reductions that are likely to result in increased imports of products undercutting small farmers and manufacturers, an industry restructuring that will result in disproportionate layoffs of female workers, or an SME development policy that is developed without input from businesswomen?

- What **other laws and policies** influence women's participation in these sectors, for example, labor laws and regulations;⁴¹ property, inheritance, and contract laws; financial laws and regulations; or tax laws and regulations?

- Do any **other formal or informal barriers** restrict women's participation in these sectors? These might include the following:
 - collateral requirements, lending guidelines, or bias on the part of loan officers that could limit businesswomen's access to credit;
 - customary rules or social norms that legitimize men's control of family businesses, including registration of land and other assets and signatures on contracts and loan documents;
 - social bias against businesswomen;
 - businesswomen's household responsibilities, which may limit the location and scale of their enterprises; or
 - women's lower levels of education and vocational training, which could limit their job opportunities. (Consider what levels of education or training would be necessary to reverse this trend.)

- What is the **gender balance in key organizations in the sectors**, including ministries of trade, commerce or industry, trade associations, and chambers of commerce? What are the possible causes of any gender imbalance? Do these institutions provide equal pay for work of equal value? Do they provide culturally appropriate facilities for women and men?

- Are **civil society organizations**, such as workers' and employers' organizations, businesswomen's associations, women's cooperatives, and self-help groups, already involved in mobilizing women to improve their employment and business opportunities? If not, do women's organizations or other civil society groups exist that could take on these activities?

⁴¹ These include protective laws that restrict women's work at night or in certain "hazardous" occupations (Box 5).

2. Project/Program Design

The appropriate GLP interventions for a particular trade, industry, or SME development project or program will depend on the situation analysis, other country diagnostics, and the nature of the project/program. Box 33 provides a case study of an SME development program that incorporates GLP initiatives. Possible measures could include the following:

- development of a **gender strategy** for the trade, industry or SME sector;
- **amendments or supplements to existing laws and policies** (related to trade, industry, or SME development and also including industry codes of conduct) to correct gender biases or gaps, or repeal of discriminatory provisions;
- **recruitment and promotion of more women** in trade, commerce, or industry ministries;
- **training for trade, commerce, or industry ministry staff** in gender analysis and strategies to improve women's business prospects and employment opportunities;
- **retraining and social safety net programs** for retrenched workers;
- **mechanisms to include businesswomen** in trade, industry, and SME policy development, for example, through representation in business advisory councils and business associations;
- **partnerships with women's organizations**, including businesswomen's associations, workers' organizations, and women's cooperatives, to promote women's participation in trade, industry, and SME development; and
- **partnerships with local NGOs or CBOs** to mobilize women through self-help groups to develop and expand their businesses.

3. Stakeholders

Possible stakeholders to be included in the design and implementation of a trade, industry, or SME development project will vary, depending on the nature of the project/program. To ensure that GLP issues are addressed, the following stakeholders should be considered, in addition to the trade, commerce, and industry ministries:

- Ministry of Women's Affairs, or its local department/office;⁴²
- Ministry of Labor;
- Ministry of Justice (for any law reforms);
- local government, especially including female elected officials;
- community leaders, including women;
- women's business associations, and workers' and employers' organizations;
- NGOs and CBOs with experience in mobilizing women, especially in poor and rural areas; and
- women's self-help groups.

⁴² Or other government body responsible for promoting gender equality, e.g., interministerial committee or women's union.

4. Targets and Indicators

Possible targets and indicators for GLP-related activities for the design and monitoring framework (or policy matrix for a policy-based loan) include the following:

- drafting and approval of a gender strategy for the trade, industry, and/or SME sector;
- amendments or other changes in the law and policy frameworks;
- targets for hiring female staff in the trade, commerce, industry, or labor ministries; women's membership and representation in business advisory councils and business associations and women's participation in training and other project activities; and
- special activities, such as women-only training in business management, marketing, or other topics; a credit line for women-owned businesses; or NGO/CBO support for women to expand their businesses or participate in cooperatives and self-help groups.

5. Assurances

For loans and grants, appropriate assurances should be obtained from the government or executing agency to support GLP activities, targets, and indicators. In program loans, key assurances could be conditions for tranche release. In project loans, some key assurances could be conditions for loan negotiations, for approval by the ADB Board of Directors, or for loan effectiveness. Sample assurances include:

- The Government will prepare and adopt a gender mainstreaming strategy for the [trade, industry, or SME development] subsector by [date].
- The national task force responsible for drafting a new [SME Development Policy] will include representatives of the Ministry of Women's Affairs and women's business associations.
- The Ministry of Labor will form a task force, including representatives of [the ministries of women's affairs and commerce/industry] to review the country's protective labor laws, assess the extent to which these protective laws have restricted women's employment options, and make related recommendations.
- The Government will ensure that the [ministry of trade, commerce or industry] adopts the project Gender Action Plan (GAP), that it is implemented in a timely manner over the entire project period, and that adequate resources are allocated for this purpose. In particular, the Government will ensure that [insert key provisions from the GAP, such as targets for recruiting and promoting female staff in relevant ministries; for providing business development services to women-owned SMEs; or for developing a retraining and social safety net program for retrenched workers]. The Project Implementation Office will prepare a field manual for the GAP and will conduct training for all project staff on the GAP. Implementation of the GAP will be closely monitored, and the progress will be reported in the quarterly reports to ADB.

- The Government will ensure that gender-related indicators are included in the monitoring and evaluation system for the project/program, and that sex-disaggregated data is collected and monitored.

6. Case Study

Box 33. Including Businesswomen in the Development of an SME Policy for Bangladesh

The **Small and Medium Enterprise (SME) Sector Development Program** (2004) [Loan No. 2148] supports government efforts to improve the policy environment for SMEs in Bangladesh, and to improve their access to credit and related services. The program addresses gaps in the Government's current policies to promote private sector development, which tend to favor large enterprises and microenterprises, leaving SMEs in the "missing middle" in terms of access to credit, tax incentives, and other benefits. The program therefore supports a number of policy changes to address these gaps, including (i) drafting of a new SME development policy; (ii) rationalizing current government programs to provide credit, training, and other services to SMEs; (iii) improving the tax structure for SMEs; (iv) establishing a web portal for SMEs; (v) supporting targeted training programs for SMEs developed in partnership with chambers of commerce and business associations; and (vi) simplifying procedures for SMEs to meet product certification standards. A related investment project provides a line of credit to a Small Enterprise Fund managed by Bangladesh Bank, and a related TA loan supports several capacity-building activities, including the establishment of helpline outreach centers and targeted training programs for SMEs.

Women entrepreneurs in Bangladesh face particular obstacles in obtaining credit (for example, bank requirements that their loan applications be endorsed by their husbands as well as two

"eminent men"), training and market information, and access. The program therefore includes several measures to address the needs of women-owned businesses, reflected in a gender action plan. For example, (i) women entrepreneurs' associations are represented on the SME task force that is drafting the new SME development policy; (ii) at least 10% of the credit line to the Small Enterprise Fund is earmarked for loans to women-owned businesses; (iii) targeted training programs for women-owned businesses will be conducted in collaboration with women entrepreneurs' associations; and (iv) sex-disaggregated data will be included in the new SME database being established under the program.

The **Agribusiness Development Project** (2005) [Loan No. 2190] provides similar support to women-owned businesses in the Bangladesh agribusiness sector. The project provides (i) technical support to identify and address regulatory impediments to private sector operations in agribusiness, with attention to the particular obstacles facing women's businesses; (ii) capacity building for women entrepreneurs' associations to promote women's participation in agribusiness; and (iii) the earmarking of at least 10% of a revolving fund for loans to women's agribusinesses, coupled with strategies to increase women's access to agribusiness credit so that, by 2010, 30% of subborrowers are women.

I. Infrastructure

Heavy infrastructure projects supported by ADB are primarily in the energy, transport, and communications sectors. Gender issues may arise from the different impacts of these projects on men and women as consumers of the related services, as construction workers, and as affected members of communities in the project areas. Indicative GLP issues in the infrastructure sector are summarized in Box 34.

Box 34: GLP Issues in Infrastructure

GLP issues that can arise in the infrastructure sector in DMCS include the following:

- discriminatory land laws (e.g., customary laws and practices under which only male household members can own or transfer land), which can be relevant to resettlement;
- land laws and regulations that restrict allocation and registration of land to heads of household—also related to resettlement; and
- high up-front connection charges and user fees for water, energy, or telecommunications services.

DMCs' international commitments in the area of gender and infrastructure include the following:

- **CEDAW**, which requires state parties to protect and promote rural women's rights to electricity, transport, and communications (Article 14.2[h]); and
- the **Beijing Platform for Action**, in which governments committed themselves to ensure that women's priorities are included in public investment programs for economic infrastructure, and to promote greater involvement of female beneficiaries in project planning and implementation, including access to contracts and employment (Strategic Objective F.2).

Project/program teams should consider the following GLP issues and possible interventions in preparing an infrastructure loan, grant or TA project.⁴³

1. Situation Analysis

To analyze the GLP issues in a particular project or program, consider the following questions:

- Do any of the heavy infrastructure sectors have a **gender strategy**, either stand-alone or as part of an infrastructure policy or strategy or national gender strategy? If so, how effective has it been in ensuring that infrastructure facilities meet women's needs, and that the social risks associated with heavy infrastructure projects—including disruptions from resettlement and increased risks of HIV infection and human trafficking—have been adequately addressed? What have been the obstacles to its implementation?
- Do the laws and policies governing infrastructure development include any **special measures** to address women's infrastructure needs and mitigate the social risks associated with construction? If so, have they been effective? What have been the weaknesses or obstacles?
- Do the law and policy frameworks for infrastructure development contain any **discriminatory provisions or implicit gender biases** or other provisions that disadvantage women? Examples could include the following:
 - Is the national infrastructure investment strategy biased toward infrastructure development for urban and commercial use?
 - Are mechanisms to consult with local women on the location and design of facilities and on resettlement arrangements inadequate?
 - Are up-front connection fees and tariffs for utilities high, without a lifeline block or an installment payment scheme for poor households?
 - Is the enforcement of labor laws weak in construction campsites?
 - Do civil works contractors pay lower wages to women for equal construction work on the project?

⁴³ ADB's gender checklist for resettlement will also be a useful resource. See Section III.B.2 for further discussion of resettlement issues and the gender/resettlement checklist.

- What **changes in the law and policy frameworks** are proposed under the project/program?
 - Will these changes address gender biases in the law and policy frameworks?
 - Could any of the proposed changes inadvertently disadvantage women, for example, through increases in electricity tariffs, establishment of road maintenance funds or new institutions in resettled communities without adequate representation of women, inadequate monitoring of working conditions at construction sites, or inadequate funding and monitoring of community-awareness programs on the risks of HIV transmission and trafficking?

- What **other laws and policies** influence women's participation in infrastructure development, for example, decentralization laws or policies, labor laws and regulations, resettlement law and policy, or laws on land and natural resource use?

- Do any **other formal or informal barriers** restrict women's participation in the sector? These could include the following:
 - men's traditional control of community decision making;
 - rural women's limited literacy and numeracy (also consider what level of literacy/numeracy is needed for women to participate in the sector); and
 - women's lack of time, mobility, or confidence to participate in consultations on infrastructure design and resettlement arrangements.

- What is the **gender balance in key organizations in the sector**, including infrastructure ministries, their local offices, and construction contractors? What are the possible causes of any gender imbalance? Do these organizations provide equal pay for work of equal value? Do they provide culturally appropriate facilities for men and women?

- Are **civil society organizations**, including NGOs, CBOs, workers' and employers' organizations, and self-help groups, already involved in mobilizing women to participate in infrastructure-related activities? If not, do women's organizations or other civil society groups exist that could take on these activities?

2. Project/Program Design

The appropriate GLP interventions for a particular infrastructure project or program will depend on the situation analysis, other country diagnostics, and the nature of the project/program. Boxes 6, 35 and 36 provide case studies of energy and transport projects that address GLP issues. Possible measures include the following:

- development of a **gender strategy** for the energy, transport, or communications sector;
- **amendments or supplements to existing laws and policies** to correct gender biases or gaps, or repeal of discriminatory provisions;

- **training of infrastructure ministry staff** in gender awareness and strategies to involve women in infrastructure activities;
- **mechanisms to facilitate women's involvement** in the design of infrastructure facilities, in employment in construction and maintenance, and in resettlement planning and management (such as employment targets, provisions for equal pay and safe working conditions, formation of women's construction groups, and targets for women's participation in the governance structure of resettled communities);
- **awareness-raising campaigns** on road safety and HIV and trafficking risks involving locally elected female officials, community leaders, and women's groups; and
- **partnership with local NGOs or CBOs** to support resettled women in claiming their entitlements to basic services, land, and other compensation.

3. Stakeholders

Possible stakeholders to be included in designing and implementing an infrastructure project will vary, depending on the nature of the project/program. To ensure that GLP issues are addressed, the following stakeholders should be considered, in addition to the relevant infrastructure ministries:

- Ministry of Women's Affairs, or its local department/office;⁴⁴
- Ministry of Justice (for any law reforms);
- local government, especially including female elected officials;
- community leaders, including women;
- NGOs and CBOs working in the project/program area, especially those with experience in mobilizing women in poor and rural areas; and
- women's self-help groups.

4. Targets and Indicators

Possible targets and indicators for GLP-related activities for the design and monitoring framework (or policy matrix for a policy-based loan) include the following:

- drafting and approval of a gender strategy for the relevant infrastructure sector;
- amendments or other changes in the law and policy frameworks;
- targets for employment of women in construction and maintenance; women's representation in management and dispute resolution bodies of resettled communities; and women's participation in training and other project activities; or
- special activities, such as women-only training in livelihood skills and NGO/CBO support for women in resettled communities to participate in community

⁴⁴ Or other government body responsible for promoting gender equality, e.g., interministerial committee or women's union.

decision making, claim their entitlements to land and other compensation, and resolve disputes relating to land, other natural resources, and access to services.

5. Assurances

For loans and grants, appropriate assurances should be obtained from the government or executing agency to support GLP activities, targets, and indicators. In program loans, key assurances could be conditions for tranche release. In project loans, some key assurances could be conditions for loan negotiations, for approval by the ADB Board of Directors, or for loan effectiveness. Sample assurances include:

- The Government will prepare and adopt a gender mainstreaming strategy for the [energy, transport, or communication] subsector by [date].
- The Government will ensure that the [Road Maintenance Fund Guidelines] are amended to provide for a minimum of _% women's representation in village road maintenance committees.
- The Government will ensure that the [ministry of energy, transport, or communication] adopts the project Gender Action Plan (GAP), that it is implemented in a timely manner over the entire project period, and that adequate resources are allocated for this purpose. In particular, the Government will ensure that [insert key provisions from the GAP, such as targets for employment of women in construction and maintenance; women's representation in management and dispute resolution bodies of resettled communities; and women's participation in training and other project activities] are included in the GAP. The Project Implementation Office will prepare a field manual for the GAP and will conduct training for all project staff on the GAP. Implementation of the GAP will be closely monitored, and the progress will be reported in the quarterly reports to ADB.
- The Government will ensure that all civil works contractors engaged under the project (i) employ at least __% women in [specify construction, rehabilitation, maintenance, or other activities]; (ii) provide prompt and equal pay to men and women for work of equal value [in accordance with national laws and international treaty obligations]; (iii) provide safe working conditions for all workers [in accordance with national laws and international treaty obligations]; (iv) provide separate and culturally appropriate facilities for male and female workers; and (v) do not employ child labor [in accordance with national laws and international treaty obligations]. The Government will include these provisions in the bidding documents and contracts for all civil works under the project, and the Project Implementation Office will monitor and report on their implementation in its regular progress reports.
- The Government will ensure that all civil works contractors engaged under the project include information on the prevention of STIs, including HIV/AIDS, in health and safety programs for all construction workers at campsites during the construction period. Specific provisions to this effect will be included in all bidding documents and contracts for civil works, and the Project Implementation Office will monitor and report on their implementation in its regular progress reports. In addition, the Government will ensure that similar

information on the prevention of STIs is disseminated to transport operators and to communities in the project area [through local health offices, through parallel programs coordinated by the national/provincial HIV/AIDS authority, or through subcontracting to qualified NGOs]. The Project Implementation Office will monitor and report on the implementation of these activities in its regular progress reports.

- The Government will take appropriate steps to minimize the risk of human trafficking, especially of women and children, under the project. These steps will include [specify activities, such as information campaigns for construction workers, transport operators, and communities in the project area; introduction of safe migration modules in local school curricula; training sessions for police and border officials on proper enforcement of the national anti-trafficking law/policy; establishment of information booths on safe migration at major transit stops; development of a code of conduct for construction workers; and/or coordination with anti-trafficking programs being run by local governments, other agencies, or NGOs]. The Project Implementation Office will monitor and report on the implementation of these activities in its regular progress reports.
- The Government will ensure that gender-related indicators are included in the monitoring and evaluation system for the project/program, and that gender-disaggregated data are collected and monitored.

6. Case Studies

Box 35. Tariff Reforms in Rural Electrification

Rural electrification projects generally aim to reduce poverty and improve economic opportunities in rural areas. However, the extent to which rural households connect to the expanded electricity grid will depend in large part on the electricity tariff structure and its affordability for poor households with limited cash incomes.

In the **Lao PDR Northern Area Rural Power Distribution Project** (2003) [Loan No. 2005], a number of benefits of village electrification were identified, especially for women, who spent about 14 hours a week on food preparation alone (mainly the manual processing of rice). Electric lighting in households would also allow women to continue their handicraft activities and children to study at night, and night lighting would provide additional safety from wild animals and robbers. However, the project identified two financial barriers that could prevent poor households from connecting to the electricity grid. One was the Government's policy of cost-sharing, under which villages were required to contribute 30% of low-voltage distribution

costs. This disproportionately burdened poorer and more remote villages, and deterred many villages from connecting altogether. Recognizing the inequity of this policy, the Government agreed to abolish it. The second barrier was the up-front connection charge paid by individual households, which was too high for many poor households to pay in a lump sum. Under the project, the national electricity company agreed to amortize this connection charge over a 12-month period.

In the **Bhutan Rural Electrification and Network Expansion Project** (2003) [Loan No. 2009], a household survey showed that more than 60% of households in the project area could afford the monthly electricity charges, but that some would have difficulty meeting the up-front connection charge. The project therefore provided for the distribution of free electrification kits to over 40% of households in the project area (including in particular female-headed, landless, and other vulnerable households). A microcredit program already operating in the project area could provide loans to other households to cover the connection and internal wiring costs.

Box 36. Gender, Law, and Policy Issues in Transport Projects

Large infrastructure projects, especially transport projects, can raise issues under several law and policy frameworks, in addition to sector laws and policies. These include state and customary land laws, especially those related to resettlement and rights of way; labor laws and regulations applicable to construction workers and other workers in construction camps; laws and policies on HIV/AIDS prevention, in light of the increased risk of HIV infection from construction workers and transport operators; and laws and policies on human trafficking, a particular risk in national highway and regional transport projects. All of these law and policy issues have gender dimensions, due to gender discrimination in the application of land and labor laws and the greater vulnerability of women and girls to HIV infection and trafficking. Most recent ADB transport projects address at least some of these GLP issues. A few sample projects are described below.

In the **Timor-Leste Road Sector Improvement Project** (2005) [Grant No. 0017], the executing agency will encourage road construction contractors to employ at least 30% female wage laborers (including at least 75% of workers engaged in planting and maintaining road embankments). The contractors will be required to provide equal pay for work of equal value and safe working conditions for both women and men, and will be prohibited from employing child labor. The community empowerment component of the project supports (i) community identification of rural feeder roads to be rehabilitated, including both women and men; (ii) training of local communities to perform road rehabilitation and maintenance, and training of women in particular to plant and maintain road embankments; (iii) broad HIV/AIDS and road safety awareness programs targeting women and other high-risk groups in construction campsites, along roadways, and in nearby communities; and (iv) independent monitoring of contractors' compliance with the employment targets for women. An independent NGO will be contracted to carry out tasks (iii) and (iv).

The **Roads for Rural Development Project** (2004) [Loan No. 2085] is improving roads in four provinces of the Lao PDR. The project design includes a comprehensive social action plan to address the various social risks associated with the project. Since some road improvements extend into ethnic minority areas,

specific community development plans for these areas have also been prepared. The social action plan includes (i) provisions to extend land use rights or land titles to households living along the road corridors to protect them from "land grabbing" by outsiders; (ii) a nonformal education program for ethnic minority villages, with special emphasis on girls and women; (iii) a community road safety program; and (iv) detailed programs on awareness and prevention of HIV/AIDS, other STIs, drug abuse, and trafficking of women and children. Road construction contractors are also required to pay equal wages to women and men for work of equal value and to not use child labor.

India's National Highway Corridor (Sector) I Project I (2003) [Loan No. 2029] aims to rehabilitate and widen sections of the east-west highway corridor through Rajasthan, Madhya Pradesh, and Uttar Pradesh. Studies carried out during the preparation of the project found that communities along the corridor were highly vulnerable to both HIV/AIDS and human trafficking risks because of the poverty and low status of women and children in the area, the presence of tribal communities with a history of sending women and children into prostitution in tea shops and red light areas, and the expected increase in demand for commercial sex workers along the corridor from both highway construction workers and truckers. To address these risks, the loan project includes a component on HIV/AIDS and human trafficking. The HIV/AIDS activities include (i) awareness raising for contractors and construction workers; (ii) a program on public awareness and behavior change aimed at both the general public and high-risk groups; (iii) strengthening of referral systems for HIV testing and STI treatment; (iv) condom promotion; and (v) capacity building for local NGOs, pharmacists and health workers, motivators in service areas, and others. The anti-trafficking activities include (i) a program on public awareness and safe migration aimed at both the general public and target groups; (ii) linkage with existing government programs that focus on educational and economic empowerment of women and children, especially those from scheduled castes and tribes; and (iii) capacity building of local NGOs, community vigilance groups, police and local government officials, motivators in service areas, and others.

J. Regional and Subregional Cooperation

ADB supports regional cooperation activities in several subregions, including Central Asia, the Greater Mekong Subregion (GMS), the Pacific, South Asia, and Southeast Asia. While most subregional cooperation programs focus on trade, transport, and energy, subregions such as the GMS have expanded their programs to include agriculture, environment, human resource development (including health care and education), private sector development, and tourism. The programs are also increasingly addressing the social impacts of regional integration, including the increased risks of communicable diseases such as HIV/AIDS and of cross-border

trafficking in human beings (especially women and girls), illegal drugs, and other contraband. In the area of regional cooperation, the relevant law and policy frameworks include regional and bilateral treaties, memoranda of understanding, declarations, policies, and action plans. The gender issues raised by these regional cooperation frameworks can vary widely depending on the area of cooperation and the countries involved.

Project/program teams should consider the following GLP issues and possible interventions in preparing a regional cooperation loan, grant, or TA project.

1. Situation Analysis

To analyze the GLP issues in a particular project or program, consider the following questions:

- Do the relevant cooperation frameworks (including treaties, memoranda of understanding, declarations, policies, or action plans) include any **special measures** to expand regional opportunities for women or to address other gender issues? If so, have they been effective? What have been the weaknesses or obstacles?
- Do these cooperation frameworks contain any **discriminatory provisions or implicit gender biases** or other provisions that could disadvantage women? Examples could include the following:
 - Do regional or bilateral trade agreements favor large enterprises over small businesses, artisans, and farmers, for example, in establishing rules of origin, sanitary and phytosanitary regulations, or product certifications?
 - Do bilateral agreements on labor migration restrict the migration of unskilled or semiskilled workers?
 - Do financial regulations and interbank arrangements for remittances impose burdensome requirements and fees on senders and recipients?
 - Do agreements on agricultural trade and technical cooperation focus exclusively on cash crops (ignoring subsistence crops)?
 - Do cooperation agreements on HIV/AIDS prevention provide for mandatory testing or permit discriminatory treatment of people living with HIV or AIDS (such as deportation of infected migrant workers)?
 - Do cooperation agreements on tourism encourage or permit sex tourism or the commercial exploitation of vulnerable communities?
 - Are women excluded or poorly represented in intergovernmental bodies or other regional bodies?
 - Are women excluded or poorly represented in regional or bilateral training, exchange, or other activities?
- Under the project/program, are **changes proposed in any regional cooperation frameworks**?

- Will these changes address existing gender biases in the framework?
 - Could any of the proposed changes inadvertently disadvantage women, for example, through tariff reductions that are likely to result in increased imports of products, undercutting small farmers and manufacturers; new restrictions on migration or on remittances; the establishment of new regional institutions with no or low women's representation; or new regional training, exchange or other programs with no attention to gender balance?
- Do any **other formal or informal barriers** restrict women's participation in regional economic activities? These might include the following:
- women's lower levels of education and technical training (also consider what level of education/training is necessary for women to participate);
 - women's limited mobility, due to restrictive social norms or household responsibilities;
 - customary rules or social norms that prevent or inhibit women from signing contracts, loan documents, land registration forms, or other legal documents on their own;
 - difficulties for women in obtaining an identity card and separate tax identification number for import/export purposes;
 - the small scale of most women's businesses; and
 - women's lack of awareness of market information, trade finance, export/import regulations, and other matters.
- What is the **gender balance in key regional organizations**, such as intergovernmental bodies, their secretariats, regional chambers of commerce, and other regional trade associations? What are the possible causes of any gender imbalance?
- Are **regional civil society networks**, such as networks of parliamentarians, NGOs, businesswomen, workers, or journalists, already involved in mobilizing women to take advantage of regional opportunities or address regional gender issues?

2. Project/Program Design

The appropriate GLP interventions for a regional cooperation project or program will depend on the situation analysis, country or regional diagnostics, and the nature of the project/program. Boxes 37-39 provide case studies of regional cooperation projects that incorporate GLP initiatives. Possible measures could include the following:

- **revisions in an existing regional cooperation agreement** to correct gender biases or gaps;
- **mechanisms to increase women's representation** in regional institutions (including task forces and working groups charged with drafting new regional agreements);

- **training for staff in regional institutions** in gender analysis and strategies to expand the opportunities for women to benefit from regional integration; and/or
- **support for civil society organizations and networks** that are addressing gender issues in the region.

3. Stakeholders

Possible stakeholders to be included in designing and implementing a regional cooperation project will vary, depending on the nature of the project/program. To ensure that GLP issues are addressed, the following stakeholders should be considered, in addition to the relevant sector ministries:

- Ministry of Women's Affairs, or its local department/office;⁴⁵
- Ministry of Justice (for any drafting or revision of treaties, etc); and
- women's NGOs and networks, including networks of parliamentarians, businesswomen, workers, and journalists, and other NGOs with gender-focused programs.

4. Targets and Indicators

Possible targets and indicators for GLP-related activities for the design and monitoring framework (or policy matrix for a policy-based loan), include the following:

- drafting and approval of a regional gender strategy;
- amendments or other changes in the relevant regional cooperation framework;
- targets for hiring female staff in the relevant national ministries and regional secretariat; women's membership and representation in regional business associations and other regional forums; and women's participation in training, exchanges, and other project activities; and
- special activities, such as women-only training on export- or tourism-related topics, a credit line for women-owned export businesses, or establishment of shelters for trafficking survivors.

5. Assurances

For loans and grants, appropriate assurances should be obtained from the relevant regional institution or participating governments to support GLP activities, targets, and indicators. In program loans, key assurances could be conditions for tranche release. In project loans, some key assurances could be conditions for loan negotiations, for approval by the ADB Board of Directors, or for loan effectiveness. Sample assurances include:

⁴⁵ Or other government body responsible for promoting gender equality, e.g., interministerial committee or women's union.

- The [regional institution or participating governments] will prepare and adopt a regional gender mainstreaming strategy by [date].
- The [participating governments] will revise their Memorandum of Understanding on Labor Migration to increase the annual quota for unskilled or semiskilled migrant workers by [date].
- The regional task force responsible for drafting a new [regional or bilateral trade agreement] will include representatives of the Ministries of Women's Affairs and women's organizations.
- Each government will adopt the project Gender Action Plan (GAP), and will ensure that it is implemented in a timely manner over the entire project period, and that adequate resources are allocated for this purpose. In particular, each government will ensure that [insert key provisions from the GAP, such as targets for recruiting and promoting female staff in relevant ministries; targets for women's participation in training, exchanges, or other project activities; or establishment of a credit line for women's export businesses]. The Project Implementation Office will prepare a field manual for the GAP and will conduct training for all project staff on the GAP. Implementation of the GAP will be closely monitored, and the progress will be reported in the quarterly reports to ADB.
- Each government will ensure that gender-related indicators are included in the monitoring and evaluation system for the project/program, and that sex-disaggregated data are collected and monitored.

6. Case Studies

Box 37. Pro-poor and Gender-equitable Tourism in the GMS

The **Mekong Tourism Development Project** (2002) [Loan Nos. 1969-1971], involving Cambodia, the Lao People's Democratic Republic, and Viet Nam, aims to promote sustainable tourism in the lower Mekong basin countries through infrastructure improvements, community and private sector participation, and subregional cooperation. One component of the project specifically supports pro-poor, community-based tourism development. To ensure that women as well as men benefit from community-based tourism, and that the risks of sexual exploitation are minimized, the project requires the executing agencies in each country to develop a GAP for each subproject based on the following principles: (i) 50% of participants in all training programs will be women; (ii) at least 40% of members of ecotourism stakeholder associations will be women; (iii) women will also be represented on the village committees formed in ethnic minority communities to coordinate skills development, revenue sharing, and other tourism-related issues; (iv) the female members of ecotourism associations will receive training in tourism-related skills and disseminate this information to village women's groups; (v) gender orientation workshops will be held for government staff, local authorities,

and communities; and (vi) awareness and training programs on the risks of HIV and sexually transmitted infections, trafficking, sexual exploitation, and other hazards arising from commercial contact with many people will be conducted for government staff, the private sector, local communities, and women's organizations. The Ministry of Women's Affairs of Cambodia, the Lao Women's Union and the Viet Nam Women's Union are members of the national steering committees for the project to ensure that gender concerns are mainstreamed.

In parallel, ADB provided technical assistance to the Greater Mekong Subregion (GMS) Tourism Working Group to develop a GMS Tourism Sector Strategy. The draft final report on the strategy acknowledges that tourism development in the GMS has not yet produced substantial benefits for poor communities or for women. The proposed strategy therefore includes gender equality and women's empowerment in its overall objectives, and emphasizes the need to expand opportunities for women working in the tourism industry as entrepreneurs and employees, while also protecting women, children, and ethnic minorities from exploitation and the risk of HIV/AIDS and other diseases.

Box 38. Support to the Pacific Regional Strategy on HIV/AIDS

The **HIV/AIDS Prevention and Capacity Development in the Pacific Project** (2005) [Grant No. 0021] will provide support to the Secretariat of the Pacific Community, funded from an ADF grant, to address the looming regional threat of HIV/AIDS. This grant project directly supports the Pacific Regional Strategy on HIV/AIDS 2004-2008 through four components: (i) developing national HIV/AIDS surveillance capacity; (ii) supporting HIV/AIDS prevention through a regional condom social marketing program, behavior change communication programs, and treatment of STIs;

(iii) targeted interventions for vulnerable populations such as seafarers and their wives/partners, and including the establishment of drop-in centers, training on HIV/AIDS and STIs for maritime schools, and provision of antiretroviral drugs for HIV-positive people; and (iv) project management. The project is noteworthy in that it directly supports a regional institution and a regional strategy, and addresses the HIV/AIDS risks associated with high levels of interregional and intraregional mobility (especially among seafarers) and risky sexual behavior in the Pacific.

Box 39. Subregional Initiatives to Combat Trafficking in Women and Children

Through two recent technical assistance projects, ADB has contributed to subregional efforts to address the problem of trafficking of women and children. **Combating Trafficking of Women and Children in South Asia** (2000) [TA No. 5948] aimed to increase ADB's understanding of how its existing country programs and regional policy dialogue could support and strengthen anti-trafficking efforts in South Asia. The regional project supported country and regional studies, including an analysis of the legal frameworks related to trafficking in Bangladesh, India, and Nepal, and produced guidelines for ADB staff and others to incorporate anti-trafficking measures in

conventional development projects. **Preventing the Trafficking of Women and Children and Promoting Safe Migration in the Greater Mekong Subregion** (2004) [TA No. 6190] supports the Coordinated Mekong Ministerial Initiative against Trafficking, and involves partnership with governments, UN agencies, and NGOs to develop a subregional action plan and to establish a subregional resource center and training program. The project also supports policy dialogue with governments and pilot programs on trafficking prevention that are linked to the Mekong Tourism Development Project (see Box 37) and to a subregional highway project.

References

A. General Resources and Links

- Asian Development Bank (ADB). 2002a. *Sociolegal Status of Women in Indonesia, Malaysia, Philippines, and Thailand*. Manila.
- . 2005. *Project Performance Management System Guidelines for Preparing a Design and Monitoring Framework*. Manila.
- . 2005. *Integrating Capacity Development into Country Programs and Operations: Proposed Medium-Term Framework and Action Plan 2006-2010*. Capacity Development Working Group draft. December.
- ADB, United Nations Development Programme (UNDP) and United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP). 2006. *Pursuing Gender Equality through the Millennium Development Goals in Asia and the Pacific*. Manila.
- American Bar Association-Central and East European Law Initiative. 2002. *The CEDAW Assessment Tool: An Assessment Tool Based on the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW)*. Washington, DC.
- Byrnes, Andrew, Jane Connors, and Lum Bik. 1997. *Advancing the Human Rights of Women: Using International Human Rights Standards in Domestic Litigation*. Papers and Statements from the Asia/South Pacific Regional Judicial Colloquium, 20-22 May 1996, Hong Kong. London: Commonwealth Secretariat.
- Charlesworth, Hilary, and Christine Chinkin. 2000. *The Boundaries of International Law: A Feminist Analysis*. Manchester: Manchester University Press.
- Chinkin, Christine. 2001. *Gender Mainstreaming in Legal and Constitutional Affairs: A Reference Manual for Governments and Other Stakeholders*. London: Commonwealth Secretariat.
- Cook, Rebecca J. 1994. *Human Rights of Women: National and International Perspectives*. Philadelphia: University of Pennsylvania Press.
- Freedman, Lynn P. 1991. *Women and the Law in Asia and the Near East*. GENESYS Special Studies No. 1, prepared for United States Agency for International Development. Washington, DC.
- Friedman, Lawrence M. 1969. Legal Culture and Social Development. *Law and Society Review* (4): 29-44.
- Goonesekere, Savitri, ed. 2004. *Violence, Law and Women's Rights in South Asia*. UNIFEM Publication. London, New Delhi, and Thousand Oaks, CA: Sage Publications.
- Jalal, P. Imrana. 1998. *Law for Pacific Women: A Legal Rights Handbook*. Suva: Fiji Women's Rights Movement.
- Jütting, Johannes, and Christian Morrisson. 2005. *Changing Social Institutions to Improve the Status of Women in Developing Countries*. Organisation for Economic Cooperation and Development, Development Centre Policy Brief No. 27. Paris.
- Neuwirth, Jessica. 2005. Inequality Before the Law: Holding States Accountable for Sex Discriminatory Laws under the Convention on the Elimination of all Forms of Discrimination Against Women and Through the Beijing Platform for Action. *Harvard Human Rights Journal* (18/Spring): 19-54.
- Payne, Geoffrey. 2001. Lowering the Ladder: Regulatory Frameworks for Sustainable Development. *Development in Practice* (11/2 & 3): 308-18.
- Peters, Julie, and Andrea Wolper. 1995. *Women's Rights, Human Rights: International Feminist Perspectives*. New York and London: Routledge, Inc.

- Schuler, Margaret, ed. 1986. *Empowerment and the Law: Strategies of Third World Women*. Oxford Economic Forecasting International.
- United Nations (UN) Country Team in Viet Nam. 2003. *MDGs: Closing the Millennium Gaps*. Hanoi.
- UN Division for the Advancement of Women. CEDAW Website: Country Reports and CEDAW Committee's Concluding Comments. Available: www.un.org/womenwatch/daw/cedaw/reports.htm.
- . Commission on the Status of Women Website: Country Responses to Questionnaire on Implementation of the Beijing Platform for Action (1995) and the Outcome of the Twenty-third Special Session of the General Assembly (2000). Available: www.un.org/womenwatch/daw/Review/English/responses.htm. Accessed May 2006.
- UN Millennium Project. 2005. *Taking Action: Achieving Gender Equality and Empowering Women*. Task Force on Education and Gender Equality.
- UNDP. 2003. *Drafting Gender-Aware Legislation: How to Promote and Protect Gender Equality in Central and Eastern Europe and in the Commonwealth of Independent States (CIS)*. Bratislava.
- UNESCAP. 1999. *Promoting Women's Rights as Human Rights*. New York: United Nations.
- . 2000. *Using CEDAW at the Grass Roots: Convention on the Elimination of All Forms of Discrimination Against Women in the Pacific*. New York: United Nations.
- United Nations Development Fund for Women (UNIFEM). 1998. *Bringing Equality Home: Implementing the Convention on the Elimination of All Forms of Discrimination Against Women*. New York.
- United Nations Research Institute for Social Development (UNRISD). 2005. *Gender Equality: Striving for Justice in an Unequal World*. Geneva.
- University of Toronto Law Library. Women's Human Rights Resources. (Database includes links to national laws on a wide range of topics.) Available: www.law-lib.utoronto.ca/Diana.
- Women Living Under Muslim Laws. Website. (Online country profiles and articles.) Available: [www.wluml.org/English/publistregional.shtml?cmd\[24\]=c-1-Central Asia](http://www.wluml.org/English/publistregional.shtml?cmd[24]=c-1-Central Asia).
- World Bank. 2005. *Country Policy and Institutional Assessments: 2005 Assessment Questionnaire*. Operations Policy and Country Services. Available: <http://siteresources.worldbank.org/IDA/Resources/CPIA2005Questionnaire.pdf>. Accessed September 2006.
- World Bank. 2001. *Engendering Development Through Gender Equality in Rights, Resources and Voice*. World Bank Policy Research Report. New York and Oxford: Oxford University Press.

B. Sector-Specific Resources and Links

Agriculture and Natural Resource Management

ADB. *Gender Checklist: Agriculture*. Manila.

Commonwealth Secretariat. 2001. *Gender Mainstreaming in Agriculture and Rural Development: A Reference Manual for Governments and Other Stakeholders*. London.

Food and Agriculture Organization (FAO). 2002. *Women's Rights in Agriculture*. FAO Legislative Study No. 76. Rome.

See "Water Supply and Sanitation" section for resources on water resources management.

Education

ADB. *Gender Checklist: Education*. Manila.

Commonwealth Secretariat. 1999. *Gender Mainstreaming in Education: A Reference Manual for Governments and Other Stakeholders*. London.

Finance

Commonwealth Secretariat. 1999. *Gender Mainstreaming in Finance: A Reference Manual for Governments and Other Stakeholders*. London.

Mayoux, Linda. *Sustainable Micro-finance for Women's Empowerment*. (Website includes checklists, other tools, and resources.) Available: www.genfinance.info/.

Governance and Law Reform

ADB. 2001. Legal Empowerment: Advancing Good Governance and Poverty Reduction - Overview Report, RETA 5856: Legal Literacy for Supporting Governance. In *Law and Policy Reform at the Asian Development Bank*. Manila.

—. 2004a. *Gender and Governance in Local Government: Regional Report of Technical Assistance in Bangladesh, Nepal, and Pakistan*. Manila.

Balmori, Helena Hofbauer. 2003. *Gender and Budgets: Overview Report*. BRIDGE/IDS Report. Available: www.ids.ac.uk/bridge/.

Bell, Emma. 2001. *Gender and Governance: A Bibliography*. BRIDGE Bibliography No. 11. Available: www.ids.ac.uk/bridge/.

Commonwealth Secretariat. 1999. *Gender Mainstreaming in the Public Services: A Reference Manual for Governments and Other Stakeholders*. London.

Hewitt, Guy, and Debbie Budlender. 2003. *Engendering Budgets: An Integrated Resource for Implementing the Gender Management Systems Series*. London: Commonwealth Secretariat.

Sharp, Rhonda. 2003. *Budgeting for Equity: Gender Budget Initiatives Within a Framework of Performance-Oriented Budgeting*. UNIFEM Publication. New York.

UNDP. 2000. *Women's Political Participation and Governance: Twenty-first Century Challenges*. New York.

Health Care and HIV/AIDS

ADB. *Gender Checklist: Health*. Manila.

—. 2005. *Development, Poverty, and HIV/AIDS: ADB's Strategic Response to a Growing Epidemic*. Manila.

—. 2005. *Gender Network News: Special Issue-Perspectives on Gender and HIV/AIDS*. September.

Center for Reproductive Rights. *Women of the World: Laws and Policies Affecting their Reproductive Lives-Asia*. (Online country profiles of laws and policies related to women's reproductive health and rights). Available: www.reproductiverights.org/ww.asia.html.

- Commonwealth Secretariat. 2002a. *Gender Mainstreaming in the Health Sector: Experiences in Commonwealth Countries*. London.
- . 2002b. *Gender Mainstreaming in HIV/AIDS: Taking a Multisectoral Approach*. London.
- Cook, Rebecca J., Bernard M. Dickens, and Mahmoud F. Fathalla. 2003. *Reproductive Health and Human Rights: Integrating Medicine, Ethics and Law*. Oxford: Clarendon Press.
- Harvard Law School. Annual Review of Population Law. (Database of laws relating to population policies, reproductive health and rights, women's status and rights, children and adolescents, HIV/AIDS and other topics.) Available: http://annualreview.law.harvard.edu/annual_review.htm.
- International Labour Organization (ILO). 2001. *An ILO Code of Practice for HIV/AIDS and the World of Work*. Geneva.
- . 2003. *Implementing the ILO Code of Practice on HIV/AIDS and the World of Work: An Education and Training Manual*. Geneva.
- Oforu-Amaah, A. Waafas. 2004. Unprotected Women: Gender and the Legal Dimensions of HIV/AIDS. WBI Development Outreach, July 2004. Available: <http://www1.worldbank.org/devoutreach/july04/article.asp?id=253>.
- UN General Assembly. 2001. *Declaration of Commitment on HIV/AIDS*. UN General Assembly Special Session on HIV/AIDS, 25-27 June. New York.
- Joint United Nations Programme on HIV/AIDS (UNAIDS), and Inter-Parliamentary Union. 1999. *Handbook for Legislators on HIV/AIDS, Law and Human Rights*. Geneva.
- UNIFEM. Gender and HIV/AIDS: Web Portal. Available: www.genderandaids.org/index.php. Accessed May 2006.

Infrastructure

- ADB. *Gender Checklist: Resettlement*. Manila.
- Energia (International Network on Gender and Sustainable Energy) Website. Available: www.energia.org.
- World Bank. 1999. *Gender and Transport: A Rationale for Action*. PREM Note No. 14. Washington, DC.
- . *Energy, Poverty and Gender*. Background Reports; Country Studies; Framework for Design, Monitoring and Evaluation; and Summary Reports. Available: www.worldbank.org/astae/enpogen. Accessed May 2006.

Labor and Social Protection

- ADB. 2005. *Disability Brief: Identifying and Addressing the Needs of Disabled People*. Manila.
- . 2006. *Core Labor Standards Handbook*. Manila.
- Haspels, Nelien, Zaitun M. Kasim, Constance Thomas and Deirdre McCann 2001. *Action against Sexual Harassment at Work in Asia and the Pacific*. Bangkok: ILO
- Hein, Catherine. 2005. *Reconciling Work and Family Responsibilities: Practical Ideas from Global Experience*. Geneva: ILO
- ILO. *e.quality@work: An Information Base on Equal Employment Opportunities for Women and Men*. (Database contains information and links on laws, policies, institutions and programs related to gender equality and equal employment opportunities.) Available: www.ilo.org/public/English/employment/gems/eeo/index.htm. Accessed May 2006.
- . 2003. *Fundamental Rights at Work and International Labor Standards*. Geneva.
- . NATLEX. (Database of national labor, social security, and other human rights laws.) Available: www.ilo.org/dyn/natlex/natlex_browse.byCountry?p_lang=en. Accessed May 2006.
- . 2003. *Time for Equality at Work*. Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, International Labour Conference, 91st Session. Geneva.

- International Social Security Association. 2004. *Social Security Programs Throughout the World: Asia and the Pacific*. Geneva.
- Lund, Frances, and Smita Srinivas. 2005. *Learning from Experience: A Gendered Approach to Social Protection for Workers in the Informal Economy*. Geneva.
- Sabates-Wheeler, Rachel, and Naila Kabeer. 2002. *Gender Equality and the Extension of Social Protection*. Available: www.ids.ac.uk.
- UNESCAP. 2003. *Social Safety Nets for Women*. UNESCAP Studies on Gender and Development No. 4. Bangkok.
- UNIFEM. 2005. *Progress of the World's Women 2005: Women, Work and Poverty*. New York.
- World Bank. 2004. *Labor Issues in Infrastructure Reform: A Toolkit*. Washington, DC.

Property Rights (including Land)

- Agarwal, Bina. 1994. *A Field of One's Own: Gender and Land Rights in South Asia*. Cambridge and New York: Cambridge University Press.
- . 2002. "Bargaining" and Legal Change: Toward Gender Equality in India's Inheritance Laws. IDS Working Paper No. 165. Brighton, Sussex: IDS.
- FAO, International Fund for Agriculture (IFAD) and the International Land Coalition. 2004. *Rural Women's Access to Land and Property in Selected Countries*. Rome.
- Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ)-German Technical Assistance. 1999. *Gender Responsive Land Tenure*. Report of Sector Project: Land Tenure in Development Cooperation. Rome.
- Meinzen-Dick, Ruth S. and Rajendra Pradhan. 2002. *Legal Pluralism and Dynamic Property Rights*. CGIAR (Consultative Group on International Agricultural Research) Systemwide Program on Collective Action and Property Rights Working Paper No. 22.
- Panda, Pradeep, and Bina Agarwal. 2005. Marital Violence, Human Development, and Women's Property Status in India. *World Development* (33/5): 823-850.
- Tinker, Irene, and Gale Summerfield, eds. 1999. *Women's Rights to House and Land: China, Laos, Vietnam*. Boulder and London: Lynn Rienner Publishers.
- World Bank. 2002. *Promising Approaches to Engendering Development: Land Use Rights and Gender Equality in Vietnam*. Washington, DC.
- . 2003. *Land Policies for Growth and Poverty Reduction*. World Bank Policy Research Report. New York and Oxford: Oxford University Press.

Regional Cooperation

- ADB. 2003a. *Combating Trafficking of Women and Children in South Asia: Guide for Integrating Trafficking Concerns into ADB Operations*. Manila.
- . 2003b. *Combating Trafficking of Women and Children in South Asia: Regional Synthesis Paper for Bangladesh, India, and Nepal*. Manila.
- ILO. 2003. *Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers: An Information Guide*. Geneva.
- Ramirez, Carlota, Mar Garcia Dominguez, and Julia Miguez Morais. 2005. *Crossing Borders: Remittances, Gender and Development*. UN-INSTRAW Working Paper. Santo Domingo, Dominican Republic.
- UNIFEM. 2002. *Empowering Women Migrant Workers in Asia: A Briefing Kit*. Bangkok.
- See "Health" section for resources on HIV/AIDS; see "Trade, Industry, and SME Development" section for resources on trade.

Trade, Industry, and SME Development

- Asia Foundation. *Women and Subcontracting in the Global Economy*. Asia Foundation's Women's Economic and Legal Rights Program. Available: www.asiafoundation.org.

- Commonwealth Secretariat. 2000. *Gender Mainstreaming in Information and Communications: A Reference Manual for Governments and Other Stakeholders*. London.
- Mayoux, Linda. 2001. *Gender and Small Enterprises: Getting the Policy Environment Right*. SEED Working Paper No. 15. Available: www.ilo.org/dyn/empent/docs/F228761170/WP15-2001.pdf.
- O'Regan-Tardu, Louise. 1999. *Gender Mainstreaming in Trade and Industry: A Reference Manual for Governments and Other Stakeholders*. London: Commonwealth Secretariat.
- Tran-Nguyeh, Anh-Nga, and Americo Beviglia Zampetti, eds. 2004. *Trade and Gender: Opportunities and Challenges for Developing Countries*. UN Doc. UNCTAD/EDM/2004/2. UN Inter-Agency Network on Women and Gender Equality-Task Force on Gender and Trade. New York and Geneva.
- Williams, Mariama. 2003. *Gender Mainstreaming in the Multilateral Trading System: A Handbook for Policy-Makers and Other Stakeholders*. London: Commonwealth Secretariat.
- See "Labor and Social Protection" section for additional resources.

Urban Development

ADB. *Gender Checklist: Urban Development and Housing*. Manila.

Water Supply and Sanitation

- ADB. *Gender Checklist: Water Supply and Sanitation*. Manila.
- Gender and Water Alliance. 2003a. *Policy Development Manual for Gender and Water Alliance Members and Partners*. Delft. Netherlands.
- . 2003b. *The Gender and Water Development Report 2003: Gender Perspectives on Policies in the Water Sector*. Delft. Netherlands.
- Global Water Partnership. *Toolbox for Integrated Water Resources Management*. Available: www.gwptoolbox.org/en/content/index_en.html. Accessed May 2006.

C. Country Resources and Links

Afghanistan¹

World Bank. 2005. *National Reconstruction and Poverty Reduction—The Role of Women in Afghanistan's Future*. Available: <http://interresources.worldbank.org/AFGHANISTANEXTN/Resources/AfghanistanGenderReport.pdf>.

Azerbaijan

- ADB. 2005. *Azerbaijan: Country Gender Assessment*. Manila.
- Government of Azerbaijan. 1996. Initial Report under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>.
- . 2004. Response to Questionnaire Relating to Implementation of the Beijing Platform for Action and Outcome of the 23rd Special Session of the UN General Assembly. Available: www.un.org/womenwatch/daw/Review/English/responses.htm.
- . No date. Combined Second and Third Reports under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>. Accessed May 2006.

Bangladesh

- ADB. 2001. *Women in Bangladesh: Country Briefing Paper*. Manila.
- . 2004. *Bangladesh: Gender, Poverty and the MDGs—Country Gender Assessment*. Manila.

¹ Country gender assessment by ADB is under development.

Government of Bangladesh. 1997. Combined Third and Fourth Periodic Reports under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>.

———. 2003. Fifth Periodic Report under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>.

ILO. *e.quality@work: An Information Base on Equal Employment Opportunities for Women and Men: Bangladesh*. (Database contains information and links on laws, policies, institutions, and programs related to gender equality and equal employment opportunities.) Available: www.ilo.org/public/English/employment/gems/eeo/index.htm. Accessed May 2006.

Bhutan

ADB. 1989. *Women in Development: Bhutan—Country Briefing Paper*. Manila.

Government of Bhutan. 2003. Combined Initial, Second and Third Periodic Reports under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>.

Cambodia

ADB. 1996. *Women in Development: Cambodia—Country Briefing Paper*. Manila.

Government of Cambodia. 2004. Combined Initial, Second and Third Periodic Reports under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>.

———. 2004. Response to Questionnaire Relating to Implementation of the Beijing Platform for Action and Outcome of the 23rd Special Session of the UN General Assembly. Available: www.un.org/womenwatch/daw/Review/English/responses.htm.

UNIFEM, World Bank, ADB, UNDP, and DFID (Department for International Development)/UK. 2004. *A Fair Share for Women: Cambodia Gender Assessment*. Phnom Penh.

Cook Islands

UNFPA. Cook Islands at a Glance. Available: <http://pacific.unfpa.org/Countries/ck.htm>. Accessed May 2006.

Fiji Islands

ADB. 1988. *Women in Development: Fiji—Country Briefing Paper*. Manila.

———. 2006. *Republic of the Fiji Islands: Country Gender Assessment*. Manila.

Government of Fiji. 1999. National Report on Implementation of the Beijing Platform for Action. Available: www.un.org/womenwatch/daw/followup/countrylist.htm.

———. 2000. Initial Report under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>.

India²

Government of India. 1999. Initial Report under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>].

———. No date. Response to Questionnaire Relating to Implementation of the Beijing Platform for Action and Outcome of the 23rd Special Session of the UN General Assembly. Available: www.un.org/womenwatch/daw/Review/English/responses.htm. Accessed May 2006.

ILO. *e.quality@work: An Information Base on Equal Employment Opportunities for Women and Men: India*. (Database contains information and links on laws, policies, institutions, and programs related to gender equality and equal employment opportunities.) Available: www.ilo.org/public/English/employment/gems/eeo/index.htm. Accessed May 2006.

² See footnote 1.

Indonesia

ADB et al. 2006a. *Indonesia: Country Gender Assessment*. Manila.

Government of Indonesia. 1997. Second and Third Periodic Reports under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>.

———. 2004. Response to Questionnaire Relating to Implementation of the Beijing Platform for Action and Outcome of the 23rd Special Session of the UN General Assembly. Available: www.un.org/womenwatch/daw/Review/English/responses.htm.

———. No date. Fifth Periodic Report under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>. Accessed May 2006.

ILO. *e.quality@work: An Information Base on Equal Employment Opportunities for Women and Men: Indonesia*. (Database contains information and links on laws, policies, institutions, and programs related to gender equality and equal employment opportunities.) Available: www.ilo.org/public/English/employment/gems/eoo/index.htm. Accessed May 2006.

Kazakhstan

ADB. 1997. *Women and Gender Relations in Kazakhstan: The Social Cost*. Manila.

———. 2006. *Kazakhstan: Country Gender Assessment*. Manila.

Government of Kazakhstan. 2000. Initial Report under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>.

———. 2004. Response to Questionnaire Relating to Implementation of the Beijing Platform for Action and Outcome of the 23rd Special Session of the UN General Assembly. Available: www.un.org/womenwatch/daw/Review/English/responses.htm.

Kiribati³

ADB. 1995. *Women in Development: Kiribati—Country Briefing Paper*. Manila.

Kyrgyz Republic

ADB. 1997. *Women and Gender Relations: The Kyrgyz Republic in Transition*. Manila.

———. 2005. *The Kyrgyz Republic: A Gendered Transition—Soviet Legacies and New Risks. Country Gender Assessment*. Manila.

Government of the Kyrgyz Republic. 1998. Initial Report under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>.

———. 2002. Second Periodic Report under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>.

———. No date. Response to Questionnaire Relating to Implementation of the Beijing Platform for Action and Outcome of the 23rd Special Session of the UN General Assembly. Available: www.un.org/womenwatch/daw/Review/English/responses.htm. Accessed May 2006.

Lao People's Democratic Republic

ADB. 1996. *Women in Lao PDR: Country Briefing Paper*. Manila.

———. 2004. *Lao PDR: Gender, Poverty and the MDGs—Country Gender Strategy*. Manila.

Government of Lao PDR. 2003. Combined Initial, Second, Third, Fourth and Fifth Periodic Reports under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>.

³ See footnote 1.

Malaysia

ADB. 1998. *Women in Malaysia: Country Briefing Paper*. Manila.

Government of Malaysia. 2004. Combined Initial and Second Periodic Reports under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>.

—. No date. Response to Questionnaire Relating to Implementation of the Beijing Platform for Action and Outcome of the 23rd Special Session of the UN General Assembly. Available: www.un.org/womenwatch/daw/Review/English/responses.htm. Accessed May 2006.

ILO. *e.quality@work: An Information Base on Equal Employment Opportunities for Women and Men: Malaysia*. (Database contains information and links on laws, policies, institutions, and programs related to gender equality and equal employment opportunities.) Available: www.ilo.org/public/English/employment/gems/eoo/index.htm. Accessed May 2006.

Maldives

ADB. 2001. *Women in the Republic of the Maldives: Country Briefing Paper*. Manila.

Government of the Maldives. 1999. Initial Report under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>.

—. 2005. Combined Second and Third Periodic Reports under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>.

—. No date. Response to Questionnaire Relating to Implementation of the Beijing Platform for Action and Outcome of the 23rd Special Session of the UN General Assembly. Available: <http://www.un.org/womenwatch/daw/Review/English/responses.htm>. Accessed May 2006.

Marshall Islands, Republic of

ADB. 1991. *Women in Development: Republic of the Marshall Islands—Country Briefing Paper*. Manila.

Micronesia, Federated States of

ADB. 1993. *Women in Development: Federated States of Micronesia—Country Briefing Paper*. Manila.

Mongolia

ADB. 1995. *Women in Development: Mongolia—Country Briefing Paper*. Manila.

ADB and World Bank. 2005. *Mongolia: Country Gender Assessment*. Manila.

Government of Mongolia. 1999. Combined Third and Fourth Periodic Reports under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>.

—. No date. Report on the Status of Implementation of the Outcome of the Fourth World Conference on Women. Available: www.un.org/womenwatch/daw/followup/countrylist.htm. Accessed May 2006.

Myanmar

Government of Myanmar. 1999. Initial Report under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>.

—. Undated. Reply to the Questionnaire on Implementation of the Beijing Platform for Action. Available: www.un.org/womenwatch/daw/followup/countrylist.htm. Accessed May 2006.

Nepal

ADB. 1999. *Women in Nepal: Country Briefing Paper*. Manila.

Government of Nepal. 1998. Initial Report under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>.

- . 2003. Combined Second and Third Periodic Reports under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>.
- . No date. Response to Questionnaire Relating to Implementation of the Beijing Platform for Action and Outcome of the 23rd Special Session of the UN General Assembly. Available: www.un.org/womenwatch/daw/Review/English/responses.htm. Accessed May 2006.
- ILO. *e.quality@work: An Information Base on Equal Employment Opportunities for Women and Men: Nepal*. (Database contains information and links on laws, policies, institutions, and programs related to gender equality and equal employment opportunities.) Available: www.ilo.org/public/English/employment/gems/eoo/index.htm. Accessed May 2006.

Pakistan

- ADB. 2000. *Women in Pakistan: Country Briefing Paper*. Manila.
- Government of Pakistan. 1999. Response to Questionnaire on Implementation of the Beijing Platform for Action. [<http://www.un.org/womenwatch/daw/followup/countrylist.htm>].
- . No date. Combined Initial, Second and Third Periodic Reports under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>. Accessed May 2006.
- ILO. *e.quality@work: An Information Base on Equal Employment Opportunities for Women and Men: Pakistan*. (Database contains information and links on laws, policies, institutions, and programs related to gender equality and equal employment opportunities.) Available: www.ilo.org/public/English/employment/gems/eoo/index.htm. Accessed May 2006.

Papua New Guinea

- ADB. 1987. *Women in Development: Papua New Guinea—Country Briefing Paper*. Manila.
- Government of Papua New Guinea. 2000. Response to Questionnaire on Implementation of the Beijing Platform for Action. Available: www.un.org/womenwatch/daw/followup/countrylist.htm.

People's Republic of China

- ADB. 1998. *Women in the People's Republic of China: Country Briefing Paper*. Manila.
- ADB et al. 2006b. *People's Republic of China: Country Gender Assessment*.
- Government of the People's Republic of China. 1997. Third and Fourth Periodic Reports under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>.
- . 2004. Combined Fifth and Sixth Periodic Reports under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>.
- . 2004. Response to Questionnaire Relating to Implementation of the Beijing Platform for Action and Outcome of the 23rd Special Session of the UN General Assembly. Available: www.un.org/womenwatch/daw/Review/English/responses.htm.
- ILO. *e.quality@work: An Information Base on Equal Employment Opportunities for Women and Men: PRC*. (Database contains information and links on laws, policies, institutions, and programs related to gender equality and equal employment opportunities.) Available: www.ilo.org/public/English/employment/gems/eoo/index.htm. Accessed May 2006.

Philippines

- ADB. 1997. *Women in the Philippines: Country Briefing Paper*. Manila.
- . 2004. *Philippines: Country Gender Assessment*. Manila.
- Government of the Philippines. 1993. Third Periodic Report under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>.

- . 1996. Fourth Periodic Report under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>.
- . 2004. Combined Fifth and Sixth Periodic Reports under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>.
- . 2004. Philippines Progress Report on Implementation of the Beijing Platform for Action. Available: www.un.org/womenwatch/daw/Review/English/responses.htm.
- ILO. *e.quality@work: An Information Base on Equal Employment Opportunities for Women and Men: Philippines*. (Database contains information and links on laws, policies, institutions, and programs related to gender equality and equal employment opportunities.) Available: www.ilo.org/public/English/employment/gems/eo/index.htm. Accessed May 2006.

Samoa

- Government of Samoa. 2003. Combined Initial, Second and Third Periodic Reports under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>.

Solomon Islands

- ADB. 1990. *Women in Development: Solomon Islands—Country Briefing Paper*. Manila.

Sri Lanka

- ADB. 1999. *Women in Sri Lanka: Country Briefing Paper*. Manila.
- . 2004. *Sri Lanka: Country Gender Assessment*. Manila.
- Government of Sri Lanka. 1999. Third and Fourth Periodic Reports under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>.

Tajikistan

- ADB. 2000. *Women in Tajikistan: Country Briefing Paper*. Manila.
- . 2006. *Tajikistan: Mainstreaming Gender in Poverty Reduction Strategies—Country Gender Assessment*. Manila.
- Government of Tajikistan. No date. Combined Initial, Second and Third Periodic Reports under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>.

Thailand

- ADB. 1998. *Women in Thailand: Country Briefing Paper*. Manila.
- Government of Thailand. 1997. Combined Second and Third Periodic Reports under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>.
- . 2004. Combined Fourth and Fifth Periodic Reports under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>.
- . 2004. Response to Questionnaire Relating to Implementation of the Beijing Platform for Action and Outcome of the 23rd Special Session of the UN General Assembly. Available: www.un.org/womenwatch/daw/Review/English/responses.htm.
- ILO. *e.quality@work: An Information Base on Equal Employment Opportunities for Women and Men: Philippines*. (Database contains information and links on laws, policies, institutions, and programs related to gender equality and equal employment opportunities.) Available: www.ilo.org/public/English/employment/gems/eo/index.htm. Accessed May 2006.

Timor-Leste

ADB. 2005. *Democratic Republic of Timor-Leste: Gender and Nation Building in Timor-Leste—Country Gender Assessment*. Manila.

Tonga

ADB. 1998. *Women in Tonga: Country Briefing Paper*. Manila.

Turkmenistan

Government of Turkmenistan. 2004. Combined Initial and Second Periodic Reports under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>.

Tuvalu

UNFPA. Tuvalu at a Glance. Available: <http://pacific.unfpa.org/Countries/tv.htm>. Accessed May 2006.

Uzbekistan

ADB. 2001. *Women in the Republic of Uzbekistan: Country Briefing Paper*. Manila.

—. 2005. *Uzbekistan: Country Gender Assessment*. Manila.

Government of Uzbekistan. 2000. Initial Report under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>.

—. 2004. Combined Second and Third Periodic Reports under Article 18 of CEDAW.

Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>.

—. No date. Response to Questionnaire Relating to Implementation of the Beijing Platform for Action and Outcome of the 23rd Special Session of the UN General Assembly. Available: <http://www.un.org/womenwatch/daw/Review/English/responses.htm>. Accessed May 2006.

Vanuatu

Government of Vanuatu. No date. Combined Initial, Second and Third Periodic Reports under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>. Accessed May 2006.

—. No date. Response to Questionnaire on Implementation of the Beijing Platform for Action. Available: <http://www.un.org/womenwatch/daw/followup/countrylist.htm>. Accessed May 2006.

Viet Nam

ADB. 1995. *Women in Development: Viet Nam—Country Briefing Paper*. Manila.

—. 2002. *Women in Viet Nam: Country Briefing Paper*. Manila.

—. 2005. *Vietnam: Gender Situation Analysis*. Manila.

Government of Viet Nam. 2000. Combined Third and Fourth Reports under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>.

—. No date. Fifth Periodic Report under Article 18 of CEDAW. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N96/301/49/PDF/N9630149.pdf?OpenElement>. Accessed May 2006.

—. No date. Response to Questionnaire Relating to Implementation of the Beijing Platform for Action and Outcome of the 23rd Special Session of the UN General Assembly. Available: www.un.org/womenwatch/daw/Review/English/responses.htm.

ILO. *e.quality@work: An Information Base on Equal Employment Opportunities for Women and Men: Viet Nam*. (Database contains information and links on laws, policies, institutions, and programs related to gender equality and equal employment opportunities.) Available: www.ilo.org/public/English/employment/gems/eoo/index.htm.

DMCs' COMMITMENTS TO GENDER EQUALITY

Country	Adopted Beijing Platform for Action and Cairo Programme of Action	National Focal Agency for Gender Equality	National Action Plan for Gender Equality ¹	Party to CEDAW ²	Reservations To CEDAW	Party to the Optional Protocol to CEDAW ²	ILO Member (bound to uphold core labor standards) ³	Party to ILO Convention Number 100 (Equal Remuneration)	Party to ILO Convention Number 111 (Discrimination in Employment and Occupation)
Afghanistan	X	Ministry of Women's Affairs		2003			X	X	X
Armenia	X	Ministry of Labour and Social Affairs, Department for Family, Women and Children's Issues	X	1993		2006	X	X	X
Azerbaijan	X	State Committee on Women's Issues	X	1995		2001	X	X	X
Bangladesh	X	Ministry of Women's & Children's Affairs	X	1984	Article 2 (conflict with Sharia)	2000	X	X	X
Bhutan	X	National Women's Association		1981					
Cambodia	X	Ministry of Women's Affairs	X	1992		2001(s)	X	X	X
China, People's Republic of	X	Women's Commission; All China Women's Federation	X	1980	Article 29(1) (dispute resolution)		X	X	X
Cook Islands	X			2006	Articles 2(f) and 5(a) (possible conflict with inheritance customs of island chiefs, and policies related to armed forces recruitment and service)				
Fiji Islands	X	Ministry of Women & Culture	X	1995			X	X	X
India	X	Department of Women and Child Development	X	1993	Article 29(1) (dispute resolution), and declaration related to Article 16(2) (compulsory registration of marriages is not practicable)		X	X	X
Indonesia	X	Ministry of Women Empowerment	X	1984	Article 29(1) (dispute resolution)	2000(s)	X	X	X
Kazakhstan	X	National Commission on Family and Women's Affairs	X	1998		2001	X	X	X
Kiribati	X	Kiribati Women's Federation		2004			X		
Kyrgyz Republic	X	National Council of Women, Family and Gender Development	X	1997		2002	X	X	X
Lao People's Democratic Republic	X	National Commission on the Advancement of Women; Lao Women's Union	X	1981			X		
Malaysia	X	Ministry of Women, Family and Community Development	X	1995	Articles 5(a), 7(b), 9(2), 16(1)(a, c, f & g); and 16(2) (perceived conflicts with Syariah law on inheritance, appointment of Syariah court judges and imams, and family law provisions related to marriage, divorce, and child custody)		X	X	
Maldives	X	Ministry of Gender, Family Development and Social Security	X	1993		2006			
Marshall Islands, Republic of	X	Ministry of Internal Affairs, WID Division		2006					

DMCs' COMMITMENTS TO GENDER EQUALITY (cont'd)

Country	Adopted Beijing Platform for Action and Cairo Programme of Action	National Focal Agency for Gender Equality	National Action Plan for Gender Equality ¹	Party to CEDAW ²	Reservations To CEDAW	Party to the Optional Protocol to CEDAW ²	ILO Member (bound to uphold core labor standards) ³	Party to ILO Convention Number 100 (Equal Remuneration)	Party to ILO Convention Number 111 (Discrimination in Employment and Occupation)
Micronesia, Federated States of	X	Department of Health, Education, Gender and Social Affairs, Gender Office		2004	Articles 2(f), 5, 11(1)(d), 11(2)(b), 16, and 29(1) (perceived conflicts with traditional titles and marital customs; no commitment to enact comparable worth or maternity leave legislation; dispute resolution only with consent of all parties)				
Mongolia	X	Ministry of Population Policy and Labour, Department of Population and Social Policy, Women's Section	X	1981		2002	X	X	X
Myanmar	X	National Committee for Women's Affairs	X	1997	Article 29 (dispute resolution)		X		
Nauru	X ⁴	Chief Secretary's Department, Women's Affairs Section							
Nepal	X	Ministry of Women & Social Welfare		1991		2001(s)	X	X	X
Pakistan	X	National Commission on Status of Women; Ministry of Women Development, Social Welfare and Special Education	X	1996	Article 29(1), and declaration that treaty obligation is subject to provisions of Pakistan's constitution		X	X	X
Palau, Republic of	X	Ministry of Community and Cultural Affairs, Bureau of Women's Interest							
Papua New Guinea	X	Department of Home Affairs, Women's Division		1995			X	X	X
Philippines	X	Office of the Status of Women; National Commission on the Role of Filipino Women	X	1981		2003	X	X	X
Samoa	X	Ministry of Women's Affairs, Community and Social Development		1992			X		
Solomon Islands	X	Department of Women, Youth & Sports, WID Division		2002		2002	X		
Sri Lanka	X	Ministry of Women's Affairs	X	1981		2002	X	X	X
Tajikistan	X	Women in Development Bureau		1993		2000(s)	X	X	X
Thailand	X	National Commission on Women's Affairs; Office of Women's Affairs and Family Development	X	1985	Articles 16 (marriage and family relations); 29(1) (dispute resolution)	2000	X	X	
Timor-Leste		Office for the Promotion of Equality		2003		2003 ⁵	X		
Tonga	X	Prime Minister's Office, WID Centre	X						
Turkmenistan	X	Women's Union of Turkmenistan		1997			X	X	X
Tuvalu	X	Department of Women Affairs		1999					
Uzbekistan	X	Women's Committee; Gender and Development Bureau	X	1995			X	X	X
Vanuatu	X	Ministry of Women's Affairs	X	1995			X	X	X
Viet Nam	X	National Commission for the Advancement of Women: Viet Nam Women's Union	X	1982	Article 29(1) (dispute resolution)		X	X	X

¹ Submitted to the UN Division for the Advancement of Women as of December 2004.

² Date of ratification or accession (signifies commitment to comply with the convention/protocol).

³ The core labor standards endorsed by all ILO members include (1) freedom of association and collective bargaining, (2) elimination of forced and compulsory labor, (3) elimination of discrimination in employment and occupation, and (4) abolition of child labor.

⁴ Beijing Platform for Action only.

CEDAW = Convention on the Elimination of All Forms of Discrimination Against Women, DMC = developing member country, ILO = International Labour Organization, s = has signed but not yet ratified or acceded to the convention/protocol (signatory is not legally bound, but is expected to act in general conformity with the convention/protocol), UN = United Nations, WID = Women in Development

Appendix 2

COUNTRY PERFORMANCE ASSESSMENT GUIDELINES (Gender Equality Rating)

The gender equality rating assigned to an Asian Development Fund-eligible country, as part of the Country Performance Assessment is currently based on the World Bank's guidelines for Country Performance and Institutional Assessments (CPIAs), Question 7 on Gender Equality. The guidelines present the methodology and tools for rating countries on their policies and institutions to promote gender equality. The gender question comprises three dimensions: (a) human capital development opportunities; (b) access to productive and economic resources; and (c) status and protection under the law.

Rating Procedure

1. An individual score must be provided for each dimension (a, b, and c) and the three dimension scores must be averaged for the **final country score**. In addition to reporting the dimension and final country scores, country or regional staff must provide a **narrative for each country** to explain the dimension scores and provide any other relevant information. The narrative also reports country information on the legal and institutional framework for and efforts to improve gender equality (not available internationally or in quantitative databases).
2. In assigning a score to each dimension, the rating takes into account the criteria:
 - **Degree of gender equality** for each quantitative or qualitative indicator;
 - Whether **current formal laws and policies** support or are obstacles to gender equality in each dimension;
 - Whether the country has made or is making **efforts to increase gender equality** for each indicator or dimension. The efforts are assessed by calculating quantitative rates of change in the indicators since 1990 or through the informed judgment of regional staff completing the narrative.
3. The following information sources can assist in reaching a score for each **dimension**:
 - the **guideposts** for absolute scores of 1 to 6 included in the CPIA questionnaire (see Table 1);
 - the **quantitative indicators** for each country and their rates of change since 1990 (see Table 2), with comparisons to other developing member countries resulting in scores between 1 and 6 for each indicator and dimension; and

- specific **qualitative country information** (not available internationally or in quantitative databases) on the legal and institutional framework for and efforts to improve gender equality provided in the narrative file to be completed by regional or country staff (see Table 3).

A. Human Capital Development Opportunities	B. Access to Economic and Productive Resources	C. Status and Protection under the Law
Table 1		
Table 2	Table 2	Table 2
Quantitative indicators: <ul style="list-style-type: none"> • Access to secondary education • Boy-girl gap in primary completion rates • Access to delivery care and family planning services • Adolescent fertility rate (ages 15-19) 	Quantitative indicator: <ul style="list-style-type: none"> • Ratio of female to male participation in the labor force 	Quantitative indicators: <ul style="list-style-type: none"> • Women’s parliamentary participation • Women in ministerial positions Table 3 Qualitative information to be provided by country or regional staff: <ul style="list-style-type: none"> • Gender equality in individual legal rights • Gender equality in land tenure and property ownership • Gender equality in inheritance rights • Personal security- including legal protection from violence against women, trafficking, and sexual harassment

Table 1: Guideposts

<p>1. a. Significant differences exist in female to male primary completion rates and enrollment in secondary education. Substantial gaps exist in access to delivery care and family planning services, and the adolescent fertility rate is high. Policies and laws are obstacles to gender equality in education and do not provide access to delivery care and family planning services. There have been no recent efforts to make laws or policies more supportive of gender equality, improve delivery care and access to family planning services, and reduce adolescent fertility.</p> <p>b. Significant gender disparities exist in participation in the labor force, business ownership, land tenure, property ownership and inheritance practices. Formal policies and laws are obstacles to gender equality in these areas, and there have been no recent efforts to make formal laws and policies more supportive of gender equality.</p> <p>c. The law gives men and women different individual and family rights (requesting a divorce, child custody, obtaining individual identity cards or a passport). Violence against women (including such practices as female genital mutilation, trafficking, or sexual harassment) is common. The law does not treat it as a</p>	<p>crime, and there are no policies, institutions or programs aimed at decreasing violence against women. Significant gender disparities exist in political participation at the national level. Laws and policies are obstacles to women’s participation in national government and there were no recent efforts to make them more supportive of gender equality in this respect.</p> <p>2. a. Same as 1.a, except that here have been recent efforts to make laws or policies more supportive of gender equality in education, increase access to delivery care and family planning services, or reduce adolescent fertility.</p> <p>b. Same as 1.b, except that there have been recent efforts to make formal laws and policies more supportive of gender equality.</p> <p>c. Same as 1.c, except that there have been recent efforts to make laws and policies more supportive of gender equality in this respect.</p> <p>3. a. Significant differences prevail in female to male primary completion rates and enrollment in secondary education. Substantial gaps exist in access to delivery care and family planning services, particularly at the regional urban/rural levels, and adolescent fertility rate is high. Policies and laws provide for gender equality in education, access to</p>
---	---

Table 1: Guideposts (cont'd.)

<p>antenatal care and delivery, and access to family planning services. However, enforcement is weak because there are no mechanisms for enforcement.</p> <p>b. Significant gender disparities exist in participation in the labor force, land tenure, property ownership and inheritance practices. Formal policies and laws provide for gender equality in these areas, but enforcement is weak because there are no mechanisms for enforcement.</p> <p>c. The law gives men and women equal individual and family rights (requesting a divorce, child custody, obtaining individual identity cards or passport). Violence against women (including female genital mutilation, trafficking, or sexual harassment) is common although considered a crime. The law, however, is weakly enforced because there are no mechanisms for enforcement. Significant gender disparities exist in political participation at the national level. Laws and policies provide for gender equality in participation in national government, but are weakly enforced because there are no mechanisms for enforcement.</p> <p>4. a., b., and c. same as 3, except that there are also mechanisms to enforce these laws (e.g., in the form of programs to achieve gender equality, or institutions and agencies to guide the achievement of gender equality).</p> <p>5. a. Small differences in primary completion rates or female to male enrollment in secondary education. High access to delivery care and family planning services, and low adolescent fertility rate. Policies and laws that specifically address gender equality in education, and</p>	<p>access to delivery care and family planning services are broadly enforced. However, there are no active programs or institutions to increase access to education, delivery care or family planning services, or to ensure that the adolescent fertility remains low.</p> <p>b. Few or small gender disparities exist in participation in the labor force, land tenure, property ownership and inheritance practices. Policies and laws that specifically address gender equality in these areas are broadly enforced. However, there are no active programs or institutions to prevent an increase in gender inequalities in these areas.</p> <p>c. The law gives men and women equal individual and family rights (requesting a divorce, child custody, obtaining individual identity cards or a passport). There are extremely few or no cases of violence against women, which is considered a crime. Relatively few gender disparities exist in political participation at the national level (compared to international averages). Policies and laws that specifically address gender equality in these areas are broadly enforced. However, there are no active programs or institutions to prevent an increase in domestic violence or to promote greater gender equality.</p> <p>6. There are no gender differences in human capital development, access to productive and economic resources, and status and protection under the law. Laws that specifically address gender equality in all these areas are consistently and effectively enforced, and there are active programs or institutions to promote greater gender equality or prevent an increase in gender inequalities.</p>
---	---

Table 2: Quantitative Indicators

Access to Education (Human Capital Development dimension)
<ul style="list-style-type: none"> • The ratio of female to male enrollment in secondary education is: (Ref year) • The annual rate of growth of the female to male ratio in education has been: (Period), compared to the average rates for all DMCs () and for DMCs of the same income level () • The ratio of female to male completion rates in primary education is: (Ref year)
Access to Reproductive and Health Services (Human Capital Development dimension)
<ul style="list-style-type: none"> • The percentage of births attended by skilled health staff is: (Ref year) • The contraceptive prevalence rate is: (Ref year) • The adolescent (ages 15-19) fertility rate is: (Ref year)
Participation and Remuneration in the Labor Force (Access to Economic and Productive Resources dimension)
<ul style="list-style-type: none"> • The ratio of female to male labor force participation is: (Ref year) • The annual growth rate of the female to male labor force participation ratio was: (Period), compared to the average rates for all DMCs () and for DMCs of the same income level ()
Gender Equality in Political Participation (Status and Protection under the Law dimension)
<ul style="list-style-type: none"> • Percentage of parliamentary seats occupied by women is: (Ref year) • The annual growth rate of parliamentary seats occupied by women was: (Period), compared to the average growth rates for all DMCs () and for DMCs of the same income level • Percentage of women in ministerial positions

Table 3: Qualitative Country Information: Status and Protection under the Law

1. The Legal Framework	
<ul style="list-style-type: none"> Does the law give the same individual rights to women and men (girls and boys)? Is the country making efforts to increase gender equality in personal rights? 	<p><i>Check all that apply and use/consider for your rating:</i></p> <ul style="list-style-type: none"> Constitutional guarantees (such as equality before the law; equal right to education)
	<ul style="list-style-type: none"> Personal status (e.g., related to marriage, divorce, adoption, custody)
	<ul style="list-style-type: none"> Nationality and nationality of children (e.g., right of a woman to pass on her nationality to her children born of a foreign husband)
	<ul style="list-style-type: none"> Citizenship (e.g., civil status, right to vote and be elected into office)
2. Property Rights and Ownership, including Land Tenure	
<ul style="list-style-type: none"> Is there equality between women and men in property rights and ownership, and in land tenure? Is the country making efforts to increase gender equality in property rights and ownership and in land tenure? 	
3. Inheritance Rights	
<ul style="list-style-type: none"> Is there equality between women and men in inheritance rights? Is the country making efforts to increase gender equality in inheritance rights? 	
2. Personal Security	
<ul style="list-style-type: none"> Does the law protect women's and children's personal security? Is the country making efforts to increase women's and children's personal security? 	<p><i>Check all that apply and use/consider for your rating:</i></p> <ul style="list-style-type: none"> Is violence against women and children common (e.g., domestic violence, rape, prostitution, child abuse)?
	<ul style="list-style-type: none"> Is female genital mutilation/cutting practiced in the country?
	<ul style="list-style-type: none"> Is trafficking of women and/or girls a problem? Is sexual harassment in the workplace a common problem?
	<ul style="list-style-type: none"> Are there constraints to women's free movement outside the home (e.g., are women going out alone subject to harassment)?
	<ul style="list-style-type: none"> Are there penal code provisions related to personal security (e.g., criminal penalties for sexual crimes, sexual harassment, violence against women)?

Source of tables: World Bank. 2005. *Country Policy and Institutional Assessments: 2005 Assessment Questionnaire*. Operations Policy and Country Services. Available: <http://siteresources.worldbank.org/IDA/Resources/CPIA2005Questionnaire.pdf>. Accessed November 2006.

Appendix 3

TERMS OF REFERENCE FOR COUNTRY GENDER ASSESSMENTS (Gender, Law, and Policy Issues)

The Country Gender Assessment shall include one or more sections discussing the national laws, policies, and institutions for promoting gender equality, as well as other relevant laws and policies. In preparing this/these section(s) of the Country Gender Assessment, the gender specialist shall review and analyze the following:

- International treaties such as the Convention on the Elimination of All Forms of Discrimination Against Women, other human rights treaties, relevant International Labour Organization conventions, and any substantive reservations;
- Other international commitments, such as the Beijing Platform for Action and Cairo Programme of Action;
- Constitutional provisions, such as those on equality and nondiscrimination; civil, political, cultural, economic, and social rights; protection of constitutional rights; and any priority given to religious or customary laws;
- Gender equality or equal opportunity law and its enforcement mechanism, if any;
- National policy and action plan on gender equality and implementing bodies, such as a national commission and/or ministry for gender equality or women's affairs;
- Gender equality goals, targets, and initiatives included in the constitution, statutes, national development plan, national poverty reduction strategy, national Millennium Development Goals, or other sources;
- Civil law and personal status/family law(s) including provisions on equality, citizenship, names, marriage and family, divorce, maintenance, and child custody;
- Property laws, including those covering land, inheritance, registration, and ownership of businesses;
- Labor and social security laws, including provisions on equality and nondiscrimination, working conditions, parental leave, protection from hazardous or strenuous work, child labor, and social security entitlements; and/or any proposals to modify or repeal "protective" laws on night work or particular types of work;
- Laws on health and reproductive rights, including any law/policy on HIV/AIDS¹ and other sexually transmitted infections;
- Criminal laws, including provisions on gender-based violence, sexual harassment, and human trafficking;
- General assessment of the capacity of government bodies to implement and enforce gender equality laws and policies; and
- General assessment of public awareness, especially among poor and marginalized women, of their rights and of the procedures for making claims and obtaining legal protection.

¹ This analysis should also address HIV/AIDS-related stigmas or discrimination; legal protections for people living with HIV/AIDS, if any; and provisions for HIV counseling and testing (which should be voluntary and confidential).

TERMS OF REFERENCE FOR PPTA GENDER SPECIALISTS (Gender, Law, and Policy Issues)

The gender (or social development) specialist on the Project Preparatory Technical Assistance team shall consider the following issues as part of the gender and social analysis for the proposed project or program:

A. Sector Issues

- The main laws, policies, regulations, and institutions governing the sector;
- Any implicit gender biases in the existing law and policy frameworks, or provisions that could disadvantage women;
- Any changes in the law and policy frameworks for the sector that are likely to be proposed under the project/program, and (a) whether any of these proposed changes address gender biases or gaps in the law and policy frameworks; or (b) whether any of the proposed changes could inadvertently disadvantage women;
- Any other formal or informal barriers to women in accessing basic services in the sector, or otherwise participating in the project/program;
- The gender composition of key organizations in the sector, including government offices, user groups and local decision-making bodies; and compensation levels and working conditions for men and women in the sector; and
- Possible measures that could be taken under the project/program to address gender biases or gaps in the law and policy frameworks, or other barriers to women's equitable participation in the sector.

B. Crosscutting Issues

1. Labor Issues

- Labor laws and regulations (or civil service laws and regulations, for the public sector) that apply to workers in the sector;
- Whether any categories of workers are excluded from these laws and regulations;
- Whether these laws and regulations are generally enforced, and equitably enforced with respect to women workers;
- Any law or policy changes proposed under the project/program that could adversely affect workers, especially women;

- Any changes in existing labor or civil service laws or regulations that would correct gender biases or gaps in these laws; and
- Any mechanisms that can be used within the project/program to ensure that applicable labor laws and regulations are equitably enforced.

2. Involuntary Resettlement (if applicable)

- The laws and/or policies governing resettlement and their likely application to women and men in the proposed project area, in particular the definitions of "persons eligible for compensation," eligibility criteria, procedures for registering newly allocated houses and land, and provisions for local decision making and dispute resolution framework in the resettled communities;
- Any customary laws or practices governing women's and men's access to land, water, forest resources, and other natural resources in the proposed project area; and
- Any traditional mechanisms for community decision-making and dispute resolution (and the roles of women and men in these mechanisms).

3. Indigenous or Ethnic Minority Groups (if applicable)

- The laws and/or policies governing the rights and interests of indigenous or ethnic minority groups in the DMC;
- The interaction between this law and policy framework and the DMC's laws and policies as concerns gender equality;
- Any customary laws, practices, or taboos within indigenous or ethnic minority groups that are likely to affect women's and men's ability to participate in, and benefit from, the proposed project/program;
- The traditional roles of women and men in community decision-making and dispute resolution;
- Any law or policy reforms proposed under the project/program that could adversely affect women or men within indigenous or ethnic minority communities; and
- Any mechanisms that could be introduced under the project/program to ensure that the rights of both women and men in indigenous/ethnic minority communities are protected, and that both women and men in these communities can benefit from the project/program.

GENDER-FOCUSED ASSURANCES

During the preparation of a project or program, appropriate assurances should be obtained from the government and executing/implementing agencies to support GLP activities, targets, and indicators. These assurances, which are typically included in the memorandum of understanding of the fact-finding and appraisal missions, and in the "Assurances" section of the Report and Recommendation of the President, form the basis for covenants that project counsel will include in the loan (or grant) documents for the project/program.

In program loans, key assurances related to law, policy, or institutional changes could also be conditions for release of the loan tranches. In project loans (or grants), some key assurances could be moved "upstream" as conditions for loan negotiations, for consideration by the Board of Directors, or for loan effectiveness. Following are sample assurances related to GLP issues. They are generic, and need to be adapted to the specifics of a particular program or project, including the relevant law and policy frameworks; institutions; and country, sector, and gender contexts. More detailed and varied samples of gender-focused loan covenants are included in the OGC Lawyers' Manual.

A. Governance and Law Reform

- The Government will ensure that the [National Gender Reform Action Program] is approved by the Cabinet by [date], that it is fully implemented in a timely manner, and that adequate resources are allocated for this purpose.
- The Government will ensure that the [Planning Guidelines] under the [Local Government Act] are revised to require that [relevant levels of local government] prepare (or update) a Gender Action Plan (GAP) as part of their annual planning process; that locally elected female officials, local women's organizations, and other relevant stakeholders are invited to participate in the planning process; and that all activities included in the GAP are fully costed and included in the relevant local budgets.
- The Government will submit the [draft Equal Opportunity Law] to the Parliament for approval by [date].
- The Government will establish [an Equal Opportunity Commission] including _% female members, within 3 months of Parliamentary approval of the [Equal Opportunity Law].
- The Government will ensure that an amendment to the [title of discriminatory law,] including provisions to [specify changes to eliminate discriminatory provisions], is submitted to the Parliament for approval by [date].
- The Government will establish [a gender analysis unit in the Ministry of Justice] by [date].
- The Government will ensure that the best qualified female candidate for each civil service position at Levels _ and above is selected for that position, to

increase the percentage of women staff at those levels to at least _% by the completion date of the project.

- The Government will ensure that the percentage of female staff participating in each training activity under the project is at least equal to the percentage of women in the work unit(s) eligible for the training.
- The Government will ensure that gender-related indicators are included in the monitoring and evaluation system for the project/program, and that sex-disaggregated data are collected and monitored.

B. Agriculture and Natural Resource Management

- The Government will ensure that [the Ministry of Agriculture] prepares and adopts a gender mainstreaming strategy for the [agriculture] sector by [date].
- The Government will ensure that an amendment to the [Cooperatives Rules], increasing the minimum percentage of women members in agricultural cooperatives to _%, is submitted to the Cabinet for approval by [date].
- The Government will ensure that the [Department of Irrigation] adopts the project GAP, that it is implemented in a timely manner over the entire project period, and that adequate resources are allocated for this purpose. In particular, the Government will ensure that [insert key provisions from the GAP, such as targets for increasing female extension workers in rural areas, ensuring women's participation in cooperatives or user groups, forming women-only user groups, or women's participation in extension activities]. The Project Implementation Office will prepare a field manual for the GAP and will conduct training for all project staff on the GAP. Implementation of the GAP will be closely monitored, and the progress will be reported in the quarterly reports to ADB.
- The Government will ensure that gender-related indicators are included in the monitoring and evaluation system for the project/program, and that sex-disaggregated data are collected and monitored.

C. Education

- The Government will ensure that the Ministry of Education prepares and adopts a gender mainstreaming strategy for the education sector [or for a specific subsector such as primary, secondary, technical/vocational, or nonformal education] by [date].
- The Government will ensure that the Ministry of Education issues revised regulations under the [Education Act] to require that at least _% of the members of each school management committee be women.
- The Government will ensure that the Ministry of Education develops an improved compensation and benefit package for primary and secondary school teachers posted to rural areas, and that this package is costed and included in the medium-term expenditure framework for [years] and in the annual budget for education beginning in [year].

- The Government will ensure that the Ministry of Education adopts the project GAP, that it is implemented in a timely manner over the entire project period, and that adequate resources are allocated for this purpose. In particular, the Government will ensure that [insert key provisions from the GAP, such as targets for increasing the number of female teachers or the percentage of women on school management committees; review and revision of teaching materials to eliminate gender stereotypes; or contracting of a women's legal aid NGO to develop a legal literacy module for nonformal education programs]. The Project Implementation Office will prepare a field manual for the GAP and will conduct training for all project staff on the GAP. Implementation of the GAP will be closely monitored, and the progress will be reported in the quarterly reports to ADB.
- The Government will ensure that gender-related indicators are included in the monitoring and evaluation system for the project/program, and that sex-disaggregated data are collected and monitored.

D. Health Care and HIV/AIDS

- The Government will ensure that the Ministry of Health prepares and adopts a gender mainstreaming strategy for the health sector [or for a specific area such as reproductive health, adolescent health, or HIV/AIDS prevention and treatment] by [date].
- The Government will submit the draft HIV/AIDS Prevention and Treatment Act to Parliament for approval by [date].
- The Government will ensure that the Ministry of Health develops an improved compensation and benefit package for health workers posted to rural areas, and that this package is costed and included in the medium-term expenditure framework for [years] and in the annual budget for health beginning in [year].
- The Government will ensure that the Ministry of Health adopts the project GAP, that it is implemented in a timely manner over the entire project period, and that adequate resources are allocated for this purpose. In particular, the Government will ensure that [insert key provisions from the GAP, such as targets for increasing the number of female doctors, midwives and community health workers in rural areas; or contracting with women's NGOs to establish and run crisis centers and shelters for domestic violence victims]. The Project Implementation Office will prepare a field manual for the GAP and will conduct training for all project staff on the GAP. Implementation of the GAP will be closely monitored, and the progress will be reported in the quarterly reports to ADB.
- The Government will ensure that gender-related indicators are included in the monitoring and evaluation system for the project/program, and that sex-disaggregated data are collected and monitored.

E. Water Supply and Sanitation

- The Government will ensure that [the national water authority or relevant ministry] prepares and adopts a gender mainstreaming strategy for the WSS sector by [date].
- Amendments to [the National Water Ordinance], increasing to _% the minimum percentage of female members of water and sanitation user group boards, will be submitted to the Cabinet for approval by [date].
- The Government will ensure that the [executing agency] adopts the project GAP, that it is implemented in a timely manner over the entire project period, and that adequate resources are allocated for this purpose. In particular, the Government will ensure that [insert key provisions from the GAP, such as targets for increasing female staff in local water authority offices, increasing women's membership or leadership in water/sanitation user groups, or women's participation in training activities]. The Project Implementation Office will prepare a field manual for the GAP and will conduct training for all project staff on the GAP. Implementation of the GAP will be closely monitored, and the progress will be reported in the quarterly reports to ADB.
- The Government will ensure that gender-related indicators are included in the monitoring and evaluation system for the project/program, and that sex-disaggregated data are collected and monitored.

F. Urban Development

- The Government will prepare and adopt a gender mainstreaming strategy for urban development by [date].
- Revisions to the [Public Housing Guidelines,] eliminating the requirement of male signatures on the housing applications of female applicants, will be submitted to the Cabinet for approval by [date].
- The Government will ensure that the [executing agency] adopts the project GAP, that it is implemented in a timely manner over the entire project period, and that adequate resources are allocated for this purpose. In particular, the Government will ensure that [insert key provisions from the GAP, such as targets for increasing female staff in municipal government offices, training municipal government officials and locally elected officials including women, or contracting with local women's organizations to carry out social mobilization or construction activities]. The Project Implementation Office will prepare a field manual for the GAP and will conduct training for all project staff on the GAP. Implementation of the GAP will be closely monitored, and the progress will be reported in the quarterly reports to ADB.
- The Government will ensure that gender-related indicators are included in the monitoring and evaluation system for the project/program, and that sex-disaggregated data are collected and monitored.

G. Finance

- The Government will prepare and adopt a gender mainstreaming strategy for the [rural finance, microfinance, or housing finance] subsector by [date].
- Revisions to the [Credit Program for Women-Owned Businesses,] eliminating the requirement of men's signatures on the loan applications of women applicants, will be submitted to the Cabinet for approval by [date].
- The Government will ensure that the [Ministry of Finance] adopts the project GAP, that it is implemented in a timely manner over the entire project period, and that adequate resources are allocated for this purpose. In particular, the Government will ensure that [insert key provisions from the GAP, such as targets for the percentage of female borrowers/savers, for recruiting or promoting additional female staff in participating financial institutions, or for the participation of female staff or clients in training programs; or a credit line specifically for women-owned businesses]. The Project Implementation Office will prepare a field manual for the GAP and will conduct training for all project staff on the GAP. Implementation of the GAP will be closely monitored, and the progress will be reported in the quarterly reports to ADB.
- The Government will ensure that gender-related indicators are included in the monitoring and evaluation system for the project/program, and that sex-disaggregated data are collected and monitored.

H. Trade, Industry, and SME Development

- The Government will prepare and adopt a gender mainstreaming strategy for the [trade, industry, or SME development] subsector by [date].
- The national task force responsible for drafting a new [SME Development Policy] will include representatives of the Ministry of Women's Affairs and women's business associations.
- The Ministry of Labor will form a task force, including representatives of [the ministries of women's affairs and commerce/industry] to review the country's protective labor laws, assess the extent to which these protective laws have restricted women's employment options, and make related recommendations.
- The Government will ensure that the [ministry of trade, commerce or industry] adopts the project GAP, that it is implemented in a timely manner over the entire project period, and that adequate resources are allocated for this purpose. In particular, the Government will ensure that [insert key provisions from the GAP, such as targets for recruiting and promoting female staff in relevant ministries; for providing business development services to women-owned SMEs; or for developing a retraining and social safety net program for retrenched workers]. The Project Implementation Office will prepare a field manual for the GAP and will conduct training for all project staff on the GAP. Implementation of the GAP will be closely monitored, and the progress will be reported in the quarterly reports to ADB.

- The Government will ensure that gender-related indicators are included in the monitoring and evaluation system for the project/program, and that sex-disaggregated data is collected and monitored.

I. Infrastructure

- The Government will prepare and adopt a gender mainstreaming strategy for the [energy, transport, or communication] subsector by [date].
- The Government will ensure that the [Road Maintenance Fund Guidelines] are amended to provide for a minimum of __% women's representation in village road maintenance committees.
- The Government will ensure that the [ministry of energy, transport or communication] adopts the project GAP, that it is implemented in a timely manner over the entire project period, and that adequate resources are allocated for this purpose. In particular, the Government will ensure that [insert key provisions from the GAP, such as targets for employment of women in construction and maintenance; women's representation in management and dispute resolution bodies of resettled communities; and women's participation in training and other project activities]. The Project Implementation Office will prepare a field manual for the GAP and will conduct training for all project staff on the GAP. Implementation of the GAP will be closely monitored, and the progress will be reported in the quarterly reports to ADB.
- The Government will ensure that all civil works contractors engaged under the Project (i) employ of at least __% women in [specify construction, rehabilitation, maintenance, or other activities]; (ii) provide prompt and equal pay to men and women for work of equal value [in accordance with national laws and international treaty obligations]; (iii) provide safe working conditions for all workers [in accordance with national laws and international treaty obligations]; (iv) provide separate and culturally appropriate facilities for male and female workers; and (v) do not employ child labor [in accordance with national laws and international treaty obligations]. The Government will include these provisions in the bidding documents and contracts for all civil works under the project, and the Project Implementation Office will monitor and report on their implementation in its regular progress reports.
- The Government will ensure that all civil works contractors engaged under the Project include information on the prevention of STIs, including HIV/AIDS, in health and safety programs for all construction workers at campsites during the construction period. Specific provisions to this effect will be included in all bidding documents and contracts for civil works, and the Project Implementation Office will monitor and report on their implementation in its regular progress reports. In addition, the Government will ensure that similar information on the prevention of STIs is disseminated to transport operators and to communities in the project area [through local health offices, through parallel programs being coordinated by the national/provincial HIV/AIDS authority, or through subcontracting to qualified NGOs]. The Project Implementation Office will monitor and report on the implementation of these activities in its regular progress reports.

- The Government will take appropriate steps to minimize the risk of human trafficking, especially of women and children, under the project. These steps will include [specify activities, such as information campaigns for construction workers, transport operators, and communities in the project area; introduction of safe migration modules in local school curricula; training sessions for police and border officials on proper enforcement of the national anti-trafficking law/policy; establishment of information booths on safe migration at major transit stops; development of a code of conduct for construction workers; or coordination with anti-trafficking programs being run by local governments, other agencies or NGOs]. The Project Implementation Office will monitor and report on the implementation of these activities in its regular progress reports.
- The Government will ensure that gender-related indicators are included in the monitoring and evaluation system for the project/program, and that sex-disaggregated data are collected and monitored.

J. Regional and Subregional Cooperation

- The [regional institution or participating governments] will prepare and adopt a regional gender mainstreaming strategy by [date].
- The [participating governments] will revise their Memorandum of Understanding on Labor Migration to increase the annual quota for unskilled or semiskilled migrant workers by [date].
- The regional task force responsible for drafting a new [regional or bilateral trade agreement] will include representatives of the Ministries of Women's Affairs and women's organizations.
- Each government will adopt the project Gender Action Plan (GAP), and will ensure that it is implemented in a timely manner over the entire project period, and that adequate resources are allocated for this purpose. In particular, each government will ensure that [insert key provisions from the GAP, such as targets for recruiting and promoting female staff in relevant ministries; targets for women's participation in training, exchanges, or other project activities; or establishment of a credit line for women's export businesses]. The Project Implementation Office will prepare a field manual for the GAP and will conduct training for all project staff on the GAP. Implementation of the GAP will be closely monitored, and the progress will be reported in the quarterly reports to ADB.
- Each government will ensure that gender-related indicators are included in the monitoring and evaluation system for the project/program, and that sex-disaggregated data are collected and monitored.