Dialogue with a Gender Perspective

Guide for Cases in the Consultation Phase

IDB | IDB Invest | IDB Lab

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Dialogue with a gender perspective

Guide for Cases in the Consultation Phase

Independent Consultation and Investigation Mechanism – **IDB Group**

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About the MICI and the Consultation Phase

The Independent Consultation and Investigation Mechanism (MICI) is the accountability office of the Inter-American Development Bank Group.[1] It is independent of IDB management and project teams and is responsible for addressing complaints from communities affected by IDB Group operations when there is alleged non-compliance with its social and environmental safeguards.

For this, the Mechanism offers two processes: the Consultation Phase (CP) and the Compliance Review Phase (CRP). The CP or Dispute Resolution Phase provides a voluntary process for IDB Group Management, the Executing Agency/Client and the communities and/or people claiming to be affected (hereinafter "parties") in order to address the issues and find a consensual solution. The CRP provides an investigative process that determines whether IDB Group Management complied with its environmental and social safeguards in the financed operation. The operation and structure of the MICI is governed by two policies: (i) the MICI-IDB Policy, applicable to IDB and IDB Lab operations, and (ii) the MICI-IIC Policy, applicable to IDB Invest-financed operations.

The functioning of the Consultation Phase is regulated in Section H of the MICI Policies and in the Guidelines for the Consultation Phase. It has three stages: Assessment, Consultation Phase Process, and Monitoring. During the assessment, the CP team seeks to identify whether there are conditions and the willingness of parties to initiate a dispute resolution process. In the CP process, the Consultation Phase team acts as an impartial third party and facilitates a dialogue between the parties to reach an agreement to resolve the issue. When an agreement is reached, the CP can monitor compliance for up to five years.

1. The Inter-American Development Bank Group is comprised of the Inter-American Development Bank, the Inter-American Investment Corporation (IDB Invest), and the Multilateral Investment Fund (IDB Lab).

I • Background

Development initiatives can have differentiated adverse effects depending on the gender of the people impacted. If an initiative does not consider the historical gaps that affect women, girls, and the LGBTIQ+ population, it increases the risk of differential and/or disproportionate negative impacts on these groups. Failure to identify and address these gaps in the design and implementation of interventions can contribute to unequal access to development benefits, perpetuating existing inequalities.[2] Gaps deepen when the gender dimension intersects with other forms of inequality, based on factors such as race, ethnicity, disability status, socioeconomic status, language, literacy level, among others.[3]

At the same time, international human rights law has made important normative advances in the area of gender equality. At the global level, the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, the Convention on the Elimination of All Forms of Discrimination against Women, and the Beijing Declaration and Platform for Action stand out. In the Latin American context, there is the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Para).

2. IDB (2021) "Marco de Política Social y Ambiental". [online]. Available at: https://www.iadb.org/es/quienes-somos/topicos/soluciones-ambientales-y-sociales/marco-de-politica-ambiental-y-social p. 115.
3. *Ibid*., p. 113.

Table 1 • Relevant instruments on gender equality

1948	Universal Declaration of Human Rights	Establishes the principle of non-discrimination and equality among all people, without distinction based on sex, race, ethnicity, among others (art. 2).
1979	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	Introduces measures aimed at achieving equality and eliminating gender discrimination (art. 1), including "temporary measures to accelerate de facto equality between men and women" (art. 4).
1993	Vienna Declaration and Programme of Action	Recognizes the rights of women and girls as human rights and incorporates their right to participate in public life (par. 18).
1994	Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Convention of Belém do Pará)	A regional instrument that focuses on the definition of "violence against women, establishes the right of women to live a life free of violence and highlights violence as a violation of human rights and fundamental freedoms."[4]
1995	Beijing Declaration and Platform for Action	Introduces gender mainstreaming in 12 areas (such as environment, health, economy, conflict resolution, among others) to achieve gender equality and women's empowerment at all levels of development.[5].
2000	United Nations Security Council: Resolution 1325 on Women, Peace, and Security	Includes provisions for integrating a gender perspective in peace negotiations and agreements (par. 8.c.).
2019	Gender Lens to the UNGPs	Provides measures to incorporate a gender perspective into the implementation of the three pillars of the Guiding Principles on Business and Human Rights.

4. Organization of American States (1994) "Convención do Belem do Pará". [online]. Available at: https://www.oas.org/es/MESECVI/convencion.asp.
5. United Nations. UN Women (2014) "Guidance Note: Gender Mainstreaming in Development Programming". [online]. Available at: https://www.unwomen.org/en/digital-library/publications/2015/02/gender-mainstreaming-issues. p. 7.

In the field of conflict resolution and peacebuilding, the guiding document is United Nations Security Council Resolution 1325 on Women, Peace and Security adopted in 2000. Resolution 1325 lays the groundwork for increasing the effective participation of women in conflict resolution processes and for incorporating a gender perspective in the negotiation and adoption of peace agreements, among other issues.[6] Originally conceived in the context of armed conflicts, the resolution has been expanded and adapted to other realities, such as those of Latin America and the Caribbean, thanks to the approval of subsequent resolutions by the Security Council. Thus, this resolution and its normative framework contribute to ensuring the meaningful participation of women in social, socio-environmental, and sociopolitical conflict management processes and in peace building in the region. In line with the above, 10 Latin American countries[7] have national action plans on women, peace, and security, which contemplate various dimensions such as the involvement of women in mediation networks, the protection of female human rights and environmental defenders, and the approach to socio-environmental conflicts.

Box 1 • Women's role in peacebuilding

"Local, national, regional, and global peace is achievable and inextricably linked to the advancement of women, who are a key force in community leadership, conflict resolution and the promotion of lasting peace at all levels."

Source: United Nations (1995) "Beijing Declaration". [online]. Available at: https://www.acnur.org/fileadmin/Documentos/Publicaciones/2015/9853.pdf?file=filea. p. 12.

6. United Nations. Security Council (2000) "Resolution 1325 on women, peace and security". [online]. Available at: https://undocs.org/es/S/RES/1325%20%282000%29.

7. According to available data for 2023, the countries are: Argentina, Brazil, Colombia, Chile, El Salvador, Guatemala, Mexico, Paraguay, Peru, and Uruguay. Available at: https://mujerespazyseguridad.co/planes-nacionales-de-accion-pan-1325/.

Given historical gaps and intersectionality with other inequalities, it is common for women, girls and LGBTIQ+ populations to face additional obstacles in accessing effective grievance and remedy mechanisms. In this regard, the Discussion Group on Gender and Women's Experiences in Effective Access to Remedy identified different structural challenges during the *7th UN Forum on Business and Human Rights*. The challenges identified include inequality in access to education, reflected in the fact that *"women have lower levels of knowledge of their rights, legislation, and remedy mechanisms."*[8] Likewise, the Group points out the lack of implementation of adequate legal frameworks and the absence of enabling contexts that promote inclusion and accountability to protect and promote women's human rights. Finally, the Group highlights the lack of grievance mechanisms at the project level that incorporate a gender approach in their operations.[9]

In the area of development initiatives, human rights and access to grievance mechanisms, the Working Group on Business and Human Rights developed the *"Gender Lens to the UNGPs"* in 2019. Regarding non-judicial grievance mechanisms, the guide states that *"all criteria for the effectiveness of non-judicial grievance mechanisms should be interpreted in a gender-sensitive manner, especially given the intersecting nature of discrimination faced by women in accessing such mechanisms and enforcing remedies awarded to them as a result of their complaints against companies."*[10]

In addition to this context, the IDB Group has integrated commitments to gender equality into its environmental and social policy frameworks. On the public sector side, the IDB's Environmental and Social Policy Framework (hereafter "ESPF") highlights *"the IDB Group's commitment to accelerating progress on gender equality, diversity, and inclusion"*.[11] It also includes a specific gender equality standard applied to IDB-financed projects. As for the private sector side, the Environmental and Social Sustainability Policy establishes IDB Invest's commitment to promoting gender equality and identifying *"potential gender-based risks and impacts and [requiring] clients to implement effective measures to*

8. United Nations (2018) "Gender Discussion Group: Women's experiences of accessing effective remedies and defending rights". 7th Forum on Business and Human Rights. [online]. Available at: www.ohchr.org/Documents/Issues/Business/Gender/GenderRoundtableWomenExperiences.pdf.
9. *Ibid*.
10. United Nations. Working Group on Business and Human Rights (2019) Op. Cit., p. 35.
11. IDB (2021) "Marco de Política Social y Ambiental". [online]. Available at: https://www.iadb.org/es/quienes-somos/topicos/soluciones-ambientales-y-sociales/marco-de-politica-ambiental-y-social. p. 3.

avoid, prevent, or mitigate them."[12] These provisions are part of the scope of the Independent Consultation and Investigation Mechanism (hereinafter "MICI" or "the Mechanism"), as an office independent of the IDB Group Management.

In terms of the MICI process in the Consultation Phase, the Phase's Guidelines establish gender equity as a fundamental aspect of the management of requests under the CP. In this regard, paragraph 4.20 states that:

> *"When women [and LGBTIQ+ population] groups participate in the Consultation Phase, MICI officials will pay particular attention to identifying gender gaps and will adopt a gender-sensitive approach during the assessment, design, facilitation, and monitoring part of the Consultation Phase. Phase officials will strive to promote the active participation of women [and the LGBTIQ+ population] in the deliberation and decision-making processes during case processing."*[13]

Likewise, according to the Guidelines, those working in the Consultation Phase should ensure a series of key management principles. For the purposes of this guide, these include (i) **co-design** in CP processes, which should consider the methodological, formatting, cultural, and linguistic preferences of the people to whom they are directed, including women and LGBTIQ+ people who participate in them; (ii) the **Do-no-harm principle**, particularly in contexts of structural gender inequalities, where applying a gender lens is fundamental to avoiding the deepening of the aforementioned inequalities, and (iii) **attention to asymmetries** presented by the framework so that the processes are also sensitive to gender asymmetries.[14]

In the area of independent accountability mechanisms within international financial institutions, there are few examples of integrating a gender perspective into dispute resolution processes. The only publicly available case identified is the *"Guidance Note on Gender-Sensitive Dispute Resolution"* by the International Finance Corporation's Office of the Compliance Advisor/Ombudsman (CAO). The aforementioned document *"identifies*

12. IDB Invest (2020) "Environmental and Social Sustainability Policy". [online]. Available at: https://idbinvest.org/sites/default/files/2022-11/idb_invest_politica_de_sostenibilidad_2020_SP%281%29.pdf. p. 8.
13. MICI (2018) " Guidelines for the Consultation Phase: The MICI dispute resolution process". [online]. Available at: https://mici.iadb.org/es/publications/ConsultationPhaseGuidelines. p. 15.
14. *Ibid*., pp. 7 and 8.

common challenges in adopting gender-inclusive approaches to dispute resolution and strategies and tools for [addressing] them." [15]

Considering the historical gaps in terms of gender equality and the existing regulatory framework, in 2022, MICI initiated a process of internal reflection on the subject. Based on a study conducted by the Danish Institute for Human Rights, commissioned by the Mechanism, an internal workshop was held where each phase defined actions to be implemented. In this context, the Consultation Phase prioritized the development of this guide (hereinafter *"Guide to implementing a gender-based approach to case management in the Consultation Phase" or "Guide"*).

15. CAO (2019) "Guidance note on gender-sensitive dispute resolution". [online]. Available at: https://www.cao-ombudsman.org/resources/guidance-note-gender-inclusive-dispute-resolution.

Atendemos tus preocupaciones, suma tu voz al desarrollo
Atendemos tus preocupaciones, suma tu voz al desarrollo

II • Scope and Conceptual Framework

This Guide is based on the content and structure of Section H of the MICI Policies and the Guidelines for the Consultation Phase. The methodology used for its preparation included, first, a review of existing literature within the framework of the Guiding Principles on Business and Human Rights and accountability mechanisms. In addition, concepts were adapted from the guidelines and directives developed by United Nations agencies and other international cooperation organizations on the integration of a gender perspective in the analysis and approach to conflicts. Secondly, four sessions were held with the Consultation Phase team to gather input and validate concepts. Additionally, three experts in different fields related to the topic were interviewed: Lani Inverarity (Accountability Counsel), Maria Amelia Viteri (IDB Environmental and Social Solutions Unit), and Mirna Cuentas (senior expert in dialogue and conflict resolution), to whom MICI, and particularly the Consultation Phase, express their gratitude for their time and collaboration. Finally, the draft guide was reviewed and revised by Bautista Logioco, an expert in conflict resolution and gender studies, who contributed his expertise and insights.

Regarding content, the guide is structured into seven sections to provide an approach to the gender perspective in the MICI Consultation Phase. It begins with the definition of its general objective, followed by a glossary of key terms to facilitate the understanding of fundamental concepts. Next, a theoretical framework is presented to contextualize the integration of a gender approach in conflict management and in the specific area of accountability mechanisms. Subsequently, the guide details specific actions for each stage of the Consultation Phase (assessment, consultation phase process, and monitoring) in order to contribute to ensuring gender-sensitive management of the cases managed by this phase. Throughout the document, resources are provided to deepen the understanding of concepts and tools that facilitate its implementation.

A) Objetive

The guide aims to incorporate a gender perspective into the implementation of MICI's Guidelines for the Consultation Phase. It seeks to avoid generating, exacerbating, or perpetuating pre-existing gender gaps and divisions, in compliance with the Do-no-harm principle. This is achieved through the promotion of gender equality and the meaningful participation of women (and the LGBTIQ+ community when involved in a case) in MICI's Consultation Phase and its corresponding processes.

B) Key Concepts

Below are some definitions that will be used throughout the guide:

Gender: *"The characteristics, roles and opportunities defined by a given society that are considered appropriate for men, women, boys, girls, and non-binary people. Gender is a product of the relationships between people and may reflect the distribution of power among them."*[16]

Gender Norms: Are a subset of social norms, which refer to the *"informal rules and shared social expectations that distinguish expected behaviors based on gender."*[17] Gender norms define how women, men and LGBTIQ+ people access public and private resources, occupy positions of power, make life decisions and divide labor, among other issues.[18]

Gender Roles: Refers to *"the set of socially assigned attitudes, behaviors and expectations that should govern the way women and men are, feel and act (...). Gender roles so-*

16. United Nations. WHO (August 23, 2018) "Gender and Health". [online]. Available at: https://www.who.int/es/news-room/fact-sheets/detail/gender#:~:text=Definiciones,personas%20con%20identidades%20no%20binarias.
17. Marcus and Harper cited in Cookson, T. et. al., "Discussion Paper: Social Norms, Gender and Development: A Review of Research and Practice". UN Women. [online]. Available at: https://www.unwomen.org/sites/default/files/2023-10/discussion-paper-social-norms-gender-and-development-a-review-of-research-and-practice-en.pdf. p. 17
18. United Nations. UN Women (2015) "Guidance Note: Gender Mainstreaming in Development Programming". [online]. Available at: https://www.unwomen.org/en/digital-library/publications/2015/02/gender-mainstreaming-issues. p. 5.

cially establish the tasks and responsibilities assigned to the sexes."[19] In certain contexts, gender norms and gender roles are used interchangeably.

Intersectionality: According to UN Women, intersectionality refers to *"considering how different identities interact and influence each other, and how this may lead to multiple forms of oppression and discrimination, as well as strengths and capacities. In the case of mediation processes, intersectionality involves analyzing power variables and aspects of identity (such as gender, ethnicity, class, disability, location, [among others])."*[20]

LGBTIQ+ population/people: The term encompasses *"lesbian, gay, bisexual, transgender, intersex and queer or questioning people (people who are questioning their sexual orientation, gender identity, and/or gender expression)."*[21]

Gender Identity: Refers to *"the internal, individual experience of one's deeply felt gender (e.g., being male, female, somewhere in between, neither, or something else), which may or may not correspond to the sex assigned at birth or to the gender ascribed to one by society. It includes one's personal sense of the body (which may involve, if freely chosen, modification of appearance or function through medical, surgical, or other means), and expressions of gender, including dress, speech, and mannerisms."*[22]

Sexual Orientation: Refers to the *"enduring capacity to have deep romantic, emotional, and/or physical feelings toward or attraction to a person or persons of a particular sex or gender. It encompasses hetero-, homo-, and bisexuality and a wide range of other expressions of sexual orientation."*[23]

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19. UNDP and AMEXCID (2023) "Guía para la transversalización de la perspectiva de género en programas y proyectos de cooperación internacional para el desarrollo". [online]. Available at: https://www.undp.org/sites/g/files/zskgke326/files/2023-11/231101_guia.pdf. p. 18.
20. UN Women (January 2022) "Guidance Note: Gender Responsive Conflict Analysis". [online]. Available at: https://asia-pacific.unwomen.org/sites/default/files/2022-03/ap-UN-Women-AFG_Gender-responsive-conflict-analysis.pdf. p. 7.
21. Inter-American Development Bank (IDB) (2024). "Guía para apoyar el diseño e implementación de medidas para la prevención y atención de la discriminación por motivos de género y orientación sexual". [online]. Available at: https://publications.iadb.org/es/guia-para-apoyar-el-diseno-e-implementacion-de-medidas-para-la-prevencion-y-atencion-de-la. p. 43.
22. *Ibid*., p. 42
23. *Ibid*., p. 44.

C) Theoretical Framework

The gender approach or perspective is the globally defined and accepted strategy to achieve gender equality.[24] According to the Economic and Social Council of the United Nations (ECOSOC):

> *"The gender approach refers to the process of assessing the implications for women and men of any planned action (...) in all areas and at all levels. It is a strategy for making men's and women's concerns and experiences an integral dimension of the design, implementation, monitoring, and evaluation of policies and programs in all political, economic, and social spheres so that [people] have equal benefits and inequality is not perpetuated. (...) Gender mainstreaming does not replace the need for policies and programs specifically focused on women. Nor does it imply the replacement of positive legislation or gender units or focal points."*[25]

According to UN Women's *"Guidance Note: Mainstreaming Gender in Development Programming,"* greater gender equality impacts are achieved when a multi-track strategy is implemented. According to UN Women, the strategy consists of *"combining targeted or gender-focused interventions for specific social groups, organizations and/or processes, with gender efforts integrated into the substantive work of all priority sectors."*[26] As such, the practice and theory compiled by UN Women suggests that in order to increase the impact of the application of the gender approach in an intervention, there must be actions: a) directed at specific groups such as women and/or LGBTIQ+ population (targeted actions), and b) that integrate gender issues in the planning, implementation, and evaluation of the intervention in question (integrated gender approaches).

To assess the integration of a gender perspective in policies, programs, interventions, and processes, there are different tools that serve as a guide for determining the extent to which a gender perspective has been integrated into an initiative. One of them is the *"Gender Results Effectiveness Scale"*, developed in 2015 by the United Nations Development Programme (UNDP). The scale defines five categories, which are illustrated below:

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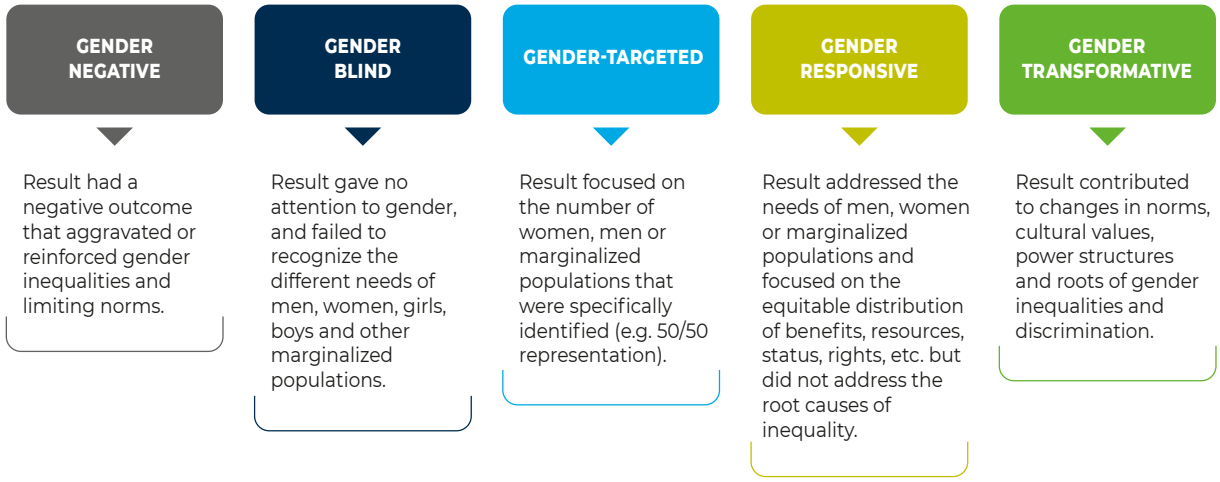
24. United Nations. UN Women. (2015). "Beijing Declaration and Platform for Action". [online]. Available at: http://www.unwomen.org/en/digital-library/publications/2015/01/beijing-declaration.
25. ECOSOC. (1997) in UN Women. (2020). "Gender Mainstreaming: A Global Strategy for Achieving Gender Equality". [online]. Available at: https://www.unwomen.org/en/digital-library/publications/2020/04/brochure-gender-mainstreaming-strategy-for-achieving-gender-equality-and-empowerment-of-women-girls.
26. United Nations. UN Women (2015). Op. cit., p. 17.

Graph 1 • Gender Results Effectiveness Scale [27]



The categorization of a specific activity within the Gender Results Effectiveness Scale will depend on its level of expected impact and scope. As such, initiatives that effectively integrate a gender approach should be placed between the *"gender-responsive"* and *"gender-transformative"* categories. According to the United Nations Population Fund (UNFPA), in general, gender mainstreaming seeks transformative results. In other words, its ultimate goal is to bring about *"changes in norms, cultural values, power structures and the roots of inequalities and discrimination."*[28]

In the area of business and human rights, the *Business and Human Rights Working Group* developed a gender framework applicable to all three pillars of the Gender Lens to the UNGPs. The framework comprises three stages: Reactive gender assessment, gender-transformative action, and gender-transformative remedies.[29] According to the Group, the assessment should *"respond to differential, intersecting and disproportionate adverse impacts on women's human rights, as well as discriminatory norms and patriarchal power structures."*[30] The other two stages related to transformative measures and repara-

27. UNDP.GEI. (2015). "The Gender Results Effectiveness Scale (GRES): A Methodology Guidance Note". [online]. Available at: https://erc.undp.org/methods-center/methods/assessing-crossing-cutting-themes/accessing-gender-equality.
28. United Nations. UN Women (2020). Op. Cit., p. 6.
29. United Nations. Working Group on Business and Human Rights (2019). Op. cit., p. 52.
30. *Ibid*.

tions seek to *"introduce changes in patriarchal norms and unequal power relations that uphold discrimination, gender-based violence and gender stereotypes."*[31]

Considering this theoretical framework, the processes that make up the Consultation Phase (assessment, consultation phase/dispute resolution process, and monitoring) will seek to ensure that the analyses included in the assessment are gender-reactive and therefore allow for the identification of existing gaps and their causes, including gender norms and roles, as well as the different needs and interests of people according to their gender. On the other hand, the consultation and monitoring phase processes will incorporate measures that allow for the effective participation of women and the LGBTIQ+ population in the process, and the resulting agreements will seek to include reactive (gender-responsive) and —to the extent possible— gender-transformative measures. In cases where there are specific risks to the meaningful participation of women or the LGBTIQ+ population, the necessary measures will be taken to prevent and mitigate them in line with the Guidelines in order to address the risk of reprisals in MICI request management.

31. *Ibid.*

III • Integrating the Gender Perspective in the Stages of the Consultation Phase

In accordance with MICI-IDB and MICI-IIC policies, the CP is composed of three stages: Assessment, Consultation Phase Process, and Monitoring. The Guidelines for the Consultation Phase establish the principles, methodology, and activities that the CP team should follow in each of them. The following subsections present actions to complement the Guidelines and strengthen the integration of the gender perspective.

A) Assessment

During the assessment stage, the Consultation Phase team inquires and compiles information on the context, the actors, the possible topics on the dialogue agenda, the risks of aggravating the situation, and any other relevant aspects to determine whether conditions exist to initiate a dialogue or Consultation Phase Process. The information gathered will serve as an input for designing the process and analyze the feasibility of reaching an agreement that addresses the concerns raised in the MICI request (see MICI Policy, paragraphs 27-30 and Guidelines for the Consultation Phase, section 5.A).

The integration of a gender-sensitive lens in the assessment stage will seek to ensure that the needs and experiences of women, men and LGBTIQ+ people who are part of the case are reflected in the design of the process. Likewise, it will seek to identify specific gender-related risks to the participation of women or the LGBTIQ+ population in the Consultation Phase in order to take prevention and mitigation measures following the provisions of MICI's Guidelines for Addressing the Risk of Reprisals in Complaint Management. For this purpose, it is necessary to integrate a gender lens into the analysis of conflict and the aspects identified in the Guidelines for the Consultation Phase by including the following factors in each of the elements:

Context. When analyzing the context of the request and the project, it is essential to identify, to the extent possible, the norms, roles, division of power, dynamics, and possible gender-based inequalities present in the area of the project or operation that motivated the complaint. This should be done with special attention to the impact of these factors on preventing or limiting the meaningful participation of women and/or the LGBTIQ+ population in the different stages of the process. It is also necessary to understand how these elements interact with other identity dimensions or power structures, such as race, ethnicity, or vulnerability (see definition of intersectionality in the section on Key Concepts). In addition, the existence of gender-based violence in the area of influence of the project or operation that motivated the MICI Request must be identified, including specific violence against women in public life, or against human rights and environmental defenders, among others. Finally, it is essential to consider the possible gender dimensions of the impacts alleged in the MICI Request and to assess whether these contribute to creating, exacerbating, or perpetuating gender inequalities.

Table 2 • Examples of context and gender factors

Contextual Factors at the National Level [32]	Contextual Factors at the Local/Intervention Level
- Nature and extent of gender inequality. - Existence of equal rights for men, women and the LGBTIQ+ population in the legal system. - Existence of laws addressing gender inequality and gender-based violence. - Existence of legislation recognizing rights related to sexual orientation and gender identity (including change of gender indicators on official documents and equal marriage, among others). - Existence of anti-discrimination legislation based on gender. - Degree of influence of women and the LGBTIQ+ population in decision-making in the political, social, and economic spheres. - Barriers to public participation of women and the LGBTIQ+ population. - Unemployment levels of women and the LGBTIQ+ population. - Existence of wage gaps between the different genders. - Intersection of gender inequality with other forms of exclusion.	- Commonly accepted gender norms and roles in relation to women, girls, men, boys and the LGBTIQ+ population. - Types of gender roles that are socially valued above others at the family, community, and national level. - Presence of gender-based violence. - Existence of gender-restricted roles and jobs. - Has the project led women and/or the LGBTIQ+ population to take on new roles that they did not have before? - Intersection of gender inequality with other patterns of exclusion.

Sources: United Nations. UN Women (2022). "Gender, Crisis and Conflict Analysis Tool". [online]. Available from: https://eca.unwomen.org/en/digital-library/publications/2022/12/gender-crisis-and-conflict-analysis-tool.

Inter-American Development Bank (IDB) (2024). "Guía para apoyar el diseño e implementación de medidas para la prevención y atención de la discriminación por motivos de género y orientación sexual". [online]. Available at: https://publications.iadb.org/es/guia-para-apoyar-el-diseno-e-implementacion-de-medidas-para-la-prevencion-y-atencion-de-la.

32. Sometimes, information is only available at the national level. However, it can give an idea of the context of the country where the intervention is implemented.

RESOURCES

UNDP - Gender Development Index (GDI): https://hdr.undp.org/gender-development-index#/indicies/GDI.

UNDP - Gender Inequality Index (GII): https://hdr.undp.org/data-center/thematic-composite-indices/gender-inequality-index#/indicies/GII.

OECD - Social and Gender Institutions Index (SIGI): https://www.oecd.org/en/data/dashboards/social-institutions-gender-index.html.

ECLAC - Gender Equality Observatory for Latin America and the Caribbean: https://oig.cepal.org/en

IDB - GDLab: https://gdlab.iadb.org/en/home.

IDB - ESG Performance Standard 9: https://blogs.iadb.org/sostenibilidad/es/cerrando-brechas-recursos-y-enfoques-para-la-equidad-de-genero/.

Box 2 • The Importance of Analyzing Context

In 2016, researcher Julia Palmiano, a specialist in international mediation and gender perspective in peace processes, interviewed twelve female mediators for her study "The Role of Norms in International Mediation." In her research, she highlights a case that demonstrates how sociocultural norms can limit women's participation in dialogue processes:

"One mediator indicated that a party in conflict with whom she worked did not bring women to the dialogue table. When the mediating group delved into the issue, they realized that it was difficult for women to travel in that context. Women usually had to travel with a male family member. The situation created implications that would double the budget to travel [and participate in the process]."

Source: Palmiano, J. (2016). "On Gender: The Role of Norms in International Peace Mediation". SwissPeace and NOREF. [online]. Available at: https://www.swisspeace.ch/articles/on-gender-the-role-of-norms-in-international-peace-mediation. p. 24.

Box 3 • The Social Construction of Gender

"The social construction of gender represents a series of mandates for men and women, [which direct] conducts and behaviors based on the genitalization of gender. That is, if a person is born with male organs, there is automatically a system that has prepared a series of stereotypes based on his genitalia. Men assume roles as providers, economic guarantors, and responsible for the money to feed the family. In addition, [men] must be the ones who run (...) the household, especially at times of reprimanding or decision making. Women are assigned the reproductive roles of the household, in addition to raising children, caring for the elderly or people with disabilities, [caring] for everyone's needs, especially those of the couple or the men of the household, and guaranteeing the purchases or management of the household's pantry (food for cooking). In general, gender construction is a lesson centered on the permissions that society grants or limits according to each context to men or women. In addition, it is important [to understand] that giving them up implies costly bills in terms of gender violence."

Source: United Nations and European Union Spotlight Initiative. (2020). "Gender and Masculinities Training Program". [online]. Available at: https://elsalvador.unfpa.org/sites/default/files/pub-pdf/formacion_genero_masculinidades_jovenes.pdf. p. 11.

Issues. When identifying the core issues that motivated the request and around which a dispute resolution process can be designed, a gender-sensitive assessment should pay particular attention to two factors. On the one hand, it is necessary to determine whether a gender dimension exists in the main concerns raised in the request. In other words, the analysis should assess whether and how a particular issue may differentially and/or disproportionately affect women and/or the LGBTIQ+ population, who are part of the group of complainants before MICI. On the other hand, the assessment should investigate the presence of issues of particular concern to women and the LGBTIQ+ population within the framework of the request.

Box 4 • Women's issues" or "gender issues"

"Women's unique perspectives and priorities, often referred to as 'women's issues,' are seen by others as issues relevant only to women or issues that should be dealt with outside of the peace process. (...) As one mediator put it, '(...) There is no gender issue. Gender is something that is woven into each and every peace process issue. (...) According to O'Neil and Nderitu, '[in peace processes] the vast majority of issues raised by women are security related. Many issues affect men and women differently, and neither sex can speak for the other.'

Source: Palmiano, J. (2016). "On Gender: The Role of Norms in International Peace Mediation" SwissPeace and NOREF. [online]. Available at: https://www.swisspeace.ch/articles/on-gender-the-role-of-norms-in-international-peace-mediation. pp. 11 and 12.

Primary and Secondary Parties. During the analysis and identification of the primary and secondary parties, as well as their skills and capacities, an understanding of the gender composition will be sought, especially of the group of requesters. Similarly, the Consultation Phase team will analyze the participation of women in the different processes linked to the complaint, from its drafting to the stages of the Consultation Phase. In particular, the Consultation Phase team will assess whether men, women and the LGBTIQ+ population have the same needs, opportunities, and resources. If they do not, the team will identify how these vary. Likewise, the roles that people play and the activities they perform according to their gender will be identified (see Table 2).

Additionally, the team will analyze whether there are impediments to the equal participation of men, women and LGBTIQ+ people in a potential Consultation Phase process. In this sense, it is central to evaluate whether and how local culture and social norms may influence the participation of women and LGBTIQ+ people in the process. Once the analysis has been carried out, and once individuals who could play a representative role in the CP process have been identified, the team will ensure that there is an equitable representation of men, women, and LGBTIQ+ people (when part of the case before the MICI). Special attention will be paid to female leadership and underrepresented LGBTIQ+ individuals who may have representative roles. Finally, the Consultation Phase team will identify women's organizations, LGBTIQ+ collectives, and gender experts who can play an advisory role when necessary.

Risk of Reprisals. In the analysis of the risk of reprisals, special attention should be paid to the risks and capacities associated with the gender of the people involved. The MICI *"Guidelines for Addressing the Risk of Reprisals in Complaint Management"* address these issues in paragraph 5.7d (see Box 5).

Box 5 • Differential Approach

Paragraph 5.7d: *"Differential Approach: When Requesters belong to vulnerable populations (indigenous or rural peoples, women, LGTBIQA+ populations, people with disabilities and the elderly people, among others), it is vitally important to map specific characteristics and existing gaps that may aggravate the identified risk."*

Source: MICI (2019). "Guidelines for Addressing Risk of Reprisals in Complaint Management". [online]. Available at: https://mici.iadb.org/en/publications/ReprisalsGuidelines. p. 18.

Box 6 • Female Human Rights Defenders' Particular Situations

As the United Nations points out:

"In addition to the risks of threats, attacks and violence faced by all human rights defenders, female human rights defenders are exposed to specific risks such as sexual violence, defamation and intimidation, including against their family members, in order to deter them from continuing their valuable work."

Source: United Nations. (2018). "Expert Group Statement on the International Day of Women Human Rights Defenders". [online]. Available at: https://www.ohchr.org/en/press-releases/2018/11/women-human-rights-defenders-must-be-protected-say-un-experts?LangID=E&NewsID=23943.

Risk of Aggravating the Situation. In identifying risks of aggravating the situation, including the creation, exacerbation, or perpetuation of gender-based inequalities, the CP team should pay special attention to the potential divisions and even resistance within a specific community or in the private/family sphere that could arise due to the participation of women or LGBTIQ+ individuals in a MICI-facilitated process. In other words, the team should examine whether a potential CP process could reinforce or weaken the social or power position of different men, women, or LGBTIQ+ people in the community.

When allegations related to gender-based violence are presented, the Consultation Phase team should pay special attention to the risk of re-victimization and stigmatization that could arise in the context of the affected individuals' participation in a dispute resolution process. The team should strive to create adequate conditions for the effective and safe participation of these individuals in the Phase. In these cases, the scenario analysis and guidance carried out by the Consultation Phase team to identify, along with each Party, the potential outcomes and limitations of a process is of particular importance. Finally, the Consultation Phase team will provide safe spaces for discussion of sensitive issues.

Methodological Preferences. In exploring the parties' methodological preferences, the Consultation Phase team should pay special attention to specific needs to ensure the effective participation of women and LGBTIQ+ people. This includes ensuring access to adequate information, establishing schedules that allow women to reconcile their participation with their caregiving activities, providing transportation and safe spaces where needed, and arranging for caregiving support so that women can participate effectively.

Box 7 • Specific Measures for Participation Under Conditions of Equity

The **UN Guidance on Gender and Inclusive Mediation Strategies** highlights the importance of ensuring a level playing field for women's participation in mediation processes. In this regard, it states that:

"Mediation teams should ensure consistent political and financial support for women's effective participation in the mediation process (e.g., through coordination mechanisms among international actors). Consider constraints to women's participation, such as security needs, chaperones, family obligations, meeting times, etc."

Source: United Nations. Department of Political Affairs. (2017). "Guidance on Gender and Inclusive Mediation Strategies". [online]. Available at: https://dppa.un.org/en/guidance-gender-and-inclusive-mediation-strategies. p. 18.

Box 8 • Mixed and Gender-specific Spaces

In each case, it is necessary to identify which type of space —mixed or gender-specific— best suits the objectives of each stage and the integration of the gender perspective, especially during the assessment.

The United Nations Population Fund (UNFPA) technical note on transformative approaches states that:

"Single-gender groups can provide a space to discuss sensitive issues, while mixed-gender groups can contribute to mutual understanding of problems and solutions in gender relations."

Source: United Nations. UNFPA. (2022). "Technical note: Gender transformative approaches to achieving gender equality and sexual and reproductive health and rights". [online]. Available at: https://www.unfpa.org/sites/default/files/pub-pdf/UF_GTAmaterials_UNFPA_version_ES_04-online.pdf. p. 6.

B) Consultation Phase Process

During the Consultation Phase Process, the Phase team carries out different actions aimed at proposing to the parties a Process design that integrates their preferences with regards to methodology, organizing and facilitating the meetings and dialogue sessions, and assists the parties in the making of agreements.[33] The ultimate goal is for the parties to reach an agreement that contributes to resolving the concerns raised in the request sent to MICI (see MICI Policies paragraphs 31-34 and Guidelines for the Consultation Phase section 5.B). A Consultation Phase Process that integrates a gender perspective should include measures aimed at guaranteeing the participation of women and the LGBTIQ+ population, in addition to addressing the gender-based power asymmetries that may exist in a given case. For this purpose, there is a set of actions that can be implemented to complement the elements included in the Guidelines for the Consultation Phase.

Design of the Consultation Phase Process. In applying the dialogic approach to process design, the CP team should pay special attention to ensuring that the needs and interests of women, men, and LGBTIQ+ individuals who are part of a MICI case are included in the design process. As such, these needs and interests should be reflected in the following elements:

a) Agenda. The topics that will be part of the dialogue agenda and that were identified in the assessment stage should incorporate a gender dimension in their structure and approach (see Box 4). In this sense, the differentiated needs of women, men, and the LGBTIQ+ population who may be part of the MICI process should be equitably represented in the agenda and sequencing of topics. Likewise, the agenda should include issues that are a priority for women and the LGBTIQ+ population who are part of the group of complainants.

33. MICI (2018). "Guidelines for the Consultation Phase: The MICI Dispute Resolution Process". [online]. Available at: https://miciA.iadb.org/es/publications/ConsultationPhaseGuidelines. p. 19.

Box 9 • Gender Dimensions in the Dialogue Agenda

Those facilitating a dispute resolution process *"play an important role in identifying the gender dimensions of the agenda (...). Virtually every substantive issue on the agenda [in peace] processes has a gender dimension, which will affect people differently depending on their gender roles and responsibilities."*

Source: OSCE (2013). "Enhancing Gender Responsive Mediation: A Guidance Note". [online]. Available at: https://www.osce.org/files/f/documents/c/b/107533.pdf. p. 38.

b) Participants. In identifying the individuals who will participate in the dialogue as representatives of each party, the Consultation Phase team will strive for gender-equitable representation. While the presence of women and/or LGBTIQ+ people in the dialogue sessions alone is not a guarantee of effective participation, Recommendation 23 of the Committee on the Elimination of Discrimination against Women and publications such as *The Oxford Handbook of Gender and Politics* have identified that the formation of a critical mass enhances the visibility and influence of historically underrepresented groups (such as women and LGBTIQ+ people).[34] In this sense, the Consultation Phase processes will encourage that women and LGBTIQ+ people —in cases where they are part of a process before MICI— make up at least 30% of the group of representatives of the parties. In line with the above, the Consultation Phase team will promote not only the equitable participation of women and LGBTIQ+ people but also their meaningful participation in dialogue processes, generating conditions that ensure their perspectives, viewpoints, and specific concerns are heard in a safe manner.

34. Childs, S., and Lovenduski, J., in Buchanan C. (October 2021). "Gender Inclusive Peacemaking: Strategies for Mediation Practitioners". *Mediation Practice Series*. Center for Humanitarian Dialogue. Available at: https://www.hdcentre.org/wp-content/uploads/2021/11/MPS9_Gender-inclusive-peacemaking.pdf. p. 14.

Box 10 • Recommendation 23 of the Committee on the Elimination of Discrimination against Women

"The fundamental issue, highlighted in the Beijing Platform for Action, is the gap between women's de jure and de facto participation in politics and public life in general (i.e. between the right and the reality of such participation). Research shows that if their participation reaches between 30% and 35% (which is generally termed a "critical mass"), then it can have real repercussions on political style and on the content of decisions and renewal of political life."

Source: CEDAW (1997). "General Recommendation 23". [online]. Available at: https://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm, paragraph 16.

Box 11 • Critical Mass

The concept of critical mass refers to *"the conditions under which underrepresented groups (such as women in male-dominated parliaments) can find momentum and exert influence more effectively. Generally, this is understood to be reached at around 30% and it is for this reason, that calls for female representation are so framed."*

Source: Childs, S., and Lovenduski, J., in Buchanan C. (October 2021). "Gender Inclusive Peacemaking: Strategies for Mediation Practitioners". *Mediation Practice Series*. Center for Humanitarian Dialogue. Available at: https://www.hdcentre.org/wp-content/uploads/2021/11/MPS9_Gender-inclusive-peacemaking.pdf. p. 14.

However, depending on the conclusions of the risk analysis, in cases where the promotion of direct participation may pose a risk to women and LGBTIQ+ people, the Consultation Phase team will explore alternatives to incorporate specific interests, concerns, and issues into the process. This will be done in line with the *"Guidelines for Addressing Risks of Reprisals in Complaint Management"*.

c) Third Parties. Depending on the case and the sensitivity of the issues to be addressed, the Consultation Phase facilitation team will evaluate the need to include professionals with expertise in gender equality, gender-based violence, or any other field that contributes to help prevent situations of possible re-victimization, ensure a safe and inclusive space, and/or prevent the creation, exacerbation, or perpetuation of gender inequalities and gaps.

d) Composition of the Facilitation Team. Depending on the case and the core issues of concern, the Consultation Phase team will assess the gender composition of the facilitation team that will manage that specific case. The team may consider the inclusion of female facilitators or gender experts as deemed necessary.

e) Special Measures. The Consultation Phase team may use tools and measures to address gender-based power asymmetries. In line with the Guidelines for the Consultation Phase, these measures may include the use of interpretation and translation services, the presence of advisory organizations, the preparation and/or capacity building sessions, and ensuring access to documents and information in appropriate formats, among other relevant measures.

f) Logistics. The Consultation Phase team will consider, in the design proposal, the logistical needs that allow for the effective participation of women and LGBTIQ+ people. Depending on the characteristics of the case and the risks identified, measures may include: (i) providing safe spaces exclusively for women or LGBTIQ+ people, such as preparatory meetings or parallel sessions alongside mixed spaces; (ii) organizing dialogue sessions at times that allow for participation while balancing caregiving responsibilities; (iii) making provisions for childcare services or covering these needs; (iv) selecting physical meeting spaces with consideration for specific risks to the physical safety of women and/or LGBTIQ+ people; (v) ensuring safe transportation to and from the dialogue locations, among other considerations. Finally, the section on required resources will reflect those necessary for the implementation of special measures that allow for the effective participation of women and LGBTIQ+ people in the CP process.

Box 12 • The Right to Care and Care Activities

*"The **right to care**, understood as the right to receive care, to care and to self-care, is part of the human rights already recognized in international covenants and treaties, enjoyed by everyone, regardless of their situation of vulnerability or dependence, and which, based on the principles of equality, universality, progressiveness and non-regression, and social and gender co-responsibility, make possible the sustainability of human life and caring for the planet. The right to care also implies recognizing the value of work and guaranteeing the rights of people who provide care, overcoming the stereotyped assignment of care as the exclusive responsibility of women."*

Source: Güemes, A., and Vaeza, M. (coord.) (2023). "Avances en materia de normativa del cuidado en América Latina y el Caribe: Towards a care society with gender equality". ECLAC and UN Women [online]. Available at: https://lac.unwomen.org/sites/default/files/2023-03/S2201160_es.pdf. p. 9

Care comprises three generic types of activities:

- **Direct care:** Activities that are physically performed, such as feeding a baby or caring for a person who is ill or convalescing (ECLAC, 2012).
- **Indirect care:** Also known as domestic work, for example, cooking and washing dishes in order to feed a person (ECLAC, 2012).
- **Care management and its preconditions:** Implies planning and managing all the activities that must be carried out before providing direct and indirect care, for example, making the grocery list and keeping the schedule of medical appointments. They involve mental and emotional effort by the caregiver (OXFAM, Dictionary of Caregiving, 2022)."

Source: UNDP and AMEXCID (2023). "Guía para la transversalización de la perspectiva de género en programas y proyectos de cooperación internacional para el desarrollo". [online]. Available at: https://www.undp.org/sites/g/files/zskgke326/files/2023-11/2311101_guia.pdf. p. 19.

Gender-sensitive Facilitation. The facilitation team for the Consultation Phase will ensure that the dialogue space is a safe space free of discriminatory attitudes and will pay special attention to preventing and addressing any attitudes, actions, or opinions that may be perceived as such. To this end, the team will continuously analyze the production or reproduction of gender-based power dynamics in the dialogue space, consider the needs and interests of women and LGBTIQ+ people involved in the process, and ensure that the gender dimensions of the agenda items identified during the conflict analysis are incorporated into the discussions, among other actions. In terms of the facilitation space, there

are different techniques that can be employed to increase and make the participation of women and LGBTIQ+ people in a dispute resolution process more effective. For example, the Humanitarian Dialogue Center Guide recommends the following:

- **Ask a woman [or LGBTIQ+ person] first:** "When facilitating a session, one or more women and/or LGBTIQ+ people may be asked to make the first intervention when the discussion begins. (...) When possible, it is important to give advance notice to these people who will be asked to intervene first."[35]

- **Think about the location of those participating in the room:** The idea is to place the woman, group of women, and/or LGBTIQ+ people near the facilitator, when possible. This enhances the perception of visibility.[36]

- **Affirm ideas expressed by women or LGBTIQ+ individuals:** Where possible, reaffirm the ideas and perspectives shared by women's groups or LGBTIQ+ individuals present in the facilitated sessions. Another option is to explicitly ask for their opinions to frame their experiences or perspectives.[37]

Agreement Building. In cases where the parties reach an agreement, the Consultation Phase team will pay special attention to ensuring that the needs and interests of women and LGBTIQ+ people are reflected in the agreement. Furthermore, the agreements reached during the Consultation Phase will aim to promote, where possible, solutions that address the gender challenges identified. The CP processes should avoid deepening existing gaps/inequalities or creating new ones. In particular, the Consultation Phase team should pay special attention to the following factors:

35. Buchanan C. (October 2021). "Gender Inclusive Peacemaking: Strategies for Mediation Practitioners". *Mediation Practice Series*. Center for Humanitarian Dialogue. Available at: https://www.hdcentre.org/wp-content/uploads/2021/11/MPS9_Gender-inclusive-peacemaking.pdf. p. 25.

36. *Ibid.*

37. *Ibid.*

- Analyze how the negotiated measures affect/benefit men, women, and LGBTIQ+ people. Take necessary measures to prevent negative impacts on certain groups and ensure that benefits are shared equitably.

- Ensure that the concerns initially raised by women and/or LGBTIQ+ people in the complaint are reflected in the solution measures and in the wording of the agreement.

- Promote actionable alternative solutions that can contribute to transforming existing gender-based inequalities, where possible.

Box 13 • Gender-transformative Reparations

The Business and Human Rights Working Group, when introducing the concept of gender-related remedial measures, contemplates the following:

- Provide various preventive, corrective and deterrent repairs.
- Combat specific and systematic abuses affecting women.
- Propose reparations that can change discriminatory power structures and reduce violence against women.

Source: United Nations. General Assembly. Human Rights Council. (2019). "Gender Dimensions of the Guiding Principles on Business and Human Rights Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises". [online]. Available at: https://documents.un.org/access.nsf/get?OpenAgent&DS=A/HRC/41/43&Lang=S. p. 12.

C) Monitoring

During the monitoring stage, if it occurs (see MICI Policy par. 35 and Guidelines for the Consultation Phase par. 5.12 and 5.13), the Consultation Phase team monitors compliance with the commitments reached during the CP process. To this end, it carries out different activities such as elaborating the monitoring plan, facilitating mixed spaces for monitoring, maintaining permanent contact with the parties to gather information on the status of implementation of the agreements, reviewing the media and the context, holding specific meetings in case of differences or disputes, among others (see Guidelines for the Consultation Phase par. 5.14).

To integrate the gender approach in the development of activities included in paragraph 5.14 of the Guidelines, the CP team will pay special attention, in an equitable manner, to the perspectives of men, women and LGBTIQ+ people that are parties in the CP process, on the state of implementation. Particularly, it will consider the following elements:

a) Monitoring Plan and Resources. In the formulation of the monitoring plan, the Phase team will consider the gender dimensions according to the text of the agreement document. Likewise, it will reflect in the required resources section, the resources necessary for the implementation of special measures that allow the effective participation of women and LGBTIQ+ people in the mixed monitoring spaces and activities of this stage.

b) Formation of Mixed Monitoring Spaces. If forming a mixed monitoring space is decided, the Consultation Phase team will promote the equitable participation of men, women and LGBTIQ+ people. For effective participation in the mixed monitoring spaces, the Phase team will seek to achieve a minimum of 30% representation of women and/or LGBTIQ+ people in these spaces (see Box 8).

c) Monitoring Interviews. The Consultation Phase team will seek to inquire the perspectives of men, women, and LGBTIQ+ people who have been part of the MICI process on the status of implementation. Likewise, in interviews or conversations with the parties, the Phase team will ensure that the measures are implemented equitably. They will also pay special attention to any information indicating that the implementation of the measures resulting from the agreement may be causing divisions or excluding certain individuals within the group of requesters.

d) Annual Monitoring Report. When appropriate and required by the number of requesters, the Consultation Phase team will report quantitative information disaggregated by sex and, to the extent possible, gender. Qualitative information will also be included on the gender dimensions and their implementation in each measure and on possible transformative or specific measures that have been agreed upon. For the latter, it will seek to identify their impact on different genders. If any negative effects are identified, the report will include the actions taken to mitigate such impacts.

IV • Final Reflection

The development of this guide is based on the recognition of the existence of historical and structural gaps and asymmetries between the different genders, and how these are interrelated with other inequalities based on ethnic, socioeconomic, and disability factors, among others, which can increase the gap. Its elaboration seeks to understand persistent inequalities and address them —within the scope of the Mechanism's action— in the analysis, design, and facilitation of dispute resolution processes. The main objective is to prevent case management in the Consultation Phase from deepening existing gaps or creating new ones.

Thus, case management in the Consultation Phase is expected to not only recognize and value the diverse experiences and contributions of the people who participate in it, regardless of their gender, but also to prevent the generation of harm by avoiding the creation, deepening or perpetuation of new or pre-existing gender inequalities. Likewise, it is an exercise that invites the understanding of gender structures, roles, and norms with the goal of implementing measures aimed at obtaining an effective and equitable participation of men, women and the LGBTIQ+ population in CP processes. Finally, the guide represents an effort by the MICI Consultation Phase to ensure that its processes contribute to gender equity and the promotion of more peaceful and inclusive societies.

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V • Bibliographic Resources

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