

**Report on Sexual Exploitation and Abuse Committed by Implementing Partners of Foreign Assistance Programs Supported by Funds Appropriated for the Department of State and USAID in Fiscal Years 2017 and 2018
October 2019**

Introduction

Sexual misconduct, including sexual exploitation, abuse, and harassment, strikes at the very foundation of foreign assistance and runs counter to the core values of the U.S. Department of State (State) and the U.S. Agency for International Development (USAID). Sexual misconduct causes intolerable harm to its victims, threatens our mission, and undermines the credibility of the entire aid sector. Sexual exploitation and abuse (SEA) is not a new phenomenon. In 2002, grave reports of widespread SEA of displaced women and children by humanitarian workers and peacekeepers in West Africa highlighted both the vulnerability of such populations and the shortcomings of existing mechanisms to prevent such abuses. In response to those allegations, State, USAID, and the broader humanitarian-assistance community implemented measures to protect beneficiaries from SEA. State Department officials regularly raise this issue at high levels at the United Nations, including with the Secretary-General, and through the governing bodies and boards of individual UN agencies. The State Department also regularly provides Congress with information related to SEA in UN peacekeeping operations, including through an annual certification and report by the Secretary of State required by the Department's annual appropriations act and biannual reports on human trafficking and SEA in UN peacekeeping missions, as required by section 104(e)(2) of the Trafficking Victims Protection Reauthorization Act of 2005 (TVPRA) (22 U.S.C. 7111).

International Response to SEA

In 2002, the Inter-Agency Standing Committee (IASC) *Task Force on Protection from Sexual Exploitation and Abuse (PSEA) in Humanitarian Crises*, composed of a number of humanitarian United Nations (UN) and non-governmental (NGO) entities, was established to advise the UN on specific measures and to develop definitions of, and guidelines for, the investigation of SEA. The IASC also adopted six standards of behavior, known as the "Six Core Principles on PSEA," to be included in UN and non-governmental organization (NGO) codes of conduct to ensure a consistent and effective approach. In 2003, the Department of State's Bureau for Population, Refugees, and Migration (PRM) worked with other governments and with the Executive Committee of the UN High Commissioner for Refugees (UNHCR) to draft and adopt a *Conclusion on Protection from Sexual Abuse and Exploitation*¹, which called on "States, UNHCR, and its implementing and operational partners to ensure that appropriate systems to prevent and respond to sexual and gender-based violence, including sexual abuse and exploitation, are in place." In October 2003, the UN Secretary-General issued a bulletin titled, *Special Measures for Protection from Sexual Exploitation and Sexual Abuse*², which

¹ 2003 Executive Committee 54th Session, Conclusion No. 98 (LIV) - 2003. <https://www.unhcr.org/en-us/excom/exconc/3f93b2c44/conclusion-protection-sexual-abuse-exploitation.html>

² <http://www.pseatastforce.org/uploads/tools/1327932869.pdf>

encapsulated this approach with respect to all staff of the UN. Since then, the Secretary-General has issued a yearly update identifying the UN's SEA prevention and response measures.

In 2012, the IASC established a Task Team on Protection from Sexual Exploitation and Abuse to provide PSEA technical support to humanitarian agencies. That same year, IASC members developed Minimum Operating Standards on PSEA³ to support efforts to institutionalize PSEA. In 2017, the Terms of Reference for Humanitarian Country Teams (HCTs) made PSEA a mandatory responsibility that requires a collective mechanism and approach. In May 2018, IASC Principals reaffirmed their commitment to bolstering efforts on PSEA, and in September 2018, United Nations Children's Fund (UNICEF) Executive Director Henrietta Fore, as the newly appointed IASC Champion on PSEA and Sexual Harassment, took forward these commitments through a letter to IASC Principals that laid out key priorities for action. The IASC's work on PSEA is informed by, and is taking place in tandem with, related actors, including the UN, donors, and civil-society organizations.

In 2018, the Department of State and USAID participated in the international Safeguarding Summit, which produced a series of sectoral and donor commitments to bolster action on PSEA. USAID and the State Department Bureau of International Organization Affairs (IO) and the Bureau for Population, Refugees, and Migration (PRM) shaped these commitments in advance through the United Kingdom-led joint donor Technical Working Group. These international commitments built on other efforts to support PSEA action at the country-level, including introducing simplified and translated PSEA principles and guidelines for PSEA, which the Department of State's PRM and USAID's Office of U.S. Foreign Disaster Assistance (OFDA) funded along with other donors.

PSEA in Humanitarian Settings

Since 2005, U.S. law prohibits funding from the International Disaster Assistance (IDA), Migration and Refugee Assistance, and the U.S. Emergency Refugee and Migration Fund accounts to any organization that fails to adopt a code of conduct that protects beneficiaries of assistance from SEA in humanitarian-relief operations. As a matter of policy, USAID has extended similar requirements to recipients of Food for Peace Act Title II emergency funding. Both PRM and OFDA have helped lead the international response to SEA in humanitarian settings, including building donor and implementing partner consensus on SEA prevention and response. This leadership has improved the humanitarian community's approach to an implementation of PSEA at both systemic and operational levels across all sectors. USAID will draw on the successes and best practices described below to ensure that PSEA is integrated into the standard operating procedures for USAID's new Bureau for Humanitarian Assistance.

PRM and OFDA require their implementing partners to submit codes of conduct consistent with the Inter-Agency Standing Committee's six core principles relating to sexual exploitation and abuse⁴, which were last updated in September 2019. USAID's Office of Food for Peace (FFP),

³ https://interagencystandingcommittee.org/system/files/3_minimum_operating_standards_mos-psea.pdf

⁴ <https://interagencystandingcommittee.org/principals/documents-public/iasc-six-core-principles-relating-sexual-exploitation-and-abuse-2019>

which also programs with IDA funding, requires its implementing partners to have adopted a code of conduct that addresses the protection of beneficiaries of assistance from sexual exploitation and abuse in humanitarian relief operations. It also requires that protection from sexual exploitation and abuse be integrated into activity designs by partners. In addition, PRM and OFDA require partners to submit plans, as part of their funding proposals, detailing how they intend to operationalize their IASC-compliant codes of conduct. PRM includes language in its NGO Guidelines encouraging partners to include a narrative on the organization's procedures for responding to allegations of SEA of beneficiaries by staff. OFDA's Application Guidelines⁵ require partners to include a narrative that is specific to the country of application detailing the mechanisms the organization has in place for beneficiaries to report SEA violations and organizations' procedures to respond to any critical protection issues that arise. OFDA's Protection Team reviews every proposal to ensure that partners meet these requirements and the team goes back to partners, sometimes several times, until the requirements are met. In Fiscal Year 2019, the team reviewed approximately 700 proposals. PRM and OFDA use this information to monitor partner compliance with SEA protections in humanitarian programming. This approach has been so effective that the IASC shared this model with other members of its PSEA Task Force.

PRM and OFDA have also provided extensive assistance to implementing partners to build awareness of and capacity to prevent and respond to SEA through a survivor-centered approach, as well as to support localization efforts. OFDA is currently funding a partner to provide tailored support to more than 30 local organizations in Haiti, Indonesia, the Philippines, and Democratic Republic of the Congo to develop organizational PSEA systems, such as effective complaints mechanisms and safe investigations procedures, and adapt global PSEA standards to their local context – filling a gap prioritized by the international humanitarian community.

On the global scale, PRM and OFDA support the establishment and improvement of PSEA Networks, the primary bodies within individual responses for awareness, prevention, coordination and oversight on PSEA. OFDA also supports a UN agency to lead efforts to establish PSEA as a core requirement at the outset of a humanitarian response and develop a training package for involvement in PSEA Networks, as well as a standard PSEA risk assessment. PRM is currently supporting a project to strengthen the capacity of humanitarian actors to address SEA in humanitarian responses by improving in-country PSEA Networks and HCTs. PRM is also funding a multi-component research study to help reduce power disparities and SEA risks in humanitarian distribution mechanisms.

Since 2005, PRM and OFDA have funded the development of global guidance and training on PSEA. PRM and OFDA have both funded InterAction, a large alliance of international non-governmental organizations (NGOs) in the United States, to develop training and materials for the broader NGO community. PRM also funded the Humanitarian Accountability Project (HAP), now part of the Core Humanitarian Standards (CHS) Alliance, as well as the International Council of Voluntary Agencies' Building Safer Organizations Project (BSO) to develop SEA trainings based on international standards to increase SEA awareness and capacity of NGOs, including on investigations. These trainings, or elements thereof, continue to be used

⁵ https://www.usaid.gov/sites/default/files/documents/1866/usaidofda_application_guidelines_10-18-2019.pdf

by partners to this day for their own internal training of staff and for awareness-raising purposes. In addition, these PRM-funded operational standards have served as a model for NGOs and the IASC in the development of their own minimum operating standards for PSEA. OFDA is currently supporting InterAction to update the highly regarded trainings to reflect the most recent learning in the field, with a particular focus on localization and a survivor-centered approach.

In addition, PRM and OFDA actively support and prioritize Accountability to Affected Populations (AAP), which calls for the inclusion of beneficiaries/clients throughout the program lifecycle in order to improve the quality of humanitarian programming. PRM and OFDA are both funding different organizations to ensure that displaced women and girls have the opportunity to participate in and are at the center of the broader protection and PSEA response at both field and global-level. Both PRM's NGO Guidelines and OFDA's Application Guidelines require partners to provide detail in their project proposal related to AAP integration and implementation, in line with the Inter-Agency Standing Committee's 5 Commitments to AAP⁶. PRM, further, works with the Steering Committee on Humanitarian Response, as co-convenor of the Grand Bargain Participation Revolution workstream, to generate consensus and develop resources related to effectively integrating beneficiary participation in humanitarian response. In the past, OFDA supported implementation of the IASC PSEA/AAP Task Team work plan, covering global-level coordination and consistent field-level technical support. OFDA currently supports the interagency Communication and Community Engagement Initiative, which operationalizes the Grand Bargain Participation Revolution commitments by ensuring clusters and Humanitarian Coordinators improve the quality of aid, effectiveness of aid provision, and accountability to affected populations through a harmonized, collective approach.

PRM and OFDA also hold their own staff accountable to the same international standards of conduct on PSEA. PRM conducted a framework assessment of its requirements for staff and concluded that, in addition to existing mandatory SEA training for its staff, it needed to institute more formalized awareness of staff responsibilities, internal reporting and investigation mechanisms, and program management procedures to prevent and respond to SEA. As a result, in 2018 PRM, in partnership with the Department of State's Foreign Service Institute (FSI), designed a new distance learning course titled, "*PP531 Protection from Sexual Exploitation and Abuse (PSEA)*." The course is available to all Department of State staff and is required for PRM employees. OFDA trains staff on their PSEA responsibilities during a two-day, in-person protection training that is mandatory for all staff prior to deployment, in addition to the broader USAID awareness and training efforts being implemented through USAID's Action Alliance of Preventing Sexual Misconduct.

Finally, the State Department and USAID are working with humanitarian implementing partners to strengthen PSEA accountability systems. In 2018, USAID's Administrator issued a notice to its implementing partners around the world stressing the Agency's zero tolerance for sexual misconduct. PRM's Acting Assistant Secretary sent similar letters to NGO and UN partners in 2018 stressing zero tolerance for misconduct, abuse and fraud. In 2018, PRM also integrated enhanced procedures on sexual exploitation and abuse into its internal standard operating procedures (SOPs) on reporting corruption, fraud, mismanagement, and misconduct. The

⁶ <https://interagencystandingcommittee.org/accountability-affected-people>

updated SOPs require partners to notify PRM of any credible SEA allegations, similar to requirements around credible allegations of fraud or other violations of federal law. When allegations of SEA are brought to PRM's attention, all offices are required to report to their Office Director, the Comptroller's Office, and the Office of Multilateral Coordination and External Relations within one business day. These allegations are logged and a memo is drafted to the PRM Front Office. In addition, PRM ensures that partner organizations report credible allegations to the Department of State's Office of the Inspector General. PRM is also integrating monitoring for SEA in its Program Officer monitoring requirements.

USAID requires recipients to report SEA allegations to the Agreement Officer and the Mission Director. USAID strongly encourages recipients, and requires USAID personnel, to report all suspected SEA to the USAID Office of the Inspector General. The Agency is currently conducting a review of business processes related to how allegations are handled, detailed in the following section. In addition to the Agency-wide requirements, OFDA and FFP strongly encourage recipients to report suspected incidents to the Agreement Officer's Representative. OFDA developed guidance outlining the specific steps all OFDA staff should take in the event of an SEA report, tailoring general program irregularity systems to prioritize survivor safety and dignity. OFDA's SEA-specific procedures minimize information-sharing to those with a need-to-know basis, define the key role of the OFDA protection team in advising staff on appropriate handling of these highly sensitive issues, and establish strict confidentiality and privacy standards in completing SEA reports. Recognizing that SEA investigations can be complex and take years to close, the State Department and USAID are working closely with partners to appropriately address SEA allegations through a survivor-centered and localized approach.

USAID's Action Alliance for Preventing Sexual Misconduct (AAPSM)

In addition to the actions identified above related to humanitarian assistance, USAID's Action Alliance for Preventing Sexual Misconduct (AAPSM) is leading additional efforts in this space. Launched by USAID Administrator Mark Green in March 2018, the AAPSM focuses USAID's efforts to prevent and address sexual misconduct effectively within the Agency's workplace and programs, including the abuse and exploitation of beneficiaries by implementing partners. USAID prioritizes a survivor-centered approach in which the Agency prevents misconduct wherever possible; takes safe, timely, and effective action in response to allegations; empowers survivors, and shields them from reprisal; holds perpetrators accountable; and clearly communicates throughout the process with all stakeholders.

Following the launch of AAPSM, USAID immediately strengthened and unified its mechanisms to protect staff, beneficiaries, and their communities from sexual misconduct. The Agency revised its standard provisions for contracts and grants to clarify that all USAID implementing partners must adhere to international standards on SEA and, should a violation of these standards occur, partners must consult with USAID to resolve it. USAID also issued notices to its grantees and contractors to encourage them to report credible allegations of SEA to the relevant USAID Agreement Officer or Contracting Officer, and to the Office of Inspector General. USAID further clarified the roles and responsibilities of its staff and implementing partners and published tool kits for employee and managers (available at

www.usaid.gov/PreventingSexualMisconduct). A new Agency-wide training program, planned for 2020, will increase the capacity of staff to respond to sexual misconduct, including reports of SEA, by promoting respectful, inclusive, and safe environments in our workplace and programs.

USAID has also engaged its staff and partners, in Washington and the field, to ensure the AAPSM's initiative to prevent and address SEA is responsive to the concerns of those closest to these issues. In June 2018, USAID held the first round of worldwide staff and local-partner consultations, and the second from June to August 2019. These consultations took place in more than 70 countries, and provided valuable information on the local experience and contextual considerations related to SEA.

These consultations directly shaped concrete steps to reduce the risk of SEA on the strategic, programmatic, and operational levels. In the fall of 2019, USAID will release two new policies informed by comprehensive gap analyses – one that addresses sexual misconduct within our workplace, and another that addresses SEA. The upcoming PSEA policy seeks to prevent SEA, ensure people can gain safe access to USAID funded services and activities, provide meaningful feedback to implementing partners, and report and address violations when they do occur. USAID also plans to develop and release tool kits to assist partners in integrating the PSEA policy throughout their programs and to strengthen their efforts to prevent, and respond to SEA.

A survivor-centered approach depends on mitigating risks and ensuring appropriate, timely response and action when an incident occurs. USAID is reviewing business processes related to how the Agency handles allegations of sexual misconduct internally within USAID, as well as externally with partners. From these reviews, we will make concrete, actionable improvements to ensure the Agency's procedures are more survivor-focused, transparent, responsive, and accountable. USAID is also aligning its response to SEA with existing requirements on child safeguarding and counter-trafficking-in-persons (C-TIP) to make the Agency's organizational structure more efficient and ensure a holistic approach to the spectrum of misconduct that can be present in development and humanitarian settings.

When USAID receives allegations of SEA, the Agency works closely with its implementing partners to protect survivors and provide assistance to, and ensure the safety of, individuals affected by sexual exploitation or abuse. In instances in which the perpetrator is an employee of a USAID implementing partner, the agency can leverage the employee misconduct clause to coordinate with the partner to resolve the situation, including through the removal of the perpetrator from working under the agreement. USAID also uses its suspension-and-debarment process to address individual perpetrators of SEA, as well as situations in which issues of SEA raise concerns about an implementing partner's internal-control systems. While USAID has acted to deal with a variety of SEA allegations in our programming as awareness of the AAPSM has grown, we recognize that much remains for us to do to ensure that our reporting procedures and response processes align with our organizational goals and the needs of our implementing partners and beneficiaries.

USAID has also been a vocal leader and advocate to prevent and protect beneficiaries within the international community from SEA. In July, USAID joined other donors to negotiate and endorse the Recommendation on Ending Sexual Exploitation, Abuse, and Harassment in

Development Co-operation and Humanitarian Assistance: Key Pillars of Prevention and Response⁷ of the Development Assistance Committee of the Organisation for Economic Cooperation and Development (OECD-DAC). The OECD-DAC's Recommendation provides the aid community with specific benchmarks for systemic organizational improvements while instituting a periodic peer-review process to monitor progress toward implementation. This Recommendation builds on other political commitments that the U.S. Government has endorsed, including the G-7 Development Ministerial's Whistler Declaration on Protection from Sexual Exploitation and Abuse in International Assistance⁸, the Tidewater Joint Statement on Combating Sexual Exploitation and Abuse in Development and Humanitarian Sectors⁹, and the Donor Commitments to Tackle Sexual Exploitation and Abuse and Sexual Harassment in the International Aid Sector at the International Safeguarding Summit¹⁰.

USAID and the Department of State recognize that addressing SEA requires a long-term commitment to culture change in the foreign-assistance community. We are committed to the necessary organizational strengthening and policy development required to foster greater transparency, accountability, and fairness, and to promote respectful, safe, and inclusive environments in our programs. USAID also insists its staff and partners commit to the values of inclusion, integrity, dignity, and respect, as reflected in the Agency's Leadership Philosophy¹¹. Sustained, senior-level leadership and commitment to accountability and compliance, strong field engagement, and robust communication with our partners is essential to achieve long-term effectiveness in preventing and addressing sexual misconduct worldwide in the foreign assistance community.

⁷ <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-5020>

⁸ https://www.international.gc.ca/world-monde/international_relations-relations_internationales/g7/documents/2018-05-31-whistler-sexual-exploitation-sexuelle.aspx?lang=eng

⁹ <http://www.oecd.org/dac/Tidewater-Joint-Statement-on-Combating-Sexual-Exploitation-and-Abuse.pdf>

¹⁰ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/749632/donor-commitments1.pdf

¹¹ <https://www.usaid.gov/PreventingSexualMisconduct/Managers/usaids-leadership-philosophy>