

19 January 2023

World Bank Group Board of Executive Directors
1818 J Street, N.W.
Washington, D.C. 20433

Cc: Makhtar Diop, IFC Managing Director
Janine Ferretti, CAO Director General

Re: IFC's Response to Project Related Child Sexual Abuse at Bridge Schools

Dear President Banga and World Bank Group Executive Directors,

We are writing in support of CAO complainants who survived sexual abuse while they were students at Bridge International Academies (“the Bridge-04 Survivors”).

Investments from IFC (and others) were designed to fuel the rapid growth of Bridge schools, yet for years IFC took limited steps to ensure that Bridge was managing risks of child sexual abuse associated with its business. When incidents of abuse were reported, IFC turned a blind eye. Finally, despite being aware of its failures, IFC exited its investments in Bridge without taking any measure to ensure that children who were abused by Bridge staff received recompense or rehabilitation assistance.

Now, instead of developing a management action plan (MAP) that adequately and appropriately addresses the harm suffered by the Bridge-04 and other survivors, IFC proposes a “collective approach” to remedy. There are reportedly dozens of (and likely many more) Bridge students who have and are suffering long term harm because they were sexually abused by their teachers. The harm that these children suffered at the hands of Bridge staff is severe and deeply personal. IFC contributed to this harm through flagrant and persistent non-compliance with its Environmental and Social Policies. The proposition that this harm can be remedied by supporting GBV prevention and rehabilitation services solely at the community level is unacceptable and completely ignores the individual needs that should be addressed to ensure redress for all those directly affected.

We attach a letter from survivors of child sexual abuse at Bridge schools who have filed eligible complaints with the CAO, which they have instructed us to send to you. As set out in the letter, their priorities include accessing the financial resources and rehabilitation support necessary to remedy the harm that they suffered while attending Bridge schools. They also request an opportunity to provide feedback on the MAP before it is approved by the Board.

Considering the feedback we have received from Bridge survivors and international good practice as relevant to redress for the impacts of child sexual abuse, the IFC MAP requires revision as follows:

- (1) IFC should acknowledge that it contributed to the harm suffered by survivors of sexual abuse at Bridge schools;
- (2) IFC should support the establishment of a redress process that provides remedy (including financial support and other assistance needed to repair the harms suffered) specifically to Bridge survivors;
- (3) IFC should contribute financially to the redress process in a manner that is commensurate to its contribution to the harm;
- (4) IFC should use its legal leverage and convening power to bring Bridge (and Bridge's other investors) to the table to support the redress process;
- (5) IFC should support a survivor-centric outreach program to ensure that all survivors of sexual abuse at Bridge schools in any of its countries of operation have the opportunity to come forward and receive support; and
- (6) IFC should ensure that the Bridge-04 survivors who have come forward to the CAO have an opportunity to provide feedback on the MAP before it is approved.¹

We urge Executive Directors to reject the MAP and instruct IFC to resubmit after addressing its shortcomings as outlined above. As an interim measure, however, pending completion of the MAP, IFC should support a GBV service provider to respond to urgent material and mental health needs as identified by the survivors.

The annex provides a more detailed elaboration of our concerns with the MAP considering the inputs we have received from the Bridge-04 Survivors and an analysis of relevant sources of good practice.

Sincerely,

Wangu Kanja, Executive Director
Wangu Kanja Foundation

Lani Inverarity, Interim Executive Director
Accountability Counsel

Kate Donald, Head of Office - Washington D.C.
Oxfam

David Pred, Executive Director
Inclusive Development International

¹ IFC and Bridge are requested not to attempt to consult with the complainants directly. To do this in a rights-based and survivor centered manner requires: (a) expert facilitation and (b) appropriate support and assistance for the survivors. The complainants have requested that any approach to consult them on the MAP is done through Wangu Kanja Foundation, Inclusive Development International, Accountability Counsel and Oxfam, which will facilitate their comments.

Annex: International Good Practice on Remedy for Impacts of Sexual Abuse and Exploitation

Summary: IFC's MAP suggests that it is good global practice to prioritize a collective approach and exclude financial redress when considering remedies for the impacts of sexual abuse and exploitation (SEA). There is no basis for this conclusion in international law or good practice. A rights-based and survivor-centered approach to addressing the impacts of project-related SEA must be grounded in consultation with the survivors and include scope for restitution at the individual level in addition to any collective efforts to address the impacts of abuse.

IFC's response to CAO's Bridge 04 investigation takes issue with CAO's recommendation that IFC should work with Bridge to establish a claims process that includes financial redress for child survivors of sexual abuse at its schools.

Rather, we understand that IFC proposes a collective approach to remedy working with International Organizations and reputable NGOs to implement prevention activities, rehabilitation services and education schemes in relevant localities. These services would be open to anyone regardless of the context of their abuse and not be targeted specifically for survivors of GBV at Bridge schools.

IFC did not seek inputs from Bridge survivors in the development of the response and the MAP does not provide a path to remedy that addresses the specific harms suffered by these individuals.

Based on feedback we have received from the Bridge-04 survivors, in addition to any collective response, the MAP should include the following for those who experienced SEA while attending Bridge schools:

- Financial compensation; and
- Support for educational expenses, counseling, skills training and legal advice.

We understand that IFC's Bridge-04 response cites a number of sources in support of a conclusion that it is good global practice to prioritize a collective approach and exclude financial redress for the Bridge SEA survivors from its response. These include:

- UN Protocol on the Provision of Assistance to Victims of Sexual Exploitation and Abuse (the UN Victims Protocol);
- The UN Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse (the UN Comprehensive Strategy);
- WB Good Practice Note on Addressing Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH) in Investment Project Financing involving Major Civil Works for Civil Works (WB Good Practice Note).

IFC cites the UN Victims Protocol (2019) in support of the proposition that it is not good practice to provide compensation to Sexual Abuse and Exploitation (SEA) survivors. Instead, IFC asserts that victim assistance strategies should help address existing service gaps by supporting the establishment of new services which are accessible to victims. The UN Victims Protocol describes an approach to “Victim Assistance and Support” that is designed to be “rights-based” (para. 3.1) and applied on a “case-by-case basis, in accordance with the needs of the victim” (para. 5.5). The Victims Protocol refers to possible forms of assistance for victims including medical care, psycho-social support and livelihood support. The Protocol does not address the issue of victim compensation other than in one reference to a UN Trust Fund established to “Support of Victims of Sexual Exploitation and Abuse” which it states “does not provide financial compensation to victims” (para. 8.2). The Victims Protocol takes no position on whether it is good practice to offer compensation or other forms of financial redress to victims of SEA on a case-by-case basis (other than through the Trust Fund, which has a different purpose).²

The earlier UN Comprehensive Strategy (2007) is similarly designed to “ensure that victims of sexual exploitation and abuse by United Nations staff and related personnel receive appropriate assistance and support in a timely manner” (para. 1). The Comprehensive Strategy outlines an approach to the provision of assistance and support to victims “in accordance with their individual needs arising from the alleged SEA” (paras. 6 & 7). The Comprehensive Strategy states that it “is not intended as means for compensation” (para. 3) without taking a position on whether it is good practice to provide compensation or other forms of financial redress to victims of SEA on a case-by-case basis. IFC cites the Comprehensive Strategy in support of the proposition that compensation is often best achieved via a collective approach which protects the anonymity of survivors. The Comprehensive Strategy provides no support for this proposition.

The World Bank Good Practice Note (2020) cited in IFC’s response describes a “survivor centered approach” to gender based violence (GBV) prevention, mitigation and response” in the context of projects involving major civil works. The Good Practice Note defines a survivor centered approach as one in which “the survivor’s rights, needs and wishes are prioritized in every decision related to the incident” (para. 108). The Good Practice Note states that: “No monetary compensation should be given directly to the survivor” but rather that “all support services and accompanying transportation, housing and support requirements ... are paid through the service provider” (para. 113).

It is notable that none of the above documents referenced by IFC:

- A. Includes any statement that it is not good practice to include compensation or other forms of individual reparations as part of an approach to remedy for survivors of SEA; or

² While the UN has been criticized for not putting in place systems to ensure that people subject to SEA by its staff have access to remedy, **compensation is reported to have been paid** in some cases of peace-keeper SEA. See for eg: [AP Exclusive: UN child sex ring left victims but no arrests | AP News](#)

- B. cites any primary or secondary source to support a conclusion that a “rights based” and “survivor centered” response should exclude compensation or other forms of individual reparations as part of remedy for survivors of SEA.

On the contrary, international law, Kenyan and US law, and other relevant examples of good practice all point to a conclusion that compensation and other forms of individual reparations should be available when considering remedy for the impacts of child sexual abuse.

International law recognizes compensation and other forms of individual reparations as a fundamental component of remedy

International law generally recognizes compensation and other forms of individual reparations as a key element of an holistic approach to remedy for human rights violations, including SEA and gender based violence.³

Sources cited in IFC’s response:

The UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (General Assembly resolution 60/147 (2005)), cited selectively by IFC, recognizes “restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition” as components of effective reparation for victims of human rights abuses (para. 18) with compensation being defined to include payments in recognition for lost economic opportunities, psychological harm and “moral damage” (para. 20).

The UN Guidance Note on Reparations for Conflict-Related Sexual Violence provides that “adequate reparation” of sexual violence “entails a combination of different forms of reparations” including “individual and collective reparations” that must be designed in consultation with victims (p.1). The Guidance Note includes a nuanced discussion of the role that financial compensation may play in reparations in a post conflict setting, including the advantages and risks associated with the provision of compensation (p.16ff). At no point, however, does the Guidance Note recommend that financial compensation or other forms of individual reparations should be excluded from a discussion of remedy for sexual violence, nor does the note suggest that collective approaches to remedy are to be preferred to individual ones.

Other relevant sources of international law:

As relates specifically to abuse of women and children, the UN Convention on the Rights of the Child requires that in cases where the rights of children are breached “there should be

³ These sources are based on the right to remedy under the UN International Covenant on Civil and Political Rights (Part II, Art. 2(3)) and General Comment 31 of the Human Rights Committee on the ICCPR ([Doc. CCPR/C/21/Rev.1/Add.13 \(2004\)](#)) which states that the right to remedy under the ICCPR “generally entails **appropriate compensation**” (para. 16).

appropriate reparation, including compensation, and, where needed, measures to promote physical and psychological recovery, rehabilitation and reintegration....”⁴

Similarly, the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) recognizes the need for “effective reparations to victims/survivors of gender-based violence” including “measures, such as monetary compensation, the provision of legal, social and health services, including sexual, reproductive and mental health services for a complete recovery.”⁵

And as applies to the private sector, the UN Guiding Principles on Business and Human Rights, which are referenced in IFC’s Sustainability Framework and the CAO Policy, also include compensation as part of remedy: “Remedy may include apologies, restitution, rehabilitation, financial or non-financial compensation and punitive sanctions (whether criminal or administrative, such as fines), as well as the prevention of harm through, for example, injunctions or guarantees of non-repetition” (para. 25).

IFC offers no reasons for skirting these international norms in developing “remedial actions” as required in its Management Action Plan (CAO Policy, para. 131).

Individual reparations and financial redress are commonly part of remedy for SEA under national law

Both Kenyan and US law recognize financial redress in response to SEA. This is common across national legal systems, however, references to Kenyan and US law are particularly relevant given that: (i) CAO’s investigation focused on allegations of SEA in Kenya, and (ii) both Bridge (through its parent company, NewGlobe) and IFC are based in the USA.

Kenyan courts have determined that SEA of school students by school staff is a breach of constitutionally protected economic, social and cultural rights as well as the right to human dignity (paras. 28 and 43), as well as the right to education under the Children Act (2001) (para. 7). Kenyan courts have awarded monetary compensation in response to SEA perpetrated by teachers against students based on these provisions.⁶

US courts frequently award compensation in cases where children are sexually abused at school or in similar settings. Such actions may be brought in tort (eg. negligence) invoking principles of vicarious liability. Alternatively there are specific Federal and State protections such as [Title IX of the Education Amendments Act \(1972\)](#) and the [Child Sexual Abuse Accountability Act \(Colorado\)](#) which provide for civil claims (including compensation) against agencies such as schools for SEA against children in their care. Such cases are regularly settled with average

⁴ Committee on the Rights of the Child, General Comment No. 5 ([CRC/GC/2003/527 \(2003\)](#)), para. V.

⁵ CEDAW, General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19 ([CEDAW/C/GC/35 \(2017\)](#)), para. 33(a).

⁶ See: [Petition 331 of 2011 - Kenya Law](#); affirmed on appeal (2020): [Civil Appeal 309 of 2015 - Kenya Law](#)). In this 2015 judgment two Kenyan student survivors of SEA were awarded compensation of 2 and 3 million Shillings respectively.

payouts for civil SEA lawsuits against an organization such as a church or school being [reported](#) at between \$450,000 and \$950,000.

Other sources of good practice

A variety of other sources confirm that it is established practice to consider compensation as part of remedy when addressing instances of SEA, including in relation to children.

The **World Bank** has acknowledged the role of compensation in responding to GBV. A [2017 report](#) of the World Bank's Global GBV Task Force addressed GBV risks in World Bank operations. The Taskforce noted that in addition to the provision of services to survivors, resources may be needed to provide or enable "compensation to survivors and/or their families" (p.24, see also p.52).

Outside the Bank, various states and institutions have established redress schemes in response to institutional neglect and abuse of children. These frequently include compensation as an element of redress. For example in 2021, Scotland passed the [Redress for Survivors \(Historical Abuse in Care\) \(Scotland\) Act 2021](#) which established an agency (Redress Scotland) to address claims from minors who were abused in care. The [scheme](#) is designed to be "survivor-led, trauma-informed and ... responsive to feedback from survivors." It includes a framework for Scottish institutions and non-government organizations to acknowledge and address their roles in the abuse of children in care. The redress process includes support for survivors, redress payments to child victims of abuse, and avenues for organizations to review, acknowledge and apologize for their role in past abuse.

Widespread claims of SEA against the Catholic Church led to the establishment of "Reconciliation and Compensation Programs" in a range of jurisdictions in the [USA](#) and [internationally](#) which include avenues for financial redress and other forms of support for survivors.

In the private sector, insurers acknowledge that financial redress is part of addressing instances of child sexual abuse. Thus for example, the Association of British Insurers has a [Code of Practice](#) related to child sexual abuse claims which includes as an aim: "to facilitate all forms of redress requested by a claimant, including apologies ... financial redress and emotional support."

IFC's response cites only one secondary source: B Goldblatt "Evaluating the Gender Content of Reparations - Lessons from South Africa " in R Rubio-Marin (Ed.) *What happened to the women :Gender and Reparations for Human Rights Violations*.⁷ This source does not support IFC's decision to exclude compensation from its response. In fact, the chapter by Goldblatt that IFC cites states specifically that "both grants and services" should be provided to victims to meet the

⁷ Available at:

https://s3.amazonaws.com/ssrc-cdn1/crmuploads/new_publication_3/%7BD6D99C02-EA4A-DE11-AFAC-001CC477EC70%7D.pdf

goals of “restitution and compensation” for GBV (p.81). More generally, a review of Rubio-Marin’s 352 page edited volume shows a nuanced engagement with the question of good practice in reparations for GBV. While it is clear from the contributions to the volume, that individual cash compensation should not be equated with reparation for GBV, it is equally clear that financial compensation should not be excluded from the reparations equation. Rather, there is broad agreement among the contributing authors that: (a) victims need to play a central role in determining which options for reparation are most important for them, and (b) monetary compensation and other types of individual reparations should be considered as part of an holistic response to reparations for GBV, where relevant and desired by the victims.⁸

In conclusion, IFC’s failure to include financial redress and other types of individual restitution targeted to the needs of the Bridge survivors as part of their response is inconsistent with a rights-based or survivor centric approach.

It should be clear from the above analysis that a response to sexual abuse at Bridge schools must include financial redress and other types of individual restitution which addresses the harm that Bridge survivors have experienced on a case by case basis. Whether considering international law, national law or other sources of good practice, it is generally accepted that redress for child sexual abuse should include individual restitution. As IFC contributed to this harm by financing the rapid expansion of Bridge schools while displaying flagrant disregard for the risks of SEA that were inherent in Bridge’s business model, IFC should contribute to remedy for the abused children, including individual restitution, as recommended by CAO and as requested by the survivors.

⁸ Similarly a recent University of Oxford “[Report on Reparations and Remedies for Victims of Sexual and Gender Based Violence](#)” (2016) found that “numerous jurisdictions highlight that compensation as a form of redress must be combined with a nonmonetary reparation mechanism: compensation alone is not sufficient to repair the damage suffered by victims” (p.6).