



Ministry of Planning and Investment (MPI)

Government of Lao PDR

GUIDELINES AND CHECKLISTS FOR GENDER IN PUBLIC-PRIVATE PARTNERSHIPS IN LAO PDR GRANT 0309

August 2014

DRAFT



Supported by the Asian Development Bank

GRANT-0309 LAO

Governance and Capacity Development in Public Sector Management Program (Public Private Partnerships)

Table of contents

- 1. Introduction 1
 - 1.1. Legal Frameworks Checklist for Gender.....1
- 2. GUIDELINES FOR MAINSTREAMING GENDER INTO PPP 's 2
- 3. PPP Programme Level Gender Checklist GRANT 0309 3
- 4. PPP Pilot Level Gender Guidelines and Checklists s 5
- 5. PPP PILOT Project Gender Impact Assessment Checklist..... 6
- 6. PILOT Project Gender Impact Screening Matrix..... 7

1. INTRODUCTION

The ADB provides comprehensive guidelines and checklists for mainstreaming gender into its supported projects and encourages the design of Gender Action Plans (GAPS) within them. More tailored guidelines and checklists have been prepared in the Public Private Partnerships in Lao PDR Grant project 039. These guidelines and checklists have been provided to MPI PPU staff, together with training tools .

It is important to note, however, that the main grant program is a design project to develop policy for future PPP projects and is to identify 4 pilots. These may not be adequately identified before the closure of 0309. Efforts have been made to provide guidelines whose relevancy which may differ from those needed for the main grant project and those that are PP pilot projects. Similarly checklists may be more relevant to the pilots than the main Grant project 0309.

There are two clear issues to note in developing gender entry points in pilots. While the PPP Decree speaks to promoting gender, the very nature of the pilots may be limited at this point to complex financial modalities, which may in themselves, have little gender differentiation. But gender issues would be seen in overall impacts the pilots may bring and in specific areas of the pilots, such as in *Construction* and *Local Content in Output Specifications*. Here there may be more scope to provide gender entry points particularly in employment promotion and access to affordable basic services.

1.1. Legal Frameworks Checklist for Gender

When the project began, the IGE sent to all MPI staff a simple summary of gender considerations to look for in any project related to “regulatory or legal” regulations(such as the Decree) or that could affect projects. This took the form of a series of “questions” to ask related to the project 0309 as the PPP Decree was being prepared-see below, drawn from the ADB Gender Law and Policy in ADB operations.

SAMPLE CHECKLIST For Integrating Gender in Legal/Regulatory Impact Assessments (such as PPP Legal Frameworks)

To integrate a gender perspective in impact assessments of proposed adoption or changes in laws, regulations, or regulatory processes, consider the following questions:

- **What are the main laws and regulations governing the sector? Do these laws/regulations contain any explicit references to men/women, or boys/girls?**
- . If so, are any of these provisions explicitly biased or discriminatory?
- .If the laws/regulations contain special measures to narrow gender disparities, have these been effective? If not, what have been the weaknesses or obstacles?
- **Does the legal/regulatory framework contain any implicit gender biases or provisions that could disadvantage women? For example, does the law/regulation:**
 - allocate rights or entitlements only to heads of household, landowners, full-time registered workers, members of particular user groups, or decision-making bodies, who are more likely to be men?
 - condition rights or entitlements on a certain educational level, or on basic literacy or numeracy? Are these requirements necessary?
 - require an identity card or other documentation to access services? Are these documents necessary? Are they easy for both women and men to obtain?
 - require collateral to obtain credit? Are there alternative ways to provide security?
 - establish connection charges, registration fees, user fees, or other financial requirements to access services?
- **What changes in the legal/regulatory framework are proposed under the program/project?**

- Will these changes address gender biases or gaps?
 - Could any of these changes inadvertently disadvantage women or men (see above)?
 - **Do any other formal or informal barriers restrict women in accessing services or otherwise benefiting from the program/project? For example:**
 - are women excluded or absent from key decision-making bodies, *user groups*, or dispute settlement mechanisms relevant to the program/project?
 - do women need their husband's or someone else's permission to participate in any activities supported by the program/project?
 - do women or men lack the time, *financial resources*, experience, or confidence to participate in activities supported by the program/project?
 - **What measures could be taken under the program/project to address gender biases or gaps or other barriers to women's participation in the sector? For example, could the program/project**
 - support the amendment or repeal of discriminatory laws, or issuance of supplemental regulations or directives?
 - establish new organizations or institutional mechanisms, or improve the accessibility and responsiveness of existing institutions?
 - correct any gender imbalances, discrimination, poor working conditions, or inadequate facilities in sector organizations?
 - provide training to government staff on proper implementation and enforcement of relevant laws and regulations?
 - raise awareness among community leaders and women's groups about women's rights and entitlements under the relevant laws/regulations?
 - provide legal assistance or other support to women and women's groups to claim their rights and entitlements?
- Source: ADB. 2006. *Gender, Law, and Policy in ADB Operations: A Tool Kit*. Manila

2. GUIDELINES FOR MAINSTREAMING GENDER INTO PPP 'S

The following Guidelines need to be considered in mainstreaming Gender in PPP projects:

PLANNING of 0309

- Engagement of Gender specialist by Implementing Agency to conduct gender analysis and GAD plan preparation;
- Include responsibilities on GAD plan implementation in the TOR of transaction advisers;
- Prepare strategies and mechanisms to implement the gender action plan (GAD) and any budget required by Implementing agency;
- Develop Gender mainstreaming guidelines specific for the PPP sectors.

POLICY/ PROMOTION of 0309

- Briefing of PPP Center staff and Implementing agency case handlers on Gender mainstreaming and GAD;
- Include a separate section on Gender mainstreaming guidelines in the PPP manual;
- Conduct workshop orientation for bidders on guidelines on gender;
- Include women GAD expert as members of the external monitoring team for PPP projects;

DURING IMPLEMENTATION OF PPP PILOT PROJECTS (after 0309)

- Hiring of Gender a specialist(s) by PPP Center to oversee mainstreaming compliance and GAD plan implementation by Implementing Agency;

- Conduct consultation and encourage participation of local women’s organizations in project identification, gender analysis and GAD planning;
- Collection of sex disaggregated data for gender analysis by Implementing agency’s Gender specialist and trained support staff;
- Include a Gender component in the PDMF for every one of its Feasibility Studies;
- Establish a registry of gender specialists where possible;

3. PPP PROGRAMME LEVEL GENDER CHECKLIST GRANT 0309

At the level of the Grant 0309, the following activities will be held or have been completed. It serves as a gender checklist for the project as a whole. It will be driven by the IGE but in coordination with the three gender focal points, as well as MPI staff related to the Project in the PPP Unit.

CHECKLIST FOR MAINSTREAMING GENDER IN LAO PPP’s FRAMEWORK (Adapted from ADB model)		
LAO GRANT 0309 GOVERNANCE & CAPACITY STENGTHENING IN PUBLIC SECTOR MANAGEMENT PROGRAM PPPS IGE		
Project Stage	ADB Guidelines on Gender in PPPs suggest:	Status completion for Lao 0309 PPP’s
Project identification Stage	Prepare a project concept note or initial project profile <ul style="list-style-type: none"> • Collect sex disaggregated data • Conduct stakeholder analysis and gender analysis • Screen project impacts on gender • Identify issues concerning gender equality, benefits and women empowerment • Formulate strategies to address gender issues that could possibly be spawned by a PPP project 	IGE Inception report Stats from Savannakhet Gender assessment Ed & Health sectors & follow up Mission 2 Mission two-interviews and Team set up Screen impact checklist set up Mission 2 Preliminary. Gender Issues to consider for both PPPs Preliminary. Gender Issues and suggested strategies to formulate Mission 2
Preliminary Design stage	<ul style="list-style-type: none"> • Prepare a project design integrating GAD concerns • Prepare a Gender responsiveness checklist for sector PPP projects • Assess PPP project design using checklists to determine its responsiveness to GAD • Prepare a simple GAD plan for 	Done for main project 0309 Checklists prepared for pilots

	<p>sector PPP pilot projects with the following minimum contents:</p> <ul style="list-style-type: none"> ○ explicit gender equality goals, objectives and outcomes; ○ issues and strategies; ○ programs and projects; ○ budget estimates; if required ○ monitoring and evaluation plans 	
Feasibility Study	<ul style="list-style-type: none"> • Incorporate Gender responsiveness in the TORs of the consulting firms preparing Feasibility Studies (FS) and the Design and Monitoring Framework for the PPP project • Assess potential impacts of the project’s design using a Project impact checklist for gender • Prepare a separate chapter on GAD in the Feasibility Study 	<p>Within pilots but checklists developed</p> <p>Impact assessment checklist done for pilots</p> <p>Impact screening matrix done for pilots</p>
Tendering & Contracting	<ul style="list-style-type: none"> • Include Gender data collection as part of the TOR for the contract manager • Conduct briefing and seminars for the private sector on the GAD component of PPP projects 	<p>To be undertaken Mission 4</p>
Construction	<ul style="list-style-type: none"> • Prepare periodic reports by the private sponsor on statistics needed to be tracked (e.g., number of women employed and benefitted by the project) • Monitor compliance of contractors with performance standards established 	<p>Within pilots</p>
Monitoring and Evaluation	<ul style="list-style-type: none"> • Formulate strategies and measures to safeguard women’s rights and enhance equal opportunities with men using the results of project evaluation • Develop sex disaggregated monitoring and performance indicators for Gender • Develop a M&E system including a reporting system for Gender - Generate format for regularly performance reports on gender 	<p>-Within main project 0309</p> <p>-Within pilots</p>

	<p>progress</p> <ul style="list-style-type: none"> • Monitor compliance of the PPP project to GAD plan • Evaluate performance of gender indicators 	
--	--	--

4. PPP PILOT LEVEL GENDER GUIDELINES AND CHECKLISTS

Because the Grant 0309 extends to the mainstream design project that further identifies 4 pilots, the pilots may still be in a very early stage, without a private sector bidder or public sector partner fully identified. Hence every effort has been made to ensure the implementation process (Bidding documentation and Pre-feasibility studies) identifies and support gender considerations.

Pilots, when they are developed, may need a simpler construction of gender with key questions to direct this.

- Prepare a Gender Action Plan for sector *PPP pilot projects* with the following minimum contents:
 - Be explicit about gender equality goals, objectives and outcomes; (be looking for basic services access and employment opportunities her as per the PPP Decree and target this)
 - key gender issues (what impediments might face women and girls from accessing more affordable services or gaining more equal employment opportunities?)
 - Gender strategies; (what can the project do to ameliorate this? (How to fix)
 - programs and projects; (are any required and can downstream
 - budget estimates; (strongly recommended to kick start gender through studies or data collecting)

5. PPP PILOT PROJECT GENDER IMPACT ASSESSMENT CHECKLIST

LAO 0309 GRANT PPPs Potential Project Impact Assessment Checklist			
This matrix tool is useful for assessing the potential impacts of the proposed PPP pilot projects during its implementation stage on identified gender indicators and for formulating the strategies and measures to mitigate or avoid negative impacts .			
Checklist of Gender Indicators	YES	NO	Strategies to improve (Action Plan)
Will the PPP pilot project.....			
1.Improve physical welfare of women and girls in terms of:			
lower incidence of malnutrition, morbidity, and mortality among girls			
improved functional literacy females, particularly in rural areas and among indigenous peoples groups			
improved school participation of girls at various levels			
2. Promote equal access of women and men to development opportunities in terms of:			
employment generated by the PPP project			
resources, and benefits, which implies the removal of constraints, barriers, and various forms of gender-based discrimination with respect to women’s access to PPP resources			
3. Greater understanding of women’s rights and endowments in PPPs in terms of:			
Enacting commitment of GOL by recognizing, protecting, and fulfilling rights, and endowments, particularly of women and girls to PPP benefits			
4. Growing participation of women in bodies or organizations created by PPP projects			
5.Growing recognition equality of both women and men to resources, processes and outcomes of development of PPPs.			

6. PILOT PROJECT GENDER IMPACT SCREENING MATRIX

Lao Grant 0309 PPP Project Impact Screening Matrix						
Gender Concerns	Potential Impacts of PPP project			Magnitude of Impacts		
The PPP project will affect:	Positive	Negative	Uncertain	Low	Medium	High
Equal Rights and access of women to:						
health						
housing						
land						
natural resources						
food						
decent work						
livelihoods						
credit & capital						
ownership of assets						
education and training						
information						
Social protection						
Cultural Identity:						
roles						
traditional work displacement						
Traditional habitat displacement						
Safety from natural and man- made disasters:						
floods						
earthquakes						
toxic hazards						
chemical pollution						
Other:						

INSTITUTIONAL CAPACITY STRENGTHENING-DEVELOPMENT OF PPP's in MPI/MOES/MOH**CHECKLIST OF STEPS TO UNDERTAKE BY IGE**

ACTION	COMPLETION
Engagement of Gender specialist by Implementing Agency to conduct gender analysis and GAD Action plan preparation	Undertaken by REBEL acc to ADB TORS and IGE specialist hired 2013
Hiring of Gender a specialist(s) by PPP Center to oversee mainstreaming compliance and GAD Action plan & implementation by Implementing Agency;	When PPP centre set up to act as secretariat, IGE specialist will assist MPI in PPP Centre by ensuring on-going gender mainstreaming capacity invested locally for ensuring gender in future PPPs. (Ang?)
Collection of sex disaggregated data for gender analysis by Implementing agency's Gender specialist	Contained in Gender Assessment for both sectors by IGE but followed up Mission two in interviews with MOH and Savannakhet University
Conduct consultation and encourage participation of local women's organizations in project identification, gender analysis and GAD planning;	- IGE met Lao Women's Union rep and Lao Businesswomen's Org in Mission One-IGE to meet gender focal points of NCAW in MOH and MOES in Mission Two; meet the NGO GRID
Build a cadre of gender specialists within PPP projects	-Identify and meet MOES Gender Team Mission 2-Identify and meet MOH Gender Team Mission 2
Establish a registry of gender specialists/local women's organizations	-Met GRID and brief on project-identify possible M & E specialist
Develop Gender mainstreaming guidelines specific for the PPP sectors.	-Adapt guidelines from ADB Guidelines on PPPs that apply and present in training workshop (Mission Two)
Conduct workshop orientation for implementing Ministries on guidelines on gender MPI/MOES/MOH	Plan a training workshop for 3 ministries Mission TwoCross transfer train Gender focal points in MOES and MOH for pilots
Include a GAD assessment for every one of its Feasibility Studies;	-Had inserted in Decree-Prepared (Pre?) Feasibility Study Checklist for Gender (Mission two)
Assist and Ensure Gender inserted in PPP decree	Reviewed and added two sentences acc to Decree acc to ADB policy and separate gender assessment added to Pre feasibility studies
Assist and Ensure gender in PPP manual (REBEL)	Planned for Mission 3
Assist and Ensure gender in Document Briefing package to bidders (MPI)	Planned for Mission 3
Prepare strategies and mechanisms to implement GAD budget by Implementing agency; i.e. separate budget for gender activities	Assess if feasible with MPI
Include responsibilities on GAD plan implementation in the TORs of bidders	Insert in tendering bids Mission 3
The GAD Action plan for sectoral PPP projects (Project Categories B) is included in the contract of PPP project contractors	Planned Mission 3
Include women GAD expert as members of the external monitoring team for PPP projects;	Investigate if possible- suggest GRID resource person, otherwise prepare format for gender experts from MOES and MOH
Conduct a special study on evaluating the impacts of Gender mainstreaming on financial and economic performance of the PPP project and to the profitability of the private investors	To Be Determined if required