



Guide to Support the Design and Implementation of Measures to Prevent and Address Discrimination Based on Gender and Sexual Orientation

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Introduction





Introduction

This guide is a resource to support the full implementation of the Inter-American Development Bank's new Environmental and Social Policy Framework (ESPF), particularly the Gender Equality Environmental and Social Performance Standard (ESPS 9).

This standard requires all Bank-financed projects to develop an analysis of the risks and potential negative impacts that a project may have on gender equality and, if any are identified, to adopt the necessary measures to avoid, minimize, mitigate, and compensate for them.

In line with these requirements, borrowers must follow this standard and comply with the provisions contained in it. From a government perspective, this also covers administrating agencies and third parties, for example, contractors, subcontractors, brokers, agents, or intermediaries, as well as, but not limited to, other government agencies and public authorities (ESPF).

A key aspect of ESPS 9 is that it understands the concept of gender in all its plurality and diversity. That is, it makes visible and includes lesbian, gay, bisexual, transgender, and queer (LGBTQ+) ^[1] people as vulnerable groups in relation to sexual violence and different forms of gender-based violence ^[2] and discrimination. This guide incorporates a broad and plural perspective of gender equity, that is, one that includes sexual orientation and gender identity. We have included a glossary of terms in Annex 1.

The recommendations and practices outlined here are helpful resources to consider in two key areas: 1) the risk analysis of potential disproportionate negative impacts for LGBTQ+ people that may arise as a result of the operations of Bank-financed projects; and 2) in the design of measures for prevention, mitigation, and compensation that may be required.

Scope of Application

As part of ESPS 9, the application of the sexual orientation and gender identity component must be established during the borrower's environmental and social risk and impact identification process and is relevant to the entire project cycle, as set out in ESPS 1 (Assessment and Management of Environmental and Social Risks and Impacts).

¹ The acronym "LGBTQ+" is used mainly because it is the most widely used acronym in the region among civil society and literature related to services and/or public policy. The "plus" refers to identities and characteristics that the "LGBTQ" nomenclature may not capture, such as non-binary people, among others. The use of the "I" (which refers to intersex people) has been omitted since the ESPF does not refer to sexual characteristics, it only takes into account sexual orientation and gender identity.

² María Amelia Viteri, (2021), "Gender-based violence: an overlooked risk in development projects," Inter-American Development Bank.



In addition to ESPS 9, the identification and management of sexual orientation or gender identity risks and impacts is also required by other ESPSs, specifically ESPS 2 (Labor and Working Conditions), ESPS 4 (Community Health, Safety and Security), ESPS 5 (Land Acquisition and Involuntary Resettlement), ESPS 6 (Biodiversity Conservation and Sustainable Management of Living Natural Resources), ESPS 7 (Indigenous Peoples), and ESPS 10 (Stakeholder Engagement and Disclosure of Information). Accordingly, the borrower must follow ESPS 9 and its associated [Environmental and Social Policy Framework Guidelines](#).

Many of the principles and requirements of NDAS 9 may already be captured in the legislation, policies or standards of many countries, departments or states in the region. However, the Gender Equality Environmental and Social Performance Standard (ESPS 9) is clear in stating that: “In countries where the law is silent on gender equality or non-discrimination as relates to sexual orientation or gender identity, the borrower is expected to meet the requirements of ESPS 9. In countries where certain aspects of national law are in contradiction with these standards, the borrower will seek to find ways to adhere to the intent of non-discrimination and gender equality among all people affected by the project and the objectives of ESPS 9” ([Environmental and Social Policy Framework Guidelines](#), pg. 295).

In addition, it is important that the risk analysis based on sexual orientation or gender identity and expression has an intersectional perspective. That is, it should consider how anti-LGBTQ+ prejudice interacts with other inequalities based on socioeconomic, ethnic, racial and disability factors, among others, which could exacerbate barriers to opportunities and increase the vulnerability of people facing various forms of exclusion.

General Context of the Region on SOGIE Issues





General Context of the Region on SOGIE Issues

Latin America and the Caribbean is a region of great diversity. This diversity includes attitudes, behaviors, and recognition of the rights of people of diverse sexual orientations and gender identities. Therefore, any analysis of the potential risks of a project for the LGBTQ+ population must consider these variations and the specificities of each local context.

All countries in the Latin American region decriminalized LGBTQ+ relationships and identities in the 19th century^[3]; the constitutions of Bolivia, Ecuador and Cuba explicitly prohibit discrimination based on sexual orientation; and six countries (Argentina, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, Mexico and Uruguay) recognize marriage equality. On the other hand, however, Honduras explicitly prohibited same-sex-marriage in its most recent constitutional reform (2021), and two Caribbean countries still criminalize erotic-affective relations between consenting adults of the same sex.

Only 16 of the 33 countries in the region have explicit protections against anti-LGBTQ+ discrimination in the workplace (ILGA World 2020, 225). These countries are Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, Honduras, Mexico, Nicaragua, Peru, St. Lucia, Suriname, Uruguay, and Venezuela (ILGA World 2020, 229-231).

As in the case of the recognition of rights related to sexual orientation, there is also great regional variation regarding gender identity. Chile, Argentina, and Uruguay have taken the lead in the recognition of gender identity. Argentina became a global pioneer in passing the world's most comprehensive gender identity law in 2012. Chile and Uruguay followed this same path in 2018. These laws recognize the individual's right to self-definition and therefore allow for the change of name and sex in all official documents without the need for medical diagnoses or judicial proceedings.

Bolivia, Brazil, Colombia, Costa Rica, Ecuador, Panama, Peru, and some Mexican states also allow the change of name and sex in official documents, although with various economic, administrative, or implementation barriers. In addition, since 2018 no official document in Costa Rica, other than the civil registry, states the sex of any person. However, in Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guatemala, Haiti, Honduras, Jamaica, Nicaragua, Paraguay, and Saint Lucia, it is still not possible to change a person's sex on any official document (ILGA 2019, 176).

For a person to change their name and sex is very important because not having official documents that match their identity is one of the main sources of violence for transgender people. This violence includes: expulsion from educational institutions for considering that people are failing to comply with personal appearance requirements specific to their

³ Some noteworthy exceptions are Colombia (1981), Ecuador and Venezuela (1997), Chile (1999), and Nicaragua and Panama (2008).



gender; accusations of fraud in the work environment as official titles may not match the person's actual name and identity; assignment to gender-segregated facilities in shelters or detention centers based on their sex assigned at birth instead of their gender identity, which puts trans women (that is, people assigned male at birth) at very high risk of sexual and physical violence; denial of health services, including sexual and reproductive health, and services related to their gender transition, among others.

Another aspect to consider is the great variability that exists regarding attitudes and violence against LGBTQ+ people. For instance, a global attitudes survey showed that Uruguay, Brazil, Argentina and Chile have the highest rates of acceptance of LGBTQ+ people in the region, while Dominica, Antigua, Barbuda, Haiti, and St. Vincent and the Grenadines have the lowest (Williams Institute, 2021). Thus, while in Uruguay there is a 77% acceptance of marriage equality, that number drops to 4% in Haiti (Chaux et al., 2021, 33). Acceptance has an influence on higher or lower rates of violence. For example, a study of the 12 English-speaking Caribbean countries showed that 46% of the Lesbian, Gay, and Bisexual population sampled and 59% of the trans sample suffered violence, compared to 5% of the non-LGBTQ+ population (Crehan, 2021).

In addition, SinViolencia LGBT— a civil society organization that monitors murders of LGBTQ+ people in 10 countries in the region (Brazil, Bolivia, Colombia, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Peru, and the Dominican Republic) —documented that at least 1,300 LGBTQ+ people were murdered between 2014 and 2019, which corresponds to four people murdered per day, 1 per day just in Brazil (SinViolencia 5). The case of trans women is particularly alarming. The Inter-American Commission on Human Rights notes that while the life expectancy of cisgender (non-trans) women in the region is 77 years, that of trans women is only 35 (IACHR, 2015, 170), the lowest of any population group, and this is mainly due to violence, discrimination, and the obstacles in access to rights faced by this population.

Although there is no country in the region in which LGBTQ+ people have the same levels of acceptance as heterosexual and cisgender people (that is, not trans), it is important to remember that there is great variability depending on each context.

In this aspect, as in all others, the region is diverse, and this diversity must be considered during the risk analysis. In other words, it is essential that the risk analysis, as well as the measures for prevention, mitigation and compensation that may be required, be based on the local context. Finally, it is important to remember that in contexts where there is a lack of recognition of rights to self-definition or where LGBTQ+ identities and relationships are criminalized, ESPS 9 encourages the borrower to “seek to find ways to adhere to the intent of non-discrimination and gender equality among all project-affected people and the objectives of ESPS 9” ([Environmental and Social Policy Framework Guidelines](#), pg. 295).

Approach to Negative Risks and Impacts





Approach to Negative Risks and Impacts

To address some of the negative impacts and risks that LGBTQ+ people who are linked to the implementing agency and within the project's area of influence may face, it is critical to remember that discrimination occurs in different forms and at different levels.

For instance, LGBTQ+ people may be treated disrespectfully or less favorably than their peers because of their sexual orientation or gender identity, which could lead to decisions against them based on identity rather than merit. Mocking, demeaning comments, physical or sexual violence, biased denial of employment, promotions, and opportunities, among others, are all instances of discrimination.

There are other forms of discrimination associated with institutional policies or guidelines. For instance, when there is a policy, requirement, practice, code of conduct or personal appearance, among other institutional or legal guidelines, which put LGBTQ+ people in a position of disadvantage or exclude them from opportunities and benefits.

An aspect to consider is that in many cases the negative impact that LGBTQ+ people face in their daily and professional lives are not intentional. That is, it is not caused by explicitly discriminatory actions by people who are consciously homophobic or transphobic. Rather, it is a product of normative inertia, operational and social, which, by not taking into account the needs of LGBTQ+ people and explicitly including them, inadvertently result in their discrimination or exclusion.

For example, benefit plans for couples that only refer to heterosexual couples; dress codes or codes for personal appearance separated by gender; ID cards and institutional communications that only use the name and gender registered in official documents; codes of conduct that do not penalize discrimination based on gender identity or sexual orientation, among others.

The following are some examples of situations that may arise, and we suggest good practices for dealing with them.

Unequal access to economic opportunities and benefits derived from the project

Cases of indirect discrimination against LGBTQ+ persons may occur when the requirements of a position or service contract inadvertently disproportionately exclude people of diverse sexual orientations and gender identities, particularly trans women.

Due to the systemic discrimination faced by many trans people, statistics show that they are less likely to have completed formal education and are more likely to have lower



levels of technical or academic specialization than the overall population, and thus to be overrepresented in informal economies¹⁴¹.

In addition, because in many places it is not possible to change one's name and sex on identity documents, it is very likely that trans people do not have the necessary documents to properly register their assets and businesses. This may lead to the unintentional exclusion of trans people and their businesses or enterprises from economic benefits, training programs, credit and other opportunities derived from the project, which may contribute to reinforcing their situation of precarity and labor discrimination.

We invite you to learn about Juana's case. Juana has a business offering lunches, which is well known in her community for its quality and affordable price. When she sees that the agency that is building a road nearby is looking for suppliers to provide lunch to its workers, Juana sees a business opportunity. However, when she reads the formal requirements, she is discouraged. Juana is a trans woman living in a country where there are many formal requirements to name and sex changes on official documents. She tried to change hers a couple of times but was treated disrespectfully by the public officials who handled her case. Therefore, Juana resigned herself to not changing her documents, which means that she has not been able to formally register her business either, because she fears that, upon the authorities seeing her current appearance, she will be accused of fraud, or she will face mockery and discrimination, as she experienced when she tried to change her documents. Sad to lose yet another opportunity, Juana decides not to apply.

However, Juana receives a big surprise when Cristina, a lesbian woman who manages the LGBTQ+ center in the project's area of influence, calls to tell her that the implementing agency contacted her asking for help identifying LGBTQ+ businesses that align with their needs. Juana tells her that she is very interested, but because of her situation she is unable to apply. Cristina encourages her, though, and tells her that, because the implementing agency has an awareness of gender discrimination, it understands that most of the food businesses in the area are operated by women, and that, in turn, many women's businesses are in an informal situation. The agency has a program that supports formalization processes, and the program explicitly includes LGBTQ+ people.

Juana is excited to hear this, and immediately comes to the program. In fact, Juana is received and treated with respect because everyone in the program has received sensitivity training on sexual and gender diversity. In addition, the team understands that her situation has specific needs and supports Juana in getting her official documents changed so that she can register her business with documents that reflect her identity.

With all the requirements fulfilled, Juana applies and obtains a contract.

¹⁴¹ For instance, see Valfort, M. 2017. LGBT+I in OECD Countries: A Review, Working Paper No. 198. Paris: OECD.; and Crehan, P.; et al. 2021. The Economic Case for LGBT+ Inclusion in the Caribbean. Open for Business; London, United Kingdom.



Thanks to these actions to prevent discrimination based on gender identity, there is a win-win situation: the agency found the best contractor, the workers receive quality food, and Juana has not only benefited from the opportunities created by the project, but also feels very excited because her business, now formalized, will be able to continue growing.

What can we do to include and prevent excluding LGBTQ+ people from opportunities arising from a project in its area of influence?

- › Work with civil society organizations to identify LGBTQ+ led businesses and entrepreneurship that align with the needs of the project.
- › If possible, try to balance contributions from underrepresented groups within the LGBTQ+ community, such as lesbian women and transgender people. That is, the business list should not be composed exclusively or primarily of cisgender (non-trans) gay men.
- › To make their goods, services, and supply chains more inclusive and sustainable, ministries and implementing agencies can include clear language in procurement processes that encourages them to work with small businesses or companies whose owners are from historically marginalized groups, for instance, LGBTQ+ people, women, people with disabilities, among others.
- › Include organizations, meeting spaces, and media consulted by LGBTQ+ people in plans to disseminate advertisements for hiring professionals or services, training opportunities, etc.
- › Include language that explicitly encourages LGBTQ+ businesses and individuals (as well as other historically marginalized groups of people) to apply.
- › Offer spaces for strengthening skills and capacities, as well as supporting formalization and other processes, that are inclusive of LGBTQ+ people, that are aware of the labor barriers commonly faced by women and people of diverse sexual orientations and gender identities to meet procurement requirements and, which therefore allow them to benefit equally from the opportunities created in the area of influence of the project.

This gender perspective must be intersectional. That is, it must consider other factors (in addition to gender, sexual orientation and gender identity) such as ethno-racial background and disability, among others.

Involuntary Resettlement

Situations requiring compensation measures such as involuntary resettlement can also lead to cases of discrimination against LGBTQ+ people.



To prevent this, the borrower must take into account two main considerations:

1. Are there any national or regional sentences, laws or regulations that protect the rights of LGBTQ+ couples and families, for example, equal marriage, civil unions, and adoption?

In cases where national or regional legislations do not recognize same-sex marriages or civil unions, the borrower should do all they can to recognize the family configurations or partnership ties of LGBTQ+ persons on an equal basis with all others. As the Environmental and Social Policy Framework Guidelines explain: “In countries where the law is silent on gender equality or non-discrimination as relates to sexual orientation or gender identity, the borrower is expected to meet the requirements of ESPS 9. In countries where certain aspects of national law are in contradiction with these standards, the borrower will seek to find ways to adhere to the intent of non-discrimination and gender equality among all project-affected people and the objectives of ESPS 9” ([Environmental and Social Policy Framework Guidelines](#), pg. 295).

Even in cases where certain legal protections do exist, it is important to keep in mind that, due to social prejudices and stigmas, it is probable that many people prefer not to formalize their relationships but choose to live together as partners and family without social or legal recognition.

Thus, in all cases, the borrower is encouraged to recognize the family and partnership relationships of LGBTQ+ persons and to move forward with the necessary procedures to ensure the joint titling of the new property, and, in cases of monetary compensation, its equitable distribution between both partners, in such a way as to recognize the common property.

2. Are there national or regional sentences, laws or regulations that directly or indirectly criminalize LGBTQ+ identities and relationships?

This consideration is important because, in the face of criminalization and/or widespread stigma regarding LGBTQ+ identities and relationships, it is very common for people of diverse sexual orientations and gender identities to create communities and support networks in certain neighborhoods or spaces, which is why it is common to find a large number of LGBTQ+ people in certain urban areas, or in concentrated communities in rural spaces.

These informal support networks and chosen family configurations are essential to the survival and well-being of LGBTQ+ persons and communities in the face of criminalization, abandonment by the state and family, and social exclusion in every context, but become more of a priority in cases where there is criminalization of LGBTQ+ identities and relationships.



Therefore, if involuntary resettlement is required, it is crucial that the borrower makes every effort to preserve the spatial proximity and housing conditions that allow for the functioning of these informal care networks including, but not limited to: shared or additional rooms, where people in job transition or social reentry after imprisonment can temporarily stay; proximity to caregivers for children, elderly or ill people, or people with disabilities; safe spaces for socialization; proximity to businesses with job opportunities for LGBTQ+ people, etc.

3. What can we do to improve the situation of LGBTQ+ individuals, couples and families in case of involuntary resettlement?

- » Work with LGBTQ+ associations or leaders in the area to (through a process to build mutual trust) identify partners, families and support networks affected by involuntary resettlement.
- » Once LGBTQ+ couples, families and communities in the area affected by involuntary resettlement have been identified, work with them, with support and/or mediation from LGBTQ+ leadership or organizations, if necessary, to agree on and implement the most appropriate alternatives for the preservation and well-being of couples, families and communities.
- » Secure the resources (money, time, technical capacity, etc.) to guarantee the self-identification, recognition, preservation, and well-being of LGBTQ+ individuals, couples, families, and communities in the involuntary resettlement area.
- » Manage and carry out necessary processes for the joint titling of the new property in all cases, but, above all, in situations of systematic violation of the rights of such couples and communities due to lack of recognition or criminalization of LGBTQ+ identities, relationships, and families.
- » In cases where resettlement cannot be avoided, LGBTQ+ persons impacted by the project must be compensated in a fair and equitable manner, and in a way that meets their particular needs (individual, family, and community), and is reflected in the outcomes of the agreed-upon arrangements. As stated in the ESPF: “When displacement cannot be avoided, the borrower will offer project-affected people compensation for loss of assets at full replacement cost and other assistance to help them improve or restore their standards of living or livelihoods, as provided in this ESPS ([Environmental and Social Policy Framework Guidelines](#), pg. 69).

Best Practices to Prevent and Address Discrimination Based on Sexual Orientation and Gender Identity





Best Practices to Prevent and Address Discrimination Based on Sexual Orientation and Gender Identity (SOGI) ^[5]

4.1. General and Ethical Considerations

In the realm of work, the primary consideration should be to treat all people with equal respect, and to ensure that inclusion efforts will not inadvertently jeopardize or contribute to the vulnerability of LGBTQ+ people. For instance, while collecting data on LGBTQ+ people may be useful in some situations, it is essential to keep in mind that information (including data on how many LGBTQ+ people there are in a company or area) should only be collected if this information is relevant and necessary for the analysis of impacts and the definition of mitigation measures. If so, the necessity of good practices and recommendations for this must be reinforced. Otherwise, there could be an additional vulnerability produced when collecting data from such communities. For example, in contexts of stigmatization and even criminalization, making these populations visible may generate more risks than benefits.

The decision to collect information aimed at identifying LGBTQ+ populations should then be based on four main considerations: whether such information is 1) necessary, 2) relevant, and 3) treated with confidentiality, and 4) does not put individuals at (greater) risk.

For example, asking people's sexual orientation and gender identity on forms in consultations and other meetings, without being able to guarantee the confidentiality and anonymity of this information, can be dangerous for LGBTQ+ persons by exposing them in a hostile environment, with no benefit to those people being questioned.

However, there are times when having this information can be positive. The Social Inclusion Strategy designed for recyclers (solid waste sorters) in Uruguay is a good example. The census carried out to identify social gaps and vulnerabilities made it possible to identify a group of transfeminine persons. With this information and the analysis of the differential vulnerabilities of being both a waste recycler and transfeminine, the Social Inclusion Plan will consider sensitivity-training, skill strengthening, integration strategies, and others, according to identified needs.

In addition, it is important to keep in mind that these kinds of efforts in data collection require specialized technical knowledge and ethical considerations. Therefore, it is best to work with existing data that has already been gathered by specialized entities. The first step should be to review available information on the situation of LGBTQ+ people in the project's area of influence. In that sense, it is more relevant to focus on identifying needs, risks, vulnerabilities and opportunities of LGBTQ+ people in general, to incorporate this

⁵ Currently, the acronym has been expanded to SOGIE, where the E refers to gender expression. In this guide we have kept the reference to Sexual Orientation and Gender Identity (SOGI) as this is how it is addressed in our Performance Standard 9 (ESPS 9).



perspective in the action plans to prevent, mitigate, and, if necessary, to compensate cases of discrimination based on sexual orientation and gender identity, rather than focusing on collecting data, which requires determining who belong to these communities. The Social Inclusion Plans with a focus on gender as well as sexual and gender diversity are a good example of this practice.

General considerations on data collection and the analysis of existing data

- 1. Analyze the need to collect one's own data. Consider that existing statistics and qualitative data provide valuable information on various risk factors for the LGBTQ+ population.**

Particularly in Uruguay, Argentina, and Mexico, there has been a greater effort on the part of the government to collect official data on sexual orientation, gender identity, and gender expression (SOGI); less effort has been documented from governments in Central America and the Caribbean (however, this has prompted organizations in those regions to generate their own data). In addition, local governments, universities, and grassroots organizations may have established frequent surveys (or partnered with companies to do so) from which some data can be extrapolated, in addition to the estimates proposed by global or international research that are used as baseline data. In countries where a mechanism such as the national census exists, estimates that 10% of the entire population is LGBTQ+ may be sufficient, and some local data may provide more detail on specificities in different cities.

- 2. If it is deemed safe and necessary to collect data, it is always recommended to work hand in hand with local LGBTQ+ organizations, and/or hire a consulting company with expertise in data collection and sensitivity to LGBTQ+ issues to avoid re-stigmatizing and violating LGBTQ+ populations.**

If data will be collected, it is very important to prioritize the safety, needs and potential benefits that such information can bring to LGBTQ+ people. Usually, these organizations already consider issues of confidentiality and ethics in the provision of their services.

4.2. Differential Vulnerabilities

As the ESPS 9 explains, the term “people of diverse sexual orientations and gender identities” captures a wide variety of people, contexts, and experiences. Therefore, it is important to remember that the LGBTQ+ community is made up of people with very different identities. Although they share the risk of homophobia or transphobia, they each suffer differential violence, depending on their gender, ethnic and racial identity, social class, and migratory status, among other factors.



Some general considerations and examples of differential inequalities against LGBTQ+ people include:

- › Lesbian women may experience sexual violence, and other forms of gender-based violence that gay men do not always face. One of the most common forms of sexual violence against lesbian women, particularly those who are perceived to have masculine gender expressions, is the misnamed “corrective rape.” That is, when a person suffers sexual violence with the supposed intention of “correcting” their sexual orientation or gender identity. Transmasculine people are also highly vulnerable to this type of violence.
- › The visibility of transfeminine people sometimes contrasts with the invisibility of transmasculine people, and their possible vulnerabilities. For example, while transfeminine people tend to be more visible and therefore face very high levels of verbal, physical and sexual violence, transmasculine people tend to “pass” as cis-men more often, and therefore run a high risk of violence when other people learn about their life experience as a trans person and thus feel “deceived”.
- › In addition, misinformation or lack of awareness about transmasculine people can lead to –once their trans identity is known– being considered as “women” who are transgressing norms of femininity (that is, they are perceived as “masculine women”), and thus being subjected to various forms of gender-based violence, including sexual violence, similar to that experienced by some lesbian women.
- › In this regard, a report of LGBTQ+ people in 12 Caribbean countries showed that trans people consistently experienced greater discrimination than lesbian, gay and bisexual people in the workplace: 1 in 4 trans people (25.8%) reported experiencing discrimination or exclusion at work or when applying for a job, versus 19% of LGB people (Crehan, 2021).
- › Ethnic and racial preconceptions also contribute to specific vulnerabilities. For example, stereotypes about race lead to afro-descendant men being seen as hyper-masculine and therefore assumed to be heterosexual. In other words, there is a double invisibilization and stigmatization of racialized gay men.
- › Being a migrant may also entail additional vulnerabilities, for example, by separating a person from their partner, family, or community of support, or by obstructing or denying their access to resources and services intended only for citizens.
- › LGBTQ+ people who are also HIV+ face discrimination based on the prevalent stigma which still exists about the illness. Such discrimination can make it difficult to access fundamental health services and lifesaving medicine.



4.3. Guiding Questions to Prevent and Address SOGI Discrimination According to ESPS 9

Consistent with the requirements of ESPS 1, the environmental and social risk and impact assessment process presents an opportunity for the borrower to identify, assess, and manage risks and impacts based on sexual orientation and/or gender identity and expression (SOGI) related to the proposed project.

The SOGI risk analysis should be an integral component of the project's environmental and social risk assessment process, and its results should be incorporated into the project's Environmental and Social Management System (ESMS).

As the "Guidelines for Environmental and Social Performance Standard 9: Gender Equality" explain, in most cases, the analysis of sexual orientation and gender identity risk analysis can be integrated into the project's overall Environmental and Social Impact Assessment (ESIA) and Environmental and Social Management Plan (ESMP).

In other cases, and according to the type of impacts identified, it may be incorporated into relevant management plans (for example, the resettlement and livelihood restoration action plan, the socio-cultural analysis/indigenous peoples plan, stakeholder engagement plan). Projects with significant sexual orientation and gender identity risks may require a separate plan ([Guidelines for ESPS 7: Indigenous Peoples](#)).

Such analysis should assess how stereotypes and prejudice about LGBTQ+ people in the project's zone of influence may translate to disproportionate impacts based on sexual orientation or gender identity.

Disproportionate impacts can arise directly from project activities, they may materialize when certain people are excluded from the benefits of operations, because of their sexual orientation or gender identity, or as a result of differences in the resources they can access to recover from negative impacts and benefit from positive ones ([Guidelines for ESPS 7: Indigenous Peoples](#)).

The risk analysis based on SOGI (sexual orientation and gender identity) should include the following elements (adapted from ESPS 10: Stakeholder Engagement and Disclosure of Information):

1. Context and situation analysis of LGBTQ+ people in the project's area of influence
2. Gender-sensitive stakeholder engagement
3. Potential risks and impacts for LGBTQ+ people from the project and its area of influence
4. Implementation of management plans and measures
5. Analysis of institutional capacity



The following are key considerations and guiding questions for sexual orientation and gender identity risk analysis:

1. Analysis of the context and situation of LGBTQ+ people in the project's area of influence

Analysis of context is one of the main elements of any risk assessment, as it informs all other components of the process, including the action plan and its subsequent implementation.

In the case of LGBTQ+ people this is even more important because of considerable regional, national and local differences in legal protections, legislation, public policies, and attitudes towards sexual and gender diversity.

Not considering the specificities of the local context with respect to recognition of rights (or lack thereof), legal protections, and attitudes about people of diverse sexual orientations and gender identities can seriously jeopardize the lives and livelihoods of LGBTQ+ people. It could also make the project vulnerable to complaints or legal action.

Some key considerations and questions for the context and situation analysis of LGBTQ+ people in the project's zone of influence are:

- A. The normative framework: national and subnational laws and regulations related to the recognition of the rights of LGBTQ+ individuals, relationships, and families, particularly with respect to situations associated with the project (Guide 11; available here). For example:
 - » Are there national or regional sentences, laws, or regulations that directly or indirectly criminalize LGBTQ+ identities and relationships? ^[6]
 - » Are there national or regional sentences, laws, or regulations that protect the rights of LGBTQ+ couples and families, for example, civil unions, adoption, and equal marriage?

In the absence of such rulings, laws, or regulations, it must be assumed that there is a structural violation of LGBTQ+ couples and families in terms of social and official recognition of their relationships and family ties.

⁶ There are still six countries in the region that criminalize same-sex relations between consenting adults. All are in the Caribbean and are former British colonies: Dominica, Grenada, Guyana, Jamaica, St. Lucia, and St. Vincent and the Grenadines. For detailed information on legislation and protections related to sexual and gender diversity, see the F&M global barometers, available at <https://www.fandmglobalbarometers.org/>.



Some of the main negative impacts for LGBTQ+ couples and families include a lack of recognition of common property; the impossibility of registering the same-sex couple and common children as beneficiaries of health services, pensions, social compensation funds, and other labor benefits; and the inability to process visas as a family unit, among others.

This can lead to direct and indirect discrimination for workers and LGBTQ+ people in the project's area of influence in multiple ways.

For example, if national or regional legislation does not recognize same-sex marriages or civil unions, in cases where compensation measures such as involuntary resettlement are required (see the section earlier in this guide), provisions should be made to ensure tenure of the new property for both partners of the same-sex couple.

In the case of monetary compensation, it is recommended that the borrower provide assistance in opening joint bank accounts.

Also, if necessary, the borrower must ensure that LGBTQ+ people linked to the project can process visas, residence permits or other legal procedures for their partners and family members.

- » Are there national or regional sentences, laws, or regulations that forbid labor discrimination based on sexual orientation and/or gender identity?

This information is very important because if there are protections against labor discrimination against LGBTQ+ people, the borrower must be well aware of these and be able to communicate such information widely with all the parties linked to the project (management staff, employees, contractors, community members, etc.) so that the project is not at legal risk.

If such protections do not exist, the borrower must take internal measures to ensure that the rights and dignity of the LGBTQ+ people involved, and of those who find themselves in the project's area of influence, are not violated.

- » Are there national or regional sentences, laws, or regulations that typify violence against LGBTQ+ people as hate crimes?
- » Are there national or regional sentences, laws, or regulations that acknowledge and guarantee the recognition of gender identity, that is to say, which recognize the identity of transgender people?



For example:

- » Is it possible to change name and sex/gender markers on official documents?

If possible, are these procedures free of cost, or do they have costs that can make them difficult or impossible for people to go through with?

Are the institutions in charge of updating these documents available and accessible to those in the area of influence of the project?

These questions are important in that most countries in the region impose different kinds of barriers for the full recognition of transgender identities. Thus, it is possible that transgender people have documents that do not match their identity, or that present inconsistencies, which can raise suspicions of fraud or identity theft.

The borrower must have human resources personnel who are trained and sensitized in order to deal with the barriers that show up in the recognition of transgender people's identity in the project's area of influence, in order to deal with these situations should they present themselves.

Documents where these types of inconsistencies may show up include national IDs, passports, military notebooks, driver's licenses, academic diplomas, and professional certificates, etc.

If these questions are not taken into account, situations of discrimination can be generated, such as: the person in question not being hired for suspicion of document falsification or for not acknowledging their credentials; or making the person in question work using names, pronouns, or employment documents (such as ID cards) that do not correspond to their identity.

As most countries do not allow documents to be corrected — or make the process extremely difficult or expensive even when there are favorable regulations — in practice, transgender people are denied recognition in many places.

This may result in discriminatory conduct, which is precisely what is prevented and addressed in the Environmental and Social Performance Standard 9.

Faced with this situation, the borrower must: 1) guarantee the confidentiality of transgender people's documents; 2) ensure that transgender people's identities



are acknowledged on institutional documents such as ID cards, email accounts, invitations to events, etc.; and 3) that superiors, colleagues, and project stakeholders recognize transgender people's identities and treat them with dignity and respect.

- B. Is there existing data on communities affected due to the implementation of projects, such as, access to education, health, work, justice mechanisms, services, and results about, for instance, poverty statistics, among others?

Although there are some efforts to collect representative national data, most countries do not have this type of information. However, there is a large amount of data and knowledge generated by civil society, academic and research centers, among other actors, who can give a pretty precise idea of the situation, as well as the needs and challenges faced by the LGBTQ+ population in the area of influence of the project. It is highly recommended that the borrower incorporates said data to their Situational Analysis.

- » It is also important to understand the attitudes and perceptions towards LGBTQ+ people in the area of influence of the project. This is useful for incorporating themes of LGBTQ+ inclusion in the programming of training and formation. The synthesis of 2,750 surveys from at least thirty years and 175 countries, produced by the Williams Institute, can serve as a global overview to inform the Situational Analysis.

- C. The presence and strength of civil society organizations that defend the rights of LGBTQ+ people

Are there civil society organizations that work in the labor inclusion of LGBTQ+ people in the area of influence of the project?

If there are none, are there civil society organizations that work in the labor inclusion of LGBTQ+ people at a national level?

These organizations are the ones who best know the experiences, needs, challenges and abilities of LGBTQ+ people in the area of influence of the project. They are essential allies in the assessment of risk, the formulation of measures destined to prevent and mitigate negative impacts, the design of efficient complaint channels, and in the guaranteeing the participation of LGBTQ+ people in the different stages of the project.

It is thus fundamental that the borrower establishes genuine, sustained and collaborative relations with at least one of these organizations for the duration of the project, and the impact evaluation processes.



- D. The presence and strength of public institutions and agencies whose mandate includes the guarantee of rights and protection of sexual and gender minorities at a local, regional or national level with jurisdiction over the project's areas of influence. For instance: LGBTQ+ secretariats, LGBTQ+ tables of action, ombudsperson, etc.

If available, it is recommended that the borrower establish genuine and sustained relations with the institutions that are relevant to the project's area of influence, and with the processes of impact evaluation.

2. Participation of the stakeholders

As stipulated in the **“Environmental and Social Performance Standard 9: Gender Equality,”** risk analysis for sexual orientation and/or gender identity and expression should follow a participatory approach (Guideline 9).

For this reason, one of the most important elements of the ESPF is that the people impacted by the project participate on an equal basis in consultations, so that these can reflect their concerns, and lead to a more inclusive decision-making process.

Early and regular consultations with all people affected by the project, as well as other stakeholders, are crucial to adequately identifying the risks LGBTQ+ people are exposed to as well as related mitigation measures, and to lay the groundwork for inclusive participation throughout the project ([Guidelines for ESPS 9: Gender Equality and ESPS 10: Stakeholder Engagement and Disclosure of Information](#)).

The first step is an analysis of the stakeholders. When it comes to LGBTQ+ people it is recommended to work alongside LGBTQ+ organizations and leadership, and academic personnel who are expert on the subject, among others. In addition, it must be considered that due to the stigmatization and different levels of discrimination faced by LGBTQ+ people, it can be particularly difficult or dangerous for people of any gender or sexual orientation to actively and visibly participate in the processes. It is thus important that the borrower work alongside local LGBTQ+ organizations as they know in detail the situation of LGBTQ+ people in the project's area of impact.

In particularly hostile contexts for LGBTQ+ people (for instance, in cases in which criminalization occurs) said consultations must take place in private, to guarantee the protection, safety, and confidentiality of the participants, and to allow for an open exchange. It is fundamental that, when documenting the results of these types of consultations, the anonymity of the participants be ensured, to protect their privacy and safety.



In cases where there are no local LGBTQ+ organizations, it is recommended to look for national organizations that have the capacity to conduct due diligence projects and establish contact with LGBTQ+ communities in the project's specific areas of influence.

Another key element to consider to guarantee the participation of people of any gender and sexual orientation is that their capacity to participate can be affected by limited mobility or different work schedules.

For instance, in contexts of historic social and economic inequalities, certain transgender women turn to sex work either in a partial or complete way. Additionally, in hostile environments towards LGBTQ+ people, nocturnal life (mainly in clubs or bars) can be an important source of affirmation and community building. Because of this, certain measures that can contribute to increasing the attendance of LGBTQ+ people include:

- › Choose meeting times and days that don't interfere with the development of these activities (for instance, avoiding early morning hours).
- › Organize meetings in places that are accessible, safe and culturally adequate for LGBTQ+ people to attend.
- › Avoid carrying out the consultation in governmental buildings and asking people to show ID at the entrance (which can disproportionately affect the entry and subsequent participation of transgender people).
- › If possible, facilitate transportation and food, as well as other measures that recognize that the time which LGBTQ+ people invest in these participation processes is time they are not spending on productive activities essential to their subsistence.

3. Potential risks and impacts for LGBTQ+ people belonging to the project and its area of influence

The most common risks for LGBTQ+ people, couples, families, and communities in areas of influence of the development projects are:

- › Involuntary physical and/or economic displacement.
- › Increase of sexual and gender-based violence, especially the abuse, exploitation and sexual harassment that can arise from the interaction between the project's workers and local communities. This is particularly acute for transgender women,



many of whom voluntarily engage in or are forced into sex work or other precarious subsistence economies.

- › In projects that involve a large influx of workers coming from outside the community, the risk of prejudice-based violence may increase, as well as physical and sexual violence, harassment, sexual abuse and exploitation, human trafficking, and exposure to sexually transmitted diseases, including HIV.

In cases in which these risks are identified, the borrower will enforce measures such as communication and sensibilization campaigns about sexual and gender diversity, the elaboration of community prevention plans, codes of conduct for contractors, support for people who have gone through situations of sexual and gender based violence, and grievance mechanisms (Guidelines for ESPS 10: Stakeholder Engagement and Disclosure of Information).

- › Unequal access to opportunities and economic benefits derived from the project, such as paid labor, training, credit and business opportunities, that may take place in projects with participation requirements that can generate exclusion in a direct or indirect way (Guidelines for ESPS 8 Cultural Heritage).
- › Unequal involvement in the stakeholder engagement process, which can occur in projects that, among other factors, involve decision-making spaces with hostile environments for LGBTQ+ people.

4. Implementation

Throughout the project implementation process, the borrower must make sure that there is no discrimination based on gender identity, gender expression, or sexual orientation in any aspect of the labor relationship.

For example, all people should receive the same salary for doing the same or similar work. The remuneration includes the payment of extra hours, bonuses, allowances and benefits in kind ([Guidelines for ESPS 2 Labor and Working Conditions](#)). This is particularly important for women, lesbians, bisexual and transgender people who, historically, because of their status as women, have received lower salaries, fewer opportunities for professional advancement, and may face bigger obstacles because of their sexual orientation or gender identity.

Moreover, as stipulated in the Environmental and Social Performance Standard 9: Gender Equality, taking into account historical discrimination and with a view to achieving effective equality of opportunity, the borrower could implement additional



measures to encourage the hiring of people of any gender and sexual orientation in specific areas of work within the project. These measures may include skills or job-specific training, targeted hiring of certain population groups, establishment of quotas, and paid internships. These affirmative measures will not be considered discrimination, as long as they are consistent with national law ([Guidelines for ESPS 2 Labor and Working Conditions](#)).

In order to guarantee a work environment free of direct or indirect discrimination based on sexual orientation, gender identity, and expression, the borrower must enforce measures during the entire process of the working relationship, including: recruitment, hiring, compensation, promotions, termination, retirement, working conditions, contract terms, assignment of duties, dignified treatment, performance evaluations, etc.

Some best practices regarding this include:

- › Having an explicit and widely disseminated policy of respect towards all people and zero tolerance for any type of violence and discrimination that explicitly mentions sexual orientation and gender identity.
- › Ensuring that same-sex couples and families can access all benefits and measures of compensation offered by the borrower and the different administrating agencies.

For instance:

- › If it is the case of a country or region in which equal marriage or civil unions between people of the same sex are not recognized, it is important to ask: Is there any way to ensure that same-sex couples have equal access to health insurance, accident compensation, family and caregiver leave, survivor's pension, visa processing, among others?
- › Does at least one of the health plans that are offered include access to healthcare services which are sensitized and trained in the specific health care needs of transgender people, including the provision of services related to the various processes of gender affirmation, HIV treatment and prevention, etc.?
- › Advance due diligence processes to ensure that administrating agencies recognize the rights of and ensure non-discrimination of LGBTQ+ people through, among others, the best practices described in this document.
- › Fully recognize the gender identity of all people involved in the project.



The leadership of the borrower on the recognition of transgender people's identities is particularly important because, as explained throughout this guide, in most countries of the region it is not possible to correct official documents regarding sex/gender and doing so requires multiple procedures that are costly and have numerous administrative barriers which is why **most transgender people in the region do not have documents that match their identity.**

Some of the best practices of the sector in this regard, include:

- › Guarantee that all documents and communications related to the project use the name and gender identity of the person, regardless of their official documents, including ID cards, security passes, e-mails, employee directories, names on badges, and office signage, among others.
- › Ensure that the information of the official documents of transgender people remain confidential, and that all people involved in the project acknowledge the gender identity of transgender people (this is to say, they use their name and correct pronouns and treat them with the same dignity and respect as the rest of their colleagues).
- › Ensure that the facilities at the workplace, such as restrooms and changing rooms, are sufficient, accessible, adequate and safe, and in all cases recognize the gender identity of all people linked to the project. In other words, to allow transgender female and transgender male individuals to use these facilities according to their gender identity, and not the sex they were assigned at birth, without suffering harassment or violence.
- › If possible, single-use toilet facilities should be gender-neutral (meaning, they should be available for use by any person regardless of gender).
- › Avoid, as much as possible, having gender segregated uniforms or codes of dress/ personal presentation. Make sure trans people can use the attire that aligns with their identity, regardless of what is stated in the official documents.
- › When medical or safety teams are assigned to the accommodations of the project, a personnel member sensitized and trained on sexual and gender diversity issues must be included to avoid harassment, unjustified and disproportionate surveillance, and violence towards LGBTQ+ people.
- › Training and awareness:

Training and awareness: 1) the administrating agency, 2) the contracted companies, and 3) the community regarding people of any gender and sexual orientation in a periodic, consistent and innovative manner.



For this, the borrower must hire a third-party service provider with proven experience on the field. It is fundamental that said trainings take into account the specificities of the context and for that it is fundamental to work alongside local LGBTQ+ organizations.

Key elements in these trainings include: the clarification of basic concepts on sexual and gender diversity, the socialization of the code of conduct that includes a zero tolerance policy to any form of violence or discrimination against all people, including LGBTQ+ people, along with information on how to report violations of the code, how these will be handled and what are their sanctions, among others ([Guidelines for ESPS 4 Community Health, Safety and Security](#)).

Trainings can be stand-alone or incorporated into other mandatory trainings, such as occupational health and safety meetings as well as induction courses ([Guidelines for ESPS 2 Labor and Working Conditions](#)).

5. Analysis of institutional capacity

Analysis of institutional capacity is a fundamental part of sexual orientation and gender identity risk analysis because it makes it possible to identify which resources are available and which resources need to be outsourced, including technical capacity, monetary resources, time of investigation, planning, execution and evaluation, among others.

The analysis of institutional capacity allows for the inclusion of as well as the evaluation of the project's technical, physical (of infrastructure), monetary, personal, and time-based elements in the budget and in the rest of the planning processes (plan of action), execution and evaluation of the project, that are needed to guarantee the non-discrimination and respectful and equal treatment of LGBTQ+ people.

This includes evaluating the availability of: human resources personnel sensitized and trained in LGBTQ+ matters and experiences, policies and procedures regarding non-discrimination, the existence of a grievance mechanism with a differential approach to sexual and gender diversity, and mechanisms to evaluate and supervise the contractors' compliance with the borrowers' policies and procedures, among others (Guidelines 12).

Guaranteeing confidentiality is particularly important in cases of harassment, discrimination, and violence directed to LGBTQ+ people, due to the high degree of social stigmatization and even criminalization that they face.



Because of this, one of the best practices, especially when said entities do not have the resources, experience, or institutional capacity, consists in hiring private firms or external civil society organizations that are specialized in the investigation, management, tracking, sanctioning and evaluating of cases of discrimination related to sexual orientation and gender identity (among other sensitive matters, such as ethno-racial belonging, gender and disability). If this model is followed, it is essential that the firm or organization is familiar with (and, if possible, belongs to) the local context.

It is very important that it is widely and repeatedly broadcasted that said firm or organization will be the one to handle the claims in such a way that the personnel and people in the project's area of influence can trust that the complaints will be handled in a confidential and impartial manner.

Taking these considerations into account allows for the investment of resources and time required to establish these kinds of services. If they are foreseen from the beginning, they can be budgeted for and included in the action plan.

4.4 Risk mitigation in health, education and public transportation projects

The projects that do not necessarily involve infrastructure require special attention regarding risk mitigation related to LGBTQ+ people. This section covers the main risks in projects related to health, education and public transportation, as well as aspects to be considered by the borrower and administrating agencies linked to the project.

Health

LGBTQ+ people experience serious barriers when it comes to accessing quality health services — including social stigma and discrimination — which profoundly affect their health and wellbeing.

Some of these barriers include: not addressing special health care needs of LGBTQ+ people, or mental and physical health problems related to discrimination; denial to provide care, for instance, when a hospital or local clinic rejects people for being who they are or who they assume them to be; inadequate or deficient care, for instance, verbal abuse, disrespectful behavior or when the healthcare provider does not take the time to adequately address the patient's needs; undue restrictions for people who are part of a family or support network of LGBTQ+ patients in the decision-making process as well as throughout the treatment, including visitation rights during hospitalization; inappropriate assumptions about the cause behind the mental or physical health conditions of the patient, among others.



Some of the considerations to consider in projects related to the health of LGBTQ+ people include:

- › Protections against patient discrimination: Are there non-discrimination laws and policies on the side of healthcare providers that specifically include SOGI (for instance, in order to avoid the denial of care and acknowledging the right to receive care for all people)?
- › Protection of medical records: Are the records and medical information protected? Does the handling of this information take into account ethical and confidentiality related considerations?
- › Informed consent: Can the patients give their free and informed consent before undergoing medical examination (for instance, HIV testing)?
- › Patients' experience of discrimination/stigma: Is there existent information on the percentage of people who feel discriminated against on the basis of gender or sexual orientation in health care facilities?
- › Source of care: Is there data on the provision of health services for LGBTQ+ people, including whether they have a specific health care provider?
- › Access to SOGI-sensitive sexual and reproductive health care: Are SOGI-sensitive sexual and reproductive health care services available?

Education

Despite the fact that schools and other institutions providing educational services should be considered safe spaces for all people, LGBTQ+ people often experience different forms of violence and discrimination in educational environments. These include homo-, bi- and transphobic harassment, which lead to a lower educational performance, aside from increasing mental and physical health risks. This discrimination often begins at a very early age and continues throughout life. It is worth mentioning that this discrimination is not always necessarily based on the identity of the victim, but rather on how other people perceive them.

Some of the considerations to consider in projects related to the education of LGBTQ+ people include:

- › Prevalence of harassment: Is there data on physical, psychological and sexual violence based on SOGI or on harassment in schools and other educational institutions?




- › Policies against harassment: Is there a law, constitutional provision, policy or regulation that prevents and addresses real or perceived SOGI-based intimidation and harassment against students in the education system?
- › Policy of non-discrimination: Is there a law, constitutional provision, policy or regulation that prohibits discrimination based on SOGI against students in educational environments?
- › Application of the non-discrimination policy: Are there concrete mechanisms (national or local) to report cases of discrimination, violence and intimidation related to gender and/or sexual orientation against students, including incidents perpetrated by representatives of the educational sector, such as teachers and other school staff members?
- › Educational level: Is there information on school dropout rates among LGBTQ+ people? If so, how does it compare to dropout rates for the total population?

Public transportation

LGBTQ+ people face challenges on a daily basis when it comes to their mobility. For instance, openly expressing sexual diversity in everyday life on public transportation as well as in other public spaces is a factor that puts the physical integrity and even the life of LGBTQ+ people at risk. This can take place in those spaces which are perceived as solitary as well as in spaces that are often crowded. Therefore, it is important to consider the key factors in the building and adaptation of public transport so that it can be useful, friendly and safe for use by LGBTQ+ people. This is not only achieved with material elements, such as good illumination and visibility on the streets, at stations, and in vehicles, but also with efforts to promote respect towards sexual and gender diversity in all environments, including transportation, through campaigns, workshops, training, and citizenship education.

Some of the considerations to consider in projects related to the public transportation and mobility of LGBTQ+ people include:

- › Prevalence of harassment: Is there data on physical, psychological, and sexual violence based on SOGI or on harassment on public space, and specifically on public transportation?
- › Policy against harassment: Is there a law, constitutional provision, policy or regulation that prevents and addresses violence and intimidation on public transportation based on SOGI real or perceived?
- › Policy of non-discrimination: Is there a law, constitutional provision, policy or regulation that forbids discrimination based on SOGI - on public transportation?

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- › Application of the non-discrimination policy: Are there concrete mechanisms (national or local) to report cases of discrimination, violence, and intimidation related to gender and/or sexual orientation, including incidents perpetrated in the public space, and specifically on public transportation?

The Metro de Bogotá experience

The Metro de Bogotá Company, as part of its institutional policy, embraced the district's inclusion policy within the Metro system, and created zoning participation committees for the LGBTI ^[7] population to be observers of the project. Likewise, they implemented actions of articulation with the Government Secretariat, which is in charge of public transportation. The participation committees are formed by leaders, neighbors, and representatives of the sector suggested by the LGBTI population. These committees are part of the Communication Plan of the Metro de Bogotá Company.

To begin with, the Metro de Bogotá used a methodology of stakeholder mapping and community characterization, following guidelines of protection, confidentiality, respect and sensitivity, among others. The main guiding question was: What are the impacts of the Metro on the lives of LGBTI communities? One of the findings was that the relationship between the community and the institutions needed to be improved. This is why emphasis was placed on strategic inter-institutional articulations, for example, a periodic methodology of informative/socialization meetings and weekly social committees was implemented with the LGBTI community.

When asking about the life dynamics of people who live in marginalized neighborhoods, it was found that they faced a very precarious economic situation. This was not only due to the fact that economic activity is quite limited, but also because of the prevalence of discrimination based on gender identity and sexual orientation. For instance, for transgender people in particular the barriers include rejection by their families, having had to leave the neighborhoods where they used to live because they were not accepted as transgender people, the need to engage in sexual activities for survival, among others.

Based on the needs identified by the LGBTI population, the project of the Metro de Bogotá conducted workshops such as how to develop a CV, how to advertise it, how to access public employment. In the future, the EMB plans to conduct an LGBTI job call to form the Metro de Bogotá. In other words, all the efforts made are integrally oriented to ensure support networks for the LGBTI population.

⁷ In this section we use the acronym LGBTI, which is the one that the Metro de Bogotá uses.



4.5 Best Practices

4.5.A Code of conduct

According to Standard 2 of the ESPF, the borrower must make sure that the workplaces linked to the project are free of discrimination and violence and promote the same opportunities for everyone.

A code of conduct clearly stipulates expectations and responsibilities. For instance, the IDB encourages the borrower to: “Develop, implement, enforce and supervise the project’s policy or code of conduct that establishes zero tolerance towards sexual and gender-based violence against all members of the community, as well as workers of the project” ([Guidelines for ESPS 9: Gender Equality](#)).

Some key aspects of the code of conduct are:

- › Objectives - As stipulated by the International Labor Organization, the main goal of the Code of Conduct is to promote “the elimination of discrimination regarding employment and occupation; a safe and healthy workplace” (ILO).
- › Clarity - Terminology and complex concepts must be defined with precision
- › Scope and Adherence - It must be made clear that all employees must follow the Code of Conduct, regardless of their seniority, position, etc. All employees must be aware of the Code and sign to certify that they are aware of it and agree to abide by it.
- › Activation: The Code of Conduct must be socialized through frequent training and different kinds of mechanisms.

Furthermore, the Code of Conduct must include:

- › Declaration of principles: a zero-tolerance policy towards discrimination, threats to equal treatment or violence, explicitly including violence motivated by sexual orientation or gender identity.
- › If possible, the service providers within the supply chain should be included in the Code of Conduct or these parties should be incentivized to partake in the same values of non-discrimination towards LGBTQ+ people.
- › Disciplinary sanctions for violations of the Code, for example:
 - » Informal warning



- » Formal warning
 - » Additional training
 - » Suspension of employment and salary
 - » Disciplinary dismissal
 - » Notification to the police according to the situation
- › Zero tolerance for retaliation of any kind toward anyone who submits a complaint.
 - › Signature of the employee

4.5.B. Grievance mechanism

With the adoption of the ESPF, the IDB has secured varied official channels so that the people impacted by a given project can report concerns or possible cases of discrimination. These channels are known as Grievance Mechanisms.

Having grievance mechanisms in place is a requirement of the ESPF pertaining to governments. Furthermore, the borrower must make sure that these mechanisms are commensurate with the risk and impact level of the project, that these are available for all people linked to the project, and that these respond to the complaints in an appropriate and responsible manner (ESPF, page 11).

In all cases, the borrower must clearly define the procedures for how possible complaints linked to discrimination or violence targeted toward sexual orientation or gender identity will be received, registered, acknowledged, investigated, and managed, who will manage them, within what time frames, as well as the possible disciplinary measures to be taken.

The borrower must make sure that there are three types of grievance mechanisms in place. As stated in the ESPF, the stakeholders must be able to raise complaints about a project financed by the Bank (1) to the grievance mechanism of said project, (2) to the relevant local grievance mechanisms or (3) directly to the IDB, which will respond within a reasonable time. In addition, the IDB's Independent Consultation and Investigation Mechanism (MICI) provides a mechanism and process for responding to allegations of harm caused by projects, as a result of the Bank's noncompliance with one or more of its operational policies including the Bank's Environmental and Social Policy Framework (ESPF, page 20).



The Independent Consultation and Investigation Mechanism (MICI) is the independent accountability office of the IDB group. This office takes care of social and environmental complaints from communities potentially affected by the bank's operations. The MICI works with impartiality and independence. It is available for all people linked to projects financed by the IDB and consists of two distinct tools: a dispute resolution component to work towards mediation and settlement of the aggrieved parts, and a research component to guarantee that the IDB meets the social and environmental standards.

Because of this, the MICI is a very valuable resource, particularly in contexts of significant stigmatization or criminalization of LGBTQ+ identities. For instance, if a person wants to submit a complaint about a possible case of discrimination related to sexual orientation or gender identity, but does not trust the capacity of the administering agency to maintain confidentiality or conduct the research in an impartial manner, this person can submit a complaint through the before mentioned mechanisms, with the guarantee that their case will be treated with confidentiality, sensibility and expertise in the matter ^[8].

It is thus of great importance that borrowers and administering agencies conduct ample and constant awareness campaigns about this and other grievance mechanisms to include all parties involved in the project and their zone of action.

A very important aspect of grievance mechanisms is that, as exemplified by the MICI, these must include the sensibility and necessary guidelines to guarantee that claims of anti-LGBTQ+ prejudice, or of any other form of discrimination or violence based on sexual orientation and gender identity, be duly addressed, sanctioned, and repaired.

Now, for any grievance mechanism to work it is fundamental to establish a culture that is receptive to such complaints. In other words, to make sure that there is no defensiveness in the face of complaints, and to guarantee that those who use these mechanisms will not be stigmatized as “informants,” “traitors,” or “problematic” people who don't want to do their job or who “complain about everything.”

On the contrary: it must be guaranteed that those who report a situation will not themselves be considered to be the problem, but rather as important allies in finding a solution.

If this is not guaranteed, it is very likely that the mechanisms for grievances will not come to be used, as there is not the necessary trust in the institution to do so.

Because of this, it is paramount to understand that if no one uses the grievance mechanisms, this is to say, **if there are no complaints, this does not mean that there**

⁸ For more information on [MICI](#)



are no problems. On the contrary, it may mean that the problem is so big that people don't feel safe speaking about it.

In other words, **the lack of use of the mechanisms for complaints demonstrates a lack of institutional trust in the management of information, confidentiality, or in their effectiveness in the handling of claims.**

Thus, any grievance mechanism should be implemented alongside a communication plan and a cultural shift that makes clear that there is openness and institutional receptivity towards complaints, as these are normal in any workspace and particularly in development projects of great complexity such as those financed by the IDB. This is to say, complaints must be received, processed, and solved as opportunities for growth and improvement.

The following are some good practices for complaints and grievance mechanisms.

As stipulated by the ESPF:

“The borrower will inform the workers about the grievance mechanism at the moment of being hired and will grant them access to it, using language that is comprehensible for them. The mechanism will be equipped with an appropriate level of management and will address complaints promptly, putting forward a comprehensible and transparent process that gives timely feedback to the interested parties, without retaliation. It will also allow the submission and treatment of anonymous or confidential complaints. The mechanism will not prevent access to other judicial or administrative resources which may be available under existing legislation or arbitration procedures, nor replace grievance mechanisms put in place by collective agreements” (ESPF, page 56).

Furthermore, the grievance mechanism must:

- › Include personnel sensitized and trained in matters of sexual and gender diversity.
- › Have the capacity to avoid retaliation against those who bring forward claims.
- › Guarantee the safety of the person making the complaint.
- › Be:
 - » Unbiased
 - » Transparent
 - » Confidential and anonymous
 - » Respectful
 - » Quick
 - » Efficient



- » Impartial
 - » Free of cost
 - » Simple and accessible
 - » Advertised widely, frequently, and in a variety of media
- › Take into account varied languages and reading comprehension skills.
 - › Include diverse entry channels, including alternatives (for example, a separate helpline, the project website, a cell phone app, suggestion boxes, sexual and gender-based violence services, local women's organizations, etc., depending on the local context and identified risks).
 - › Provide services with gender-sensitivity, to minimize the undue burden on victims who report as well as their risk of incurring consequences for making their claims.

In case of sexual and gender-based violence, the borrower must:

- › Adapt the general grievance mechanism of the project so that the denunciations for homophobia or transphobia can be handled, in other words, that situations of violence due to sexual orientation and/or gender identity and expression be taken into account.
- › Link the general grievance mechanism of the project to an existing middleman or intermediary, such as a care service for survivors of sexual and gender-based violence, to handle such complaints.
- › Create an independent grievance mechanism for sexual and gender-based violence by outsourcing the role to a third party, among other possibilities.

In short, understanding and analyzing the origin of discriminations, and the intersections between its different possible manifestations, allows us to strengthen the mechanisms in place and address inequalities in a timely and comprehensive manner.

As we have learned, prejudices based on gender identity and sexual orientation interact with other inequalities based on **socioeconomic, ethnic, racial, ability-based and migrant factors**, among others. Addressing these in a comprehensive way allows for administration which expands opportunities for all stakeholders in the sustainable development of projects.

Annexes





Annex 1. Glossary

Table A1. Definitions

Acronyms	
Biphobia	The irrational fear, hatred, or intolerance of bisexuality and/or bisexual people as a social group or as individuals. It also describes discrimination on the basis of sexual orientation.
Bisexual	People who feel romantic, emotional, and/or physical attraction to person(s) of the same sex or gender as well as to person(s) of different sex or gender.
Cisgender	A term used for people whose gender identity aligns with the sex assigned to them at birth (“cis” meaning “in alignment with” or “on the same side”).
Gay	A man who predominantly feels romantic, emotional, and/or physical attraction to other men. The term is sometimes used to describe women who are attracted to other women.
Gender	<p>Social, behavioral, and cultural attributes, expectations, and norms associated with being male or female.</p> <p>There is increasing consensus that gender transcends the binary concept of male or female.</p>
Gender expression	The way people show their gender to the world through clothing, hairstyles, and mannerisms, to name a few.

Gender identity	
Gender identity	<p>Each person’s deeply felt internal and individual experience of gender (e.g., of being a man, a woman, in-between, neither, or something else), which may or may not correspond to the sex they were assigned at birth, or the gender attributed to them by society. It includes the personal sense of the body (which may involve, if freely chosen, modification of appearance or function by medical, surgical, or other means) as well as expressions of gender, including dress, speech, and mannerisms.</p> <p>This sense of self is separate from the sex assigned at birth and is not related to sexual orientation. Gender identity is internal and not necessarily visible to others.</p>



General terms

Heterosexual	People who are attracted to individuals of different sex and/or gender identity from their own (also referred to as “straight”).
Homophobia	The irrational fear, hatred, or intolerance of homosexuality and/or homosexual people as a social group or as individuals. It also describes discrimination on the basis of sexual orientation.
Intersex	<p>An umbrella term that refers to people who have one or more variations in physical sex characteristics that fall outside of traditional conceptions of male and female bodies. Some intersex characteristics are identified at birth, while others may not be discovered until puberty or later.</p> <p>Note that intersex is not synonymous with transgender.</p>
Lesbian	A woman who predominantly feels romantic, emotional, and/or physical attraction to other women.
LGBTQ+	Lesbian, gay, bisexual, transgender, and intersex people. The plus (+) encompasses other identities not captured by the acronym and is not defined.
LGBTIQ+	Lesbian, gay, bisexual, transgender, intersex people, and queer or questioning people.
Masculinity/ femininity	The socially, historically, and politically constructed qualities associated with men and women, or maleness and femaleness, in a society at a particular time. These definitions change over time and differ from place to place. Although they seem to be gender-specific, women perform and produce the meaning and practices of the masculine, and men perform and produce those of the feminine.
Queer	An umbrella term that includes lesbians, gay men, bisexuals, transgender people, intersex people, and others. For decades, “queer” was used solely as a slur for gays and lesbians but it has been reclaimed by activists as a term of self-identification.



Sex

Sex	<p>The culturally informed classification of a person as female, male, or intersex. Infants are usually assigned a sex at birth based on the appearance of their external anatomy. A person's sex is a combination of bodily characteristics, including their chromosomes (typically XY chromosome=male, XX chromosome=female), their reproductive organs, and their secondary sex characteristics.</p>
Sex assigned at birth	<p>The sex classification of people at birth. This is usually assigned by a medical practitioner after a brief review of a newborn's genitalia.</p>
Sex characteristics	<p>Each person's physical features relating to sex, including genitalia and other sexual and reproductive anatomy, chromosomes, hormones, and secondary physical features which emerge during puberty.</p>
Sexual and gender minorities	<p>People whose sex, gender, sexual orientation, gender identity, and/or gender expression differ from those of the majority of the surrounding society. Some organizations prefer "marginalized communities" or "underrepresented groups." These alternatives seek to avoid stigmatization and recognize the equality and diversity of all identities and communities. The term "minorities" could carry with it the connotation of being less important or significant.</p>



Sexual orientation



Photo: Mercedes Mehling on <https://unsplash.com>

Sexual orientation	The enduring capacity for profound romantic, emotional, and/or physical feelings for, or attraction to, a person(s) of a particular sex or gender. It encompasses hetero-, homo-, and bisexuality and a wide range of other expressions of sexual orientation.
SGM	Sexual and gender minorities
SOGI	Sexual orientation and gender identity
Trans masculine	A person whose sex assigned at birth was feminine but who identifies as masculine.
Trans feminine	A person whose sex assigned at birth was masculine but who identifies as feminine.
Transgender	A person whose sex assigned at birth does not match their gender identity. The term “trans” is often used as a shorthand.
Transphobia	The irrational fear of those who are gender variant and/or the inability to accept gender ambiguity. It also describes the discriminatory treatment of individuals who do not conform in presentation and/or identity to conventional conceptions of gender and/or those who do not identify with or express their assigned sex.

Notes: These definitions, commonly used by UN organizations and other global actors, vary depending on the cultural context. Sex, gender, and sexuality are often understood to fall along a spectrum and be fluid over time. This list is not exhaustive; new terms emerge regularly, and existing ones are redefined.

Annex 2. List of LGBTQ+ Organizations by Country

Argentina

- › [100% Diversidad y Derechos](#)
- › ACIDS Acción Ciudadana Integración Diversidad Sexual
- › APUEL
- › [ATTTA](#)
- › [Agrupamento Xango](#)
- › Área de Estudios Queer
- › Área de la Diversidad Sexual
- › [Centro Cristiano de la Comunidad GLTTB Asociación Civil](#)
- › [Colectivo por la Igualdad](#)
- › [Comunidad Homosexual Argentina](#)
- › [Conurbanxs por la diversidad](#)
- › [Deportistas Argentinos Gays - DOGOS](#)
- › [FALGBT](#)
- › [Facultad de Medicina GLB](#)
- › Futuro Transgenérico
- › [GayDatos.com](#)
- › [Grupo de mujeres de la Argentina](#)
- › [IGLHRC - Programa para América Latina](#)
- › [Judíos Argentinos Gays LGBT](#)
- › [Las Safinas Acción Lésbica](#)
- › [Movimiento Antidiscriminatorio de Liberación](#)
- › [Mujeres Trans Argentina](#)
- › [Nexo Asociacion Civil \(Grupo Nexo\)](#)
- › [Puerta Abierta](#)
- › [Secretaría de Diversidad Sexual del Partido Socialista](#)
- › [Sociedad de Integración Gay-Lésbica Argentina - SIGLA](#)

Bahamas

- › [Bahamas LGBT Equality Advocates](#)
- › [Bahamas Organisation of LGBTI Affairs](#)

Barbados

- › [Barbados Gays, Lesbians and All-](#)

[Sexuals Against Discrimination](#)

- › [EQUALS Inc](#)

Belize

- › [United Belize Advocacy Movement](#)
- › [Promoting Empowerment Through Awareness For Lesbian/Bisexual Women](#)

Bolivia

- › [ADESPROC Libertad GLBT](#)
- › [Associação Vivo en Positivo](#)
- › [Coletivo TLGB Bolivia](#)
- › [Coletivo Trans Las Divas](#)
- › Comitê Diversidades Sexuales y Genericas Cochabamba
- › EQUIDAD
- › [Fundación Igualdad LGBT](#)
- › [Fundación Diversencia](#)
- › [MANODIVERSA](#)
- › [Plataforma por la Diversidad](#)
- › [Travestís, Transgéneros y Transexuales Femeninas Bolivia](#)

Brazil

- › [ABGLT](#)
- › [ADEH-Nostro Mundo - Grupo de trabalho LGBTI](#)
- › AMHOR - Articulação do Movimento Homossexual do Recife
- › [Associação Brasileira Interdisciplinar de AIDS - ABIA](#)
- › [Associação Goiana de Gays Lésbicas e Transgéneros - AGLT](#)
- › [Associação das Travestis da Paraíba](#)
- › [Associação de Travestis de Salvador - ATRAS](#)
- › [Associação de Travestis do Piauí – ATRAPI](#)
- › [Câmara de Comércio Lésbica, Gay,](#)



Bissexual e Transgênero Brasileira (CCLGBTB)

- › CDG Brasil - Comitê Desportivo GLS Brasileiro
- › CORSA - Cidadania Orgulho Respeito Solidariedade e Amor
- › Centro de Luta pela Livre Orientação Sexual de Minas Gerais
- › Coletivo Feminista Marias
- › Coletivo de Feministas Lésbicas
- › Coletivo de Gays Mirindiba
- › Diversidade Paraíba
- › Estruturação – Grupo de Lésbicas Gays Bissexuais Travestis e Trans de Brasília
- › Grupo 28 de junho - pela cidadania Homossexual
- › Grupo Arco-íris do Delta
- › Grupo Arco-íris de Cidadania LGBT
- › Grupo Beija-flor
- › Grupo Cabo Free de Conscientização Homossexual
- › Grupo Contra o Preconceito
- › Grupo Dignidade
- › Grupo Fênix - Pojuca
- › Grupo Gay da Bahia
- › Grupo Habeas Corpus Potiguar
- › Grupo Homossexual da Periferia
- › Grupo Homossexual do Cabo
- › Grupo Humanus - Grupo LGBT de Itabuna
- › Grupo Livre-Mente
- › Grupo Pluralidade e Diversidade de Duque de Caxias
- › Grupo de Ação Pela Cidadania de GBLT
- › Grupo de Resistência Asa Branca
- › Inpar 28 de Junho- Instituto Paranaense 28 de Junho
- › Instituto Conscientizar
- › Instituto Edson Neris
- › Lésbicas Organizadas da Baixada Santista
- › Movimento Arco-íris da Sociedade

Horizontalina

- › Movimento Gay Leões do Norte - ABGLT
- › Movimento Homossexual de Belém - MHB
- › Movimento Salvador Pela Paz
- › Movimento de Lésbicas e Mulheres Bissexuais da Bahia
- › Movimento do Espírito Lilás - MEL
- › Micro Rainbow Brasil
- › ONG Grupo 7 Cores
- › ONG Reintegrando Vidas
- › ONG Visibilidade LGBT - São Carlos
- › PSTU
- › Rede de Informação Um Outro Olhar
- › Satyricon - Grupo de Apoio e Defesa da Orientação Social
- › Somos - Comunicação Saúde e Sexualidade
- › TABIRAH

Chile

- › Acción Gay
- › Agrupación Lésbica Rompiendo el Silencio
- › Asociación Pro Familia Aprofa
- › FADISE Chile
- › Fundación Iguales
- › GAHT - Grupo de Apoyo a Hombres Trans
- › HOD Chile - Judíos por la Diversidad
- › Ideas Sin Género - ISIG
- › MOVILH
- › Movimiento por la Diversidad Sexual - MUMS
- › OTD Chile - Organizing Trans Diversidades
- › Sindicato Nacional Luis Gauthier
- › Sindicato Nacional de Trabajadoras e Trabajadores Luis Gauthier
- › Transgéneras por el Cambio
- › Traveschile



Colombia

- › [Asociación Líderes en Acción](#)
- › [Corporación Red Somos](#)
- › [Cámara de Comerciantes LGBT de Colombia \(CCLGBTco\)](#)
- › [Caribe afirmativo](#)
- › Colectivo Leon Zuleta
- › [Colombia Diversa](#)
- › [Corporación Femm](#)
- › [Corporación El Faro](#)
- › [Corporación El Otro](#)
- › Diversidad Democrática
- › Fundación Proyecto Arco Iris LGBTI
- › [Fundación Social Gualanday - MIAU](#)
- › [Fundación Sucre Diversa](#)
- › [Fundación Amigos del Mundo LGBTI](#)
- › [Fundación Chaina](#)
- › Junio Unicidad
- › [Liberarte](#)
- › Mujeres al Borde
- › [ONG Fundación Diversidad](#)
- › Red de Apoyo a Transgeneristas
- › [Red de Minorías Sexuales - REDEMIS](#)
- › [Sentido](#)
- › Severa Flor
- › [Sergio Urrego Foundation](#)
- › [Siete Colores Bucaramanga](#)
- › Transcolombia

Costa Rica

- › [Asociación Comunidad Arco Iris](#)
- › [Cipac](#)
- › [Cámara de Comercio Diversa de Costa Rica](#)
- › Movimiento Diversidad Pro-Derechos Humanos y Salud
- › [Mulabi](#)
- › [Mujer y Mujer](#)

Dominican Republic

- › Alianza Nacional de Hombres Gay Trans y Otros HSH

- › [Amigos Siempre Amigos](#)
- › [Cámara de Comercio LGBT de la República Dominicana \(CCLGBTRD\)](#)
- › [Diversidad Dominicana](#)
- › [Transsa - Trans Siempre Amigas](#)

Ecuador

- › [Es Mii Familia](#)
- › [Ecuador LGBTI Chamber of Commerce and Tourism](#)
- › [FEDAEPS](#)
- › [FTM Gentlemen Brave of the Heart](#)
- › [Fundación Transgéneros Peninsular - FUTPEN](#)
- › Fundación Amigos por la Vida
- › Fundación Ecuatoriana por una Diversidad Incluyente
- › [Fundación Mujer & Mujer](#)
- › [Fundación Causana](#)
- › [Lunáticos Producciones](#)
- › [Organización Ecuatoriana de Mujeres Lesbianas OEML](#)
- › [Red Trans de El Oro](#)
- › [Silueta Cuenca LGBTI](#)
- › [Visión y Diversidad](#)

El Salvador

- › [Asociación Salvadoreña de Derechos Humanos - Entre Amigos](#)
- › [Asociación Salvadoreña de Mujeres Transgénero, Transexuales y Travestís / Dike LGBTQ+](#)
- › [COMCAVIS Trans](#)
- › [Espacio de Mujeres Lesbianas Salvadoreñas por la Diversidad - ESMULES](#)
- › [Jóvenes Voceras y Voceros por los Derechos Sexuales y Reproductivos](#)

Guatemala

- › [Colectivo Amigos Contra el SIDA](#)
- › [Organización Apoyo Sexualidad](#)



- › [Integral frente al Sida](#)
- › [REDMMUTRANS Guatemala](#)
- › [Red Centroamérica de Hombres Trans](#)
- › [Red Nacional de Diversidad Sexual y VIH de Guatemala](#)
- › [Trabastidores](#)

Guyana

- › [Guyana RainBow Foundation Inc.](#)
- › [Guyana Trans United](#)
- › [Society Against Sexual Orientation Discrimination \(SASOD\)](#)

Haiti

- › [Arc-en-ciel d'Haiti](#)
- › [Association des jeunes luttant contre la discrimination et la stigmatisation](#)
- › [Ma liberté](#)

Honduras

- › [Asociación Lésbica Gay ARCOIRIS de Honduras](#)
- › [Asociación Colectivo Violeta](#)
- › [Centro para el Desarrollo y la Cooperación LGTBI -Somos CDC-](#)
- › [Comunidad Gay Sampedrana Para La Salud Integral](#)
- › [Grupo Artemisa Honduras](#)

Jamaica

- › [Quality of Citizenship Jamaica](#)
- › [TransWave Jamaica](#)
- › [Women's Empowerment for Change](#)
- › [J-FLAG - Jamaica Forum for Lesbians, All-Sexuals and Gays](#)

Mexico

- › [Almas Cautivas](#)
- › [Acción Ciudadana de Construcción Nacional AC](#)
- › [Agencia de Noticias sobre Diversidad Sexual](#)

- › [Agenda LGBT A.C.](#)
- › [Asistencia Legal por los Derechos Humanos A.C.](#)
- › [BI Positivo](#)
- › [Calmecac Alianza Ciudadana A.C.](#)
- › [Centro de Apoyo a las Identidades Trans A.C.](#)
- › [Colectivo Binni Laanu A.C.](#)
- › [Colectivo Seres A.C.](#)
- › [Colectivo Sol - CIDHOM](#)
- › [Colega O. A.C. Colectivo Gay de Occidente A.C.](#)
- › [Comisión Nacional de Diversidad Sexual PRD](#)
- › [Comité Estatal de Diversidad Sexual de Colima \(CEDISE\)](#)
- › [Comité Orgullo Puebla](#)
- › [Comunidad Orgullo GLBTI Tijuana Mexico](#)
- › [Comunidad Metropolitana A.C. nzex COMAC](#)
- › [Condomvil AC](#)
- › [El Closet de Sor Juana](#)
- › [Fundación Arcoiris por el Respeto a la Diversidad Sexual](#)
- › [Federación Mexicana de Empresarios LGBT \(FME-LGBT\)](#)
- › [Género Ética y Salud Sexual AC](#)
- › [Grupo Gayente A.C.](#)
- › [Grupo Lésbico Universitario](#)
- › [Grupo Opción Bisexual](#)
- › [Grupo de acción información y reflexión Ambiente Texcoco](#)
- › [Guadalajara Gay Radio](#)
- › [Humana Nación Trans](#)
- › [I Love Cancún Pride Parade - ILCPP](#)
- › [Inspira Cambio A.C.](#)
- › [Jóvenes por una Salud Integral A.C.](#)
- › [Las Reinas Chulas Cabaret y Derechos Humanos AC](#)
- › [Letra S sida cultura y vida cotidiana A.C.](#)
- › [Litigio Estratégico en Derechos](#)



Sexuales y Reproductivos A.C.

- › Morelos Sin Discriminación
- › Musas de Metal Grupo de Mujeres Gay A.C.
- › No Dejarse es Incluirse AC
- › Palomilla Gay
- › Patlatonalli A.C.
- › Prodiana A.C
- › Promoción para el Desarrollo y Juventud A.C.
- › RDfine Colima
- › Red + Positiva de Quintana Roo A.C.
- › Sociedad y Cultura Derechos Humanos y Desarrollo Social
- › Transformarte 2.0 A.C

Nicaragua

- › Alternativa Nicaragüense de Diversidad Sexual
- › Asociación Nuevos Horizontes Nicaragua
- › Centro Nicaragüense para el Desarrollo Humano
- › Centro para la Educación y Prevención del SIDA
- › Comunidad Homosexual de Nicaragua (CHN)
- › Fundación Xochiquetzal
- › Grupo Lesbico Nicaraguense Safo
- › Iglesia de la Comunidad Metropolitana de Nicaragua
- › Iniciativa desde la Diversidad Sexual por los DDHH
- › Procuraduría para la Defensa de los Derechos Humanos
- › Youth Association Decide
- › Colectivo Junvenil
- › Red de Desarrollo Sostenible (Nicaragua)

Panama

- › Asociación Hombre y Mujeres Nuevos de Panamá
- › Asociación Nuevos Horizontes GLBTIO
- › Grupo Génesis Panamá Positivo
- › Nuevos Horizontes GLBTIO

Paraguay

- › Grupo - Centro de Investigación y Educación Sexual
- › Paragay
- › SOMOSGAY

Peru

- › Asociación Civil Alma Chalaca
- › Asociación Despertar
- › Asociación de Gays Feministas El Club de Toby
- › Asociación Amigas por Siempre Promoviendo Tus Derechos
- › Asociación Angel Azul
- › Asociación Civil Amistad y Respeto
- › Asociación Civil Diversidad San Martinense
- › Ciudadaniasx
- › Colectivo Claveles Rojos
- › Colectivo ContraNaturas
- › Colectivo Uniones Peru
- › Diario de Lima Gay
- › EMPODERADXS
- › Grupo de Mujeres Diversas
- › Instituto Encuentros
- › Instituto Runa de Desarrollo y Estudios sobre Genero
- › Kolektiva Rebeldas
- › K´anchay Killa SAC
- › LGBT LEGAL PERU
- › Las Mil Manos de la Solidaridad
- › Lesbianas Unidas Activistas de Piura
- › Lesbianas Independientes Feministas Socialistas
- › Movimiento Homosexual de Lima



- › [Movimiento Trans del Peru](#)
- › [Mujeres de Otra Índole](#)
- › [No Tengo Miedo](#)
- › [PROMSEX](#)
- › [Plural Peru](#)
- › [Programa de Soporte a la Auto Ayuda de personas con VIH – sección LGBTI](#)
- › [RED LGTB Arequipa](#)
- › [Radio Mujeres](#)
- › [Raiz 2.0](#)
- › [Red Das Con Equidad \(LGBT\)](#)
- › [Vida-Integración-Desarrollo-Amor](#)

Suriname

- › [Stichting LGBT Platform Suriname](#)
- › [Suriname Men United](#)

Trinidad and Tobago

- › [Coalition Advocating for Inclusion of Sexual Orientation \(CAISO\)](#)
- › [FreePride Foundation Project](#)
- › [I Am ONE Trinidad and Tobago](#)
- › [Trinidad and Tobago Transgender Coalition](#)
- › [Red Initiatives](#)
- › [Silver Lining Foundation](#)

Uruguay

- › [Asociación de Minorías Sexuales del Uruguay - A.MI.SE.U.](#)
- › [Cámara de Comercio y Negocios LGBT de Uruguay \(CCNLGBTU\)](#)
- › [CIEI-SU](#)
- › [Corazón Solidario - LGBT Uruguay](#)
- › [Centro de Estudios de Género y Diversidad Sexual - CEDEGSEX](#)
- › [Colectivo Diversidad](#)
- › [Durazno Diverso](#)

Venezuela

- › [A.C Orgullo GLBT Venezuela](#)
- › [AC Venezuela Igualitaria](#)
- › [Acción Zuliana por la Vida](#)
- › [Alianza Lambda de Venezuela](#)
- › [Asesoría en Educación y Salud de Venezuela - ASES](#)
- › [Base Lésbica Venezuela](#)
- › [Bloque Socialista Unido de Liberación Homosexual](#)
- › [Colectivo Almas](#)
- › [Divas de Venezuela](#)
- › [Diversidad e Igualdad a través de la Ley](#)
- › [FESTDIVQ- Festival Venezolano de Cine de la Diversidad](#)
- › [Fundación Integral Por la Vida Ernesto Patty Velázquez](#)
- › [Fundación Reflejos de Venezuela - FRV](#)
- › [Fundación Venezolana de Apoyo a la Diversidad Sexual](#)
- › [Fundación para el Desarrollo Integral](#)
- › [Maturin es Diversidad](#)
- › [Movimiento Somos](#)
- › [Movimiento la Cultura es Diversa](#)
- › [Unión Afirmativa de Venezuela](#)
- › [Venezuela Diversa Asociación Civil](#)

Annex 3. Legal Overview by Country

Country	Same-sex relations legal	Specifications on illegality of same-sex relations		Legal Protections against discrimination and violence of LGBT persons						Relationship recognition				Gender recognition
	Country has legalized same-sex relations	Same-sex relations	Same-sex relations	Specific mention of protection in country's constitution	Protection against discrimination of LGB-TI people	Protection against discrimination based on sexual orientation in	Specific legal provisions on Hate Crimes based on sexual orientation	Prohibition of Incitement based on Sexual Orientation (hatred or violence)	Ban of Conversion Therapy	Marriage	Civil recognition	Joint adoption	2nd parent adoption	Chance of name/ gender
Argentina	X				(X)	(X)	X			X	(X)	X	X	X
Bahamas	X													
Barbados		X	X											
Belize	X													X
Bolivia	X			X	X	X	X	X						X
Brazil	X			(X)	X	X	X	(X)	X	X	X	X	X	X
Chile	X				X ¹	X	X			(X)	X			X
Colombia	X				X ¹	X	X	X		X	X	X	X	X
Costa Rica	X					(X)				(X)	(X)			X
Dominican Republic	X													
Ecuador	X			X	X ¹	X	X	X	X	X	X			X
El Salvador	X					(X)	X							
Guatemala	X													
Guyana		X												
Haiti	X													

Annex 3. Legal Overview by Country

Country	Same-sex relations legal	Specifications on illegality of same-sex relations		Legal Protections against discrimination and violence of LGBT persons						Relationship recognition				Gender recognition
		Same-sex relations	Same-sex relations	Specific mention of protection in country's constitution	Protection against discrimination of LGB-TI people	Protection against discrimination based on sexual orientation in	Specific legal provisions on Hate Crimes based on sexual orientation	Prohibition of Incitement based on Sexual Orientation (hatred or violence)	Ban of Conversion Therapy	Marriage	Civil recognition	Joint adoption	2nd parent adoption	Chance of name/ gender
Honduras	X				X	X	X	X	X					
Jamaica		X												
Mexico	X			X	X	X	(X)	X		X	(X)	(X)	(X)	(X)
Nicaragua	X				X	X	X							
Panama	X													X
Paraguay	X													
Peru	X				X	X	X	X						X
Suriname	X				X	X		X						
Trinidad and Tobago	X													
Uruguay	X				X	X	X	X		X	X	X	X	X
Venezuela	X					X							(X)	

Source: Mendes (2019).

- For countries where same-sex intimate relations are not legal, illegality is defined under "sodomy." Each country has its own definition of sodomy, historically used to describe sex between men, but may also be applied to sex between women or sex involving trans people.
- Includes protections for trans identities (Source: Transgender Europe <https://transrespect.org/en/map/anti-discrimination/?submap=trans-identities-explicitly-included>).

() The geographic difference or sentence/court decision overruling the law.



Annex 4. Ethical and Safety Considerations ^[9]

The process of identifying GBV risks and defining prevention and mitigation measures should be carried out with the participation of key stakeholders starting with LGBTIQ+ organizations. Due to the sensitivity of the subject, care should be taken to ensure that the process is considerate of social norms and does not create tensions or added risks for LGBTIQ+ communities.

Due to the widespread social stigma and exclusion that LGBTQ+ people face, any engagement with this community should be guided by some basic ethical considerations, including the following:

- › Confidentiality, safety, and privacy should drive all project decisions to prevent LGBTQ+ people from suffering additional violence.
- › Necessary project-related information should be disclosed in a transparent and accessible way, including SOGI-related risks identified by the project.
- › Ethical research standards related to the confidentiality, safety, and privacy of LGBTQ+ people should be at the forefront. ^[10]

Examples of Potential SOGI-specific Risks

The following examples are intended to illustrate how SOGI-specific project risks might negatively affect LGBTQ+ people and to facilitate a better understanding of the potential implications of these safeguards.

- › **Discriminatory laws:** Criminalization based on sexual orientation, same-sex interactions, gender identity, or nonconforming gender expression can significantly limit LGBTQ+ people's ability to access project benefits and exponentially increase any project-related risks. In these situations, LGBTQ+ people tend to live in hiding, avoiding any interaction with public institutions and the services they provide. Any project operating under such circumstances therefore risks reinforcing this exclusion and should find ways to make services accessible to LGBTQ+ people. Such laws could also impact the ability of LGBTQ+ people to participate in resettlement programs or GRMs. In countries with discriminatory laws, the ESIA should rigorously apply a SOGI lens to all projects to identify and mitigate these risks.
- › **Involuntary resettlement:** LGBTQ+ population tend to live in marginalized areas. An infrastructure project that involves involuntary resettlement could affect LGBTQ+ people's existing support networks, increasing their financial precarity and safety.

⁹ This Annex was originally part of the draft Technical Note on Sexual Orientation and Gender Identity Inclusion in Latin America and the Caribbean prepared by Dominik Koehler (SOGI Inclusion consultant).

¹⁰ LGBT Foundation. [Ethical research: good practice guide to researching LGBT communities and issues](#). 2022



- › **Lack of legal gender recognition:** In the absence of legislative frameworks that fully recognize transgender people, many of them may not have access to an ID that matches their gender identification (name, sex, or photograph). This may lead to the exclusion of transgender people from project benefits, such as access to a health clinic or participation in social protection programs. In some cases, transgender people might even be arrested because they are accused of possessing a “fake” ID. This lack of proper identification could limit their access to land titles, which could complicate their participation in resettlement programs.
- › **Family definition and lack of same-sex partnerships:** Traditional definitions of the family as the union of a man and a woman and the absence of legislation around same-sex partnerships could exclude some LGBTQ+ people from benefiting from certain social protection programs, resettlement programs, or pension programs that build on such an understanding, or may require proof of a registered partnership. Some projects may depend on local mechanisms to identify/verify the eligibility of recipients of such programs. In these cases, social stigma and discrimination are likely to lead to the exclusion of LGBTQ+ people and their families from such programs. In circumstances where a project provides such services, it is important to ensure that an appropriate mechanism is provided for LGBTQ+ people to access these programs by using a different definition of the family that allows same-sex partners (and their families more broadly) to register under the project. This should include appropriate outreach and information campaigns, the training of public officials, and other efforts to ensure that LGBTQ+ people are aware of the programs and that potential discrimination is minimized.
- › **Naming:** The way we name can be a source of discrimination. The right to change one's name and sex is relevant because not having official documents that match one's identity is one of the main sources of discrimination for transgender people. By denying them access to a legal name change, they are exposed to situations of exclusion and stigmatization, which may include: expulsion from educational institutions on the grounds that individuals are failing to comply with personal presentation requirements specific to their gender; accusations of fraud in the work environment, as official titles may not match the person's current name and identity; assignment to gender-segregated facilities based on their assigned sex at birth and not their gender identity in shelters or detention centers, which puts trans women (i.e., persons assigned to the male gender at birth) at very high risk of sexual and physical violence; denial of health services, including sexual and reproductive services, and services related to their gender transition, among others.
- › **Sexual and gender-based violence:** Violence against sexual and gender minorities is often the result of a rejection of people who do not adhere to traditional gender norms and the ways in which LGBTQ+ people contest these norms. SOGI-based



violence can, therefore, be considered a form of gender-based violence (GBV). The increased attention that GBV has received, especially in large infrastructure projects, is an important entry point to begin to address violence against LGBTQ+ people in the LAC region. Large influxes of outside labor are likely to increase the already high risk of SOGI-based violence, including sexual violence and exploitation. Measures to prevent GVB should include efforts to reduce stigma against LGBTQ+ people by educating and sensitizing project workers. Including SOGI non-discrimination language in standard bidding documents and codes of conduct for companies and their workers is an important tool to mitigate potential risks. Measures to support victims of GBV should be accessible to LGBTQ+ people and, where necessary, specific services to LGBTQ+ victims of violence should be provided. It is important to work with LGBTQ+ organizations to ensure that these services are accessible and that victims feel safe to come forward and seek support. As with other cases of GBV, confidentiality and empowerment of the victim are key elements that need to be guaranteed for LGBTQ+ people as well. Projects with a heightened risk of GBV should include a related indicator that specifically considers violence against sexual and gender minorities.

- › **Grievance redress mechanisms:** Social stigma and exclusion of LGBTQ+ people are often inherently built into GRMs if no specific steps are taken to address the underlying homo-, bi-, trans-, and intersex phobia of those responsible for managing these processes. Training and protocols on how to handle complaints from LGBTQ+ people need to be built into the design of all GRMs. In particularly hostile environments, a separate GRM for LGBTQ+ people might be necessary and should be set up in close consultation with LGBTQ+ organizations. GRMs that address GBV should be equipped to refer to sexual and gender minorities to service providers who have the capacity and knowledge to address the unique needs of LGBTQ+ victims of GBV. The loan agreements standard clauses include the mandate to develop and enforce a Code of Conduct on SGBV in all projects, to strengthen compliance.
- › **Sex work and sexual exploitation:** Many LGBTQ+ people, especially the most marginalized, rely on sex work and forced prostitution to generate income ^[11]. Projects that result in large influxes of outside labor or generate extensive tourism might reinforce these trends. At a minimum, these projects should include active stakeholder engagement with LGBTQ+ sex workers during project design and implementation. Projects should provide necessary information to sex workers around safe sex and provide appropriate access to health services, including HIV prevention and treatment. Sexual violence and exploitation could easily lead to sexual trafficking, hence the importance of appropriately addressing and acknowledging these issues. GBV measures need to be SOGI sensitive, and GRMs should be open and accessible to LGBTQ+ people.

¹¹ It is worth clarifying that a distinction is made between sex work done out of choice and forced sex work in the different contexts and scenarios that can take place.



Considering that many borrowers do not have a policy to prevent and respond to SGVB towards LGBTIQ+ populations or lack the mechanisms to assess and enforce contractors' compliance with this policy, Social Inclusions Plans that go hand in hand with other Mitigation Plans are another opportunity to address and mitigate SGVB and LGBTIQ+ discrimination once the GA has been carried out accordingly.

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