USAID Protection from Sexual Exploitation and Abuse (PSEA) Policy

Executive Summary

USAID will promote a world in which all individuals are able to live and work free from sexual exploitation and abuse (SEA). For the purposes of this policy, sexual exploitation is any actual or attempted abuse by aid workers of a person in a position of relative vulnerability, for sexual purposes, including profiting monetarily, socially or politically; sexual abuse is any actual or threatened physical intrusion of a sexual nature whether by force or under unequal or coercive conditions.

We seek to prevent SEA and ensure that people are able to safely access USAID-supported services and activities, provide robust feedback to implementing partners to mitigate risk, and facilitate secure reporting of SEA violations when they occur.

We take a survivor-centered approach to SEA allegations, wherein the survivor’s experiences, considerations, needs, and resiliencies are placed at the center of the process, with appropriate accountability for perpetrators of abuse. When the survivor is a child, the approach must consider the best interests of the child and engage with the family/caregivers as appropriate.

We will pursue collaboration with stakeholders across the aid sector in fulfillment of this policy in recognition of aid actors’ collective responsibility for preventing and responding to SEA.

We have zero-tolerance for inaction on SEA allegations, which means USAID staff must treat every allegation seriously and pursue appropriate action with the implementing partner to resolve it.

In preventing and responding to SEA we will focus on three mutually reinforcing objectives:

1. Educate and empower USAID staff;
2. Change how we do business, and;
3. Hold each other accountable.

Each of these objectives integrate cross-cutting principles and approaches to prioritize prevention and survivor needs, amplify the voice and power of the people we serve, lead through change from within, partner with others for impact to achieve system-wide change, and adapt to each context in which we work.

Taken together, the PSEA policy will seek to achieve the following outcomes:

- Improve performance in addressing SEA allegations to ensure timely and consistent response for each incident, and hold perpetrators accountable;
- Improve communication and engagement with populations we serve across development and humanitarian assistance programs;
- Over time, significantly reduce incidents of SEA. USAID fully expects reports of SEA to increase in the near term as confidence in the PSEA policy spurs increased reporting.
Introduction

USAID leads the U.S. Government's international development and disaster assistance through partnerships and investments that save lives, reduce poverty, strengthen democratic governance, and help people emerge from humanitarian crises and progress beyond assistance.

In line with our core value to advance human dignity globally, USAID is committed to ensuring that people are able to access our assistance without fear of sexual exploitation or abuse (SEA) by any aid worker, including any individuals who may be working for or acting on behalf of aid organizations, whether on a voluntary or paid basis.

SEA is deeply rooted in power imbalances which are often linked to social and gender-related inequalities, and are exacerbated in development and humanitarian contexts where aid workers often control access to valued commodities and services. In addressing SEA, particular attention is needed for vulnerable groups, including women and children, and those most at risk of discrimination on the basis of, for example, disability, gender identity and sexual orientation, race, ethnicity, age or religion.

In March 2018, Administrator Mark Green launched the Action Alliance for Preventing Sexual Misconduct (AAPSM) to focus USAID’s efforts on preventing and effectively addressing all forms of sexual misconduct within USAID’s workplace and programs, including by preventing the abuse and exploitation of aid recipients by implementing partners. The AAPSM identified a need to develop a policy on preventing and responding to SEA for all USAID staff and provide appropriate tools and resources to implementing partners to promote consistent protections and processes across USAID’s humanitarian and development assistance.

The PSEA Policy will work in tandem with the forthcoming USAID policy on preventing internal workplace sexual misconduct by USAID staff. The twin policies will complement and reinforce each other in the pursuit of a safe work and living environment for everyone. With these tools, USAID stands ready to better prevent and respond to all forms of sexual misconduct among the international aid community and uphold its commitment to prioritize the safety of USAID staff and the people they serve.

USAID’s Policy on Protection from Sexual Exploitation and Abuse (PSEA)

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USAID will take a survivor-centered approach to SEA allegations, with appropriate accountability for perpetrators of abuse.

USAID will pursue collaboration with stakeholders across the aid sector in fulfillment of this policy in recognition of aid actors’ collective responsibility for preventing and responding to SEA.

USAID has zero-tolerance for inaction on SEA allegations, which means USAID staff must treat every allegation seriously and pursue appropriate action with the implementing partner to resolve it.

Under this policy, USAID will seek to achieve the following outcomes:
• Improve performance in addressing SEA allegations to ensure timely and consistent response for each incident, and hold perpetrators accountable;
• Improve communication and engagement with populations we serve across development and humanitarian assistance programs;
• Over time, significantly reduce incidents of SEA. USAID fully expects reports of SEA to increase in the near term as confidence in the PSEA policy spurs increased reporting.

USAID’s PSEA Policy encompasses three mutually reinforcing objectives that express our commitment to educate and empower USAID staff, change how we do business, and hold each other accountable. The PSEA policy will be implemented in accordance with key principles and approaches which cut across each of these objectives, relying on the core organizational competencies and responsibilities of operating units across the Agency. Each of these elements of the policy are described further below.

Policy Objectives
This policy encompasses three overarching objectives that address USAID staff, processes, and partners to prevent and respond to SEA.

1. Educate and empower USAID staff to integrate PSEA principles into their daily work, including by holding USAID partners accountable to standards of SEA prevention, reporting, and response.

All USAID staff have a responsibility to prevent and address SEA in USAID-funded development and humanitarian assistance and our success depends on the contribution and collective commitment of all staff. At a corporate level, USAID is committed to providing leadership and resources, including technical support, to enable staff to carry out this responsibility.

Though everyone has a responsibility to prevent and respond to SEA, the responsibility will be particularly acute for USAID Agreement Officers (AOs), Contracting Officers (COs), and their respective Agreement Officer’s Representatives (AORs) and Contracting Officer’s Representatives (CORs) who provide direct oversight to implementing partners. Mission staff will be at the forefront of USAID’s PSEA Policy implementation, as Missions are best positioned to engage and partner with a wide range of local stakeholders on understanding and addressing SEA locally.

To meet the general and specific needs of Agency staff, USAID will develop a variety of tools, including communications products and enhanced training, to clarify roles and responsibilities, strengthen the capacity of USAID staff to perform effective oversight and response, and ensure everyone across the Agency is empowered to incorporate these issues into their daily work. For AOs, COs and other staff who monitor programs, USAID will create and provide guidelines, reference materials, and in-depth training and support to empower USAID staff to discuss USAID’s expectations on PSEA with partners and work with partner staff to identify needs, mitigate risks, and address challenges in programs. Because the quality of Mission engagement is crucial to the policy’s success, USAID will assist Missions in developing and accessing appropriate resources and support to successfully engage within and outside USAID Missions.
2. Change how we do business by integrating SEA best practices and accountability principles into USAID business processes.

To operationalize this policy USAID will integrate PSEA principles into the heart of our business processes. Identifying and understanding SEA risk factors early in our business processes, including when considering country context, will strengthen prevention and monitoring efforts and allow programs to build in appropriate SEA mitigation and response mechanisms. These efforts must be context-sensitive, recognizing that in humanitarian and conflict-affected operating environments, risks will be significantly higher.

USAID must revise our reporting and accountability systems to maximize transparency, improve consistency and responsiveness, and integrate a survivor-centered approach to SEA allegations. USAID is conducting a business process review to streamline and clarify SEA reporting and response channels for implementing partners. As part of this effort USAID will issue guidance to USAID staff and implementing partners to clarify our expectations regarding how reports of SEA should be handled to ensure consistency across USAID operating units and among USAID funded programs.

To ensure that the Agency’s commitment to zero tolerance for inaction on SEA allegations is integrated into the fabric of our organization, USAID will establish a PSEA Leadership Council with dedicated members from operating units with direct or indirect oversight and support functions to monitor implementation and drive PSEA systematization efforts across the Agency. USAID anticipates the need for regular consultation and coordination between the USAID Bureau for Management’s Office of Management Policy, Budget and Performance, Compliance Division and Office of Acquisition and Assistance, the Office of the General Counsel, and other internal stakeholders to review and make recommendations related to PSEA incidents. Additional ongoing coordination and consultation to provide and share technical and programmatic assistance, including training and design support, among regional and technical units dedicated to protection across the Agency will also be necessary to ensure consistency in SEA protections across the development and humanitarian assistance sectors. The Bureau for Policy, Planning and Learning, Office of Development Cooperation will also continue to lead donor engagement on PSEA through various fora, including the Organisation for Economic Co-operation and Development’s Development Assistance Committee (OECD/DAC).

3. Hold each other accountable for ensuring safe programming by placing affected communities’ knowledge and needs at the center of programming, utilizing appropriate prevention and reporting mechanisms and protocols, and reporting and investigating all credible allegations against aid workers and ending the cycle of impunity for perpetrators.

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1 An allegation is “credible” if, on its face, it involves believable information. This is an intentionally low threshold which is designed to facilitate reporting and encourage a due diligence investigation of the allegation.
USAID values the contributions of its more than 4,000 active partners in over 100 countries through which USAID carries out its mission of ending the need for foreign assistance through fostering self-reliance among partner countries. While the primary responsibility to investigate and respond to SEA allegations will rest on implementing partners, the serious harm caused by SEA, and the risk that these violations could impact USAID-funded programs more broadly, or the aid sector as a whole, demand collective action.

USAID will consult within the U.S. Government, among implementing partners, host governments, multilateral aid agencies, and other donor governments to improve PSEA prevention, accountability, and protection systems across the aid community. This includes adherence to appropriate standards of behavior and open communication with communities, as well as establishment of accessible systems for reporting and investigating allegations against aid workers. USAID will leverage ongoing international efforts, in conjunction with other donor countries, to ensure harmonization of PSEA requirements across implementing partners and reduce compliance costs, to the extent possible.

To implement this policy and ensure consistency across USAID funding mechanisms and implementing partners, USAID will ensure its award agreements incorporate the following four elements:

1. **Affirmation of USAID’s zero tolerance policy and survivor-centered approach to addressing sexual misconduct;**
2. **The expectation the partner will take reasonable measures to prevent sexual harassment within its workforce and SEA in programs it implements in relation to USAID funds. This includes the expectation for partners to develop and adhere to a minimum set of internal controls necessary to prevent, detect, address, and resolve these issues, including through the appropriate use of beneficiary feedback mechanisms;**
3. **A mandatory requirement to report to USAID and the Office of Inspector General all credible allegations of sexual exploitation and abuse in USAID-funded programs, and to follow the partner’s procedures to ensure appropriate accountability for violations of the policies described in paragraph 2; and**
4. **The requirement for the partner to provide transparency on its employment procedures, including how it intends to handle employment referencing and the information it will share regarding an employee’s eligibility for hiring or transfer to affiliate, or other organizations, in order to address the potential circulation of perpetrators of sexual exploitation and abuse.**

In implementing these elements, USAID will expect partners to address the needs of survivors, ensure that investigations of alleged incidents are carried out in accordance with due process, and provide appropriate accountability for perpetrators, including in a manner that reduces the likelihood of their circulation within the aid community.

USAID will operationalize these elements across its awards in conformity with applicable law, regulation, or practice, and remedies for non-compliance will be guided similarly, in line with existing award provisions. USAID may record partner violations of these elements when assessing award performance, as appropriate.
Key Principles and Approaches

USAID will implement the policy and its objectives according to the mutually reinforcing and cross-cutting principles and approaches described below. These include prioritizing prevention and survivor needs, amplifying the voice and power of the people we serve, leading through change from within, partnering for impact to achieve system-wide change and adapting to each context. Combined, these form a strong foundation for effective PSEA practices that uphold the safety and dignity of those we serve.

Prioritizing Prevention and Survivor Needs

USAID recognizes the critical need to support SEA survivors and individuals who raise complaints. USAID will continue to work with partners to prioritize the safety and well-being of the people served by our programs by emphasizing prevention and survivor-centered approaches in all our PSEA efforts. USAID will work with fellow aid actors, academics, and partners across sectors to advance the global learning agenda on these topics.

Prevention

The best approach to addressing SEA is to stop it from happening in the first place. Several of the approaches described in the sections below play dual or multiple roles, prevention being one. Comprehensive prevention occurs simultaneously at multiple junctures in programming, compliance, and human resources processes. The principles concerning gender equality, inclusive development, robust feedback, and a culture of accountability are all critical to an environment that reduces SEA risks for the most vulnerable.

USAID is committed to working closely with partners and other members of the aid community to develop best practices and share learning, particularly around risk mitigation, effective adaptation to local context, and ending circulation of perpetrators of sexual exploitation and abuse.

At the corporate level, adopting a code of conduct consistent with international PSEA standards is a primary means of prevention. The code of conduct defines organizational culture and explains the key values and standards of behavior to which members of the aid community are held. This establishes a common set of expectations, regardless of local laws and customs. When supported with adequate capacity, resources, and a willingness from leadership to enforce it, the code of conduct signals organization-wide commitment to intolerance of SEA and provides a basis for remedial action.

At the program level, prevention tools include protection mainstreaming, gender analysis, PSEA risk mapping, mitigation measures, and safety audits. Recognizing that individuals are best able to identify the most pertinent risks and safest mitigation strategies for themselves, effective program-level prevention strategies hinge on dialogue with populations we serve. Ongoing input from the people we serve will produce the safest programs, which are the least susceptible to attempts to exploit or abuse as discussed in more detail below.

Survivor-Centered

The most effective approach in supporting the recovery of a survivor of any violation of human dignity, particularly gender-based violence (GBV), is to place the survivor’s experiences, considerations, needs, and resiliencies at the center of the process. The survivor is the one who must continue to grapple with the consequences of an incident and subsequent actions taken to respond to the act. A survivor-centered
approach reinforces it is the survivor who should generally decide what action(s), if any, to take after an incident of violence or abuse. Typically, the role of a responder to SEA is to listen, respect the privacy and wishes of those impacted, and provide comprehensive information, not necessarily to “advise” on the best course of action from a responder’s perspective.

USAID will elevate the voices of beneficiary SEA survivors and place their wishes, rights, dignity, safety, and well-being at the forefront of all efforts to prevent and respond to SEA, from the initial report through investigation and follow-up actions. To this end, USAID will seek to update its award agreements so any organization receiving USAID funding will be expected to employ a survivor-centered approach throughout its business processes when addressing or responding to any incident. Partners must ensure that survivors, or others vulnerable to repercussions or backlash, are shielded from any further harm as the result of any action taken. USAID will continue to support efforts to advance best practices, improve global guidance, and provide practical tools to implementing partners to ensure true service to SEA survivors.

USAID recognizes that it may be challenging to implement a survivor centered approach in all situations, and that in some cases there will be an overriding interest to seek accountability for perpetrators or legal requirements to do so. In such situations, USAID encourages partners to give significant weight to the survivor’s wishes and the approaches described above, and to consult with the Agency.

Delivering on our Commitment to Supporting Countries on the Journey to Self-Reliance

USAID’s objective in fostering stable, resilient, prosperous, inclusive, and self-reliant countries is embedded throughout our work. The PSEA Policy supports and advances the Journey to Self-Reliance through fostering capacity on PSEA among the communities we serve and engaging with individuals and organizations to support local solutions.

Across a range of policies USAID recognizes that achieving self-reliance requires addressing the unequal distribution of power embedded in every society. Deeply discriminatory practices against women and girls, and the absence, or insufficient implementation or enforcement of laws, perpetuate the inequalities underpinning SEA. USAID’s work on gender equality and women’s empowerment therefore forms a critical foundation, both mitigating the risk of SEA and advancing the Journey to Self-Reliance.

Inclusive development is also a key pillar in achieving self-reliance. USAID’s approach to inclusive development views every person, regardless of identity, as being instrumental in the positive transformation of their own society. It also prioritizes their meaningful inclusion throughout the development process as a driver of better development outcomes. This is particularly true for those who face social and legal discrimination, in practice or in principle, and may therefore be at higher risk of persecution, harassment, and/or violence, including SEA. Ultimately, engaging with and empowering vulnerable communities in the countries in which we work mitigates harm and reduces vulnerability across the development and humanitarian spectrum, including to SEA.

The PSEA policy builds upon and complements other USAID policies and requirements that are designed to protect vulnerable populations across development and humanitarian assistance programs, including:

- Gender Equality and Female Empowerment Policy
- Policy/Guidance on the Implementation of USAID Child Safeguarding Standards
- Counter-Trafficking in Persons (C-TIP) Policy
- The 2018 Office of U.S. Foreign Disaster Assistance (OFDA) Proposal Guidelines
Disability Policy
Youth in Development Policy
The Democracy, Human Rights, and Governance Strategy
LGBT Vision for Action
Nondiscrimination for Beneficiaries Policy
Advancing Protection and Care for Children in Adversity Strategy

USAID also acknowledges the role that aid workers themselves can play in perpetuating SEA and recognizes that supporting countries in ultimately achieving self-reliance will, in and of itself, reduce the risk of SEA.

Amplifying the Voice and Power of the People We Serve

Sexual exploitation and abuse is deeply rooted in gender inequality, discrimination, and power imbalances. USAID will address these underlying factors at the program level by ensuring safe access to our programs, putting beneficiaries’ perspectives and needs at the center of our work, and ensuring we hear the voices of the most marginalized populations.

People-Driven Assistance

All humanitarian and development assistance carries implicit power. USAID is committed to using our power to ensure our employees and partners are responsive and accountable to the people we seek to assist. Putting aid recipients at the center of our work means collaborating with implementing partners and community members to ensure that assistance is appropriate, relevant, timely, and effective at meeting their needs and priorities, and it is delivered in ways that empowers communities to be more prepared, resilient, and less at-risk. It also means developing simple, clear, easily accessible, transparent, and culturally appropriate reporting mechanisms and supporting robust beneficiary feedback and complaints mechanisms, which build and maintain trust among the communities with whom we work.

Actively engaging in two-way conversations with these populations to obtain their perspectives and feedback is needed to ensure the quality and relevance of aid programs and overall impact. It is also critical to convey SEA risks; to educate populations on the behavior they should expect from aid actors; to receive information about self-protective strategies, areas of heightened risk, and how to maximize the efficacy of PSEA procedures; and to learn of incidents of SEA.

The Agency is exploring ways to ensure the needs and concerns of aid recipients are at the forefront of our programs. Specifically, USAID has been charged by Congress with ensuring beneficiary feedback is regularly collected and responded to by implementing partners throughout the life of a project, activity, and/or program. As the Agency considers the best approaches to fulfilling this charge, we will also seek to ensure considerations around preventing and responding to sexual exploitation and abuse are taken into account so partner feedback and information mechanisms are safe, accessible, and reflect the preferences of beneficiaries, provide confidentiality, and are able to respond to any critical or sensitive protection issues that may arise. In developing new potential award requirements on SEA issues, the Agency anticipates partners may be requested to report regularly on actions taken in response to beneficiary feedback received.
Leading through Change from Within

This policy reflects USAID’s long-term vision of a broader culture change both internally and in the foreign aid community that puts respect, diversity, inclusion, integrity, accountability, and human dignity at the core of our work. We are committed to making the necessary changes within our own Agency to ensure we have a culture of transparency, accountability and fairness as well as a respectful, safe, healthy, and inclusive work environment.

Hold Ourselves Accountable

USAID will complement the PSEA policy, which focuses primarily on the protection of recipients of USAID support, with a new policy on USAID workplace sexual misconduct that will hold its own staff accountable. Sexual misconduct is antithetical to the culture of mutual respect USAID seeks to promote and undermines a positive, productive, and supportive work environment. Sexual misconduct also limits the effectiveness of the Agency.

Reflecting the importance of a PSEA code of conduct as a primary prevention mechanism, as described above, USAID staff are held to standards consistent with the Inter-Agency Standing Committee (IASC) six core standards. As such, this policy requires USAID personnel to report all allegations of sexual misconduct that affect beneficiaries—whether the allegations involve USAID personnel, grantees or contractors—to the Office of the Inspector General at ig.hotline@usaid.gov. USAID personnel must also report allegations of sexual exploitation and abuse involving employees of USAID’s grantees or contractors to the relevant USAID Agreement or Contracting Officer. Further, USAID will apply a survivor-based approach throughout its own business processes when in receipt of a related allegation or complaint.

Importance of Leadership for Organizational Change

USAID is committed to pursuing effective, lasting culture change to systematically respond to and prioritize prevention of SEA within the Agency. USAID recognizes that cultural and organizational changes require persistent and sustained support, both in terms of resources as well as leadership from the highest levels and throughout each operating unit.

Agency leaders will play a critical role in ensuring that protection standards, policies and processes related to sexual exploitation and abuse are fully embedded throughout the organization, and in actively demonstrating zero tolerance for inaction by USAID staff and partners for SEA allegations.

Beyond ensuring the implementation of PSEA standards, USAID leadership is also responsible for modeling Agency values of accountability, inclusion, integrity, dignity, and respect in all interactions with their own staff, USAID colleagues, partners, and the people we serve in communities around the world. Through these efforts USAID leaders will promote the culture change we seek throughout the aid system.

USAID will support Agency leaders to generate cultural and organizational change. This policy will compel those in supervisory roles to adhere to the Supervisor Statement of Commitment in Support of Preventing Sexual Misconduct, which clearly outlines supervisors’ obligations to uphold USAID’s values, policies, and rules; promote a respectful and healthy workplace culture; and promote human dignity through our programming. USAID will also collect and provide resources, training, and other tools to support future initiatives and ensure continued awareness and commitment of Agency leaders.
Partnering for Impact to Achieve System-Wide Change

To combat SEA, USAID will continue its work on a global scale to advance PSEA initiatives and support enhanced communication and engagement from local community members to international coordination bodies. USAID will continue to collaborate on an ongoing basis with other U.S. departments and agencies, Congress, foreign governments, international organizations, implementing partners, and communities to address PSEA. This broad range of engagement ensures that our efforts fully leverage each actor's comparative advantages resulting in an impactful and cohesive approach to preventing and responding to SEA.

Spirit of Partnership

Our implementing partners are critical to the work of the Agency. USAID understands accountability is brought about not only by robust oversight, but also by providing partners with support to build PSEA awareness, improving our collective understanding of localized risk factors and mitigation measures, developing safe and appropriate reporting processes for survivors, and holding perpetrators accountable. USAID will strive to create an atmosphere of trust with our partners in order to establish open dialogue on challenges and lessons learned without fear of reprisal.

Preventing sexual exploitation and abuse across the broader aid community will only be realized if we collectively share best practices, build and strengthen local capacity, and work to actively learn from each other’s successes and failures. Therefore, USAID will look for opportunities to convene and participate in system-wide and cross-industry learning events to share learning and think creatively about ways to learn, adapt, and exchange knowledge as we seek to build a culture of respect, inclusion, and accountability within international aid.

Engaging Globally

USAID will be substantially involved in the global conversation about preventing SEA in the international humanitarian and development community and will actively work to create a culture across the sector that does not tolerate SEA. In a series of recent international political commitments led, negotiated, or signed by USAID, the international aid community has recognized collective action on PSEA is required across all stakeholders to effectively protect and empower beneficiaries of our assistance, support survivors and ensure accountability to the communities we serve.

The impact of USAID’s efforts on PSEA are multiplied when undertaken in partnership with other stakeholders, including research institutions, implementing partner organizations, host governments, multilateral aid agencies and other donor governments. By working collaboratively with these and other stakeholders USAID can learn from and improve best practices on PSEA, while strengthening norms and international standards, harmonizing implementing partner requirements across donors to reduce compliance costs, and taking steps to hold perpetrators accountable and prevent circulation of malefactors within the aid sector. These efforts will ultimately strengthen USAID programming - making it more responsive, more inclusive, and more accountable to our beneficiaries.

To advance these efforts, USAID will participate and take leadership roles in international discussions on PSEA to seek policy alignment and consistent communication on PSEA with other like-minded stakeholders. Where possible, USAID will seek to contribute technical expertise, thought leadership, and other essential resources to ensure that PSEA remains a key priority in relevant international aid discussions. USAID, in collaboration with the interagency, as appropriate, will engage in these discussions through a variety of
venues, including via technical discussions and negotiations with other donor countries, in multilateral fora such as OECD-DAC, the Group of Seven (G7), Group of Twenty (G20), the UN, and the World Bank and other international financial institutions.

Adapting to Each Context

Sexual exploitation and abuse is a complex problem that requires tailored local solutions based on social norms and dynamics, SEA risk factors, the quality of available services, the presence of conflict, instability or disasters, and local policy and legal frameworks. SEA is not viewed the same way across or between cultures, and what works to prevent and respond to SEA in one community may not work with another community. Recognizing that local contexts play a fundamentally important role in the success of PSEA efforts, USAID will support local and context-specific analysis and response efforts.

Localizing Our Response

Critical for effectiveness and sustainability, PSEA must be contextualized at local levels to identify and enact community-driven prevention, reporting, and response recommendations. Local organizations provide crucial support to communities in both development and humanitarian contexts, yet often lack capacity to implement PSEA systems and ensure that people are safely able to access assistance. To address this issue, USAID will work with a range of stakeholders to share best practices and expand programs that build the capacity of local organizations to tailor PSEA mechanisms so that they best serve their communities and implement them successfully.

Increased Vulnerability in Crisis

No disaster or development context is immune to SEA risk. In the majority of environments in which USAID works, risk factors include insufficient or nonexistent rule of law, persistent impunity of sexual violators, and substandard legal systems. Moreover, needs caused by poverty, conflict, and/or improper governance are compounded by the inherently unequal power relationship between aid workers and recipients.

At times of crisis, vulnerabilities of all kinds, including SEA risk, spike. Destruction, displacement, and violence erode any minimal protections vulnerable populations have even in times of relative stability—and are particularly acute for those most vulnerable to GBV, including SEA. Communities experiencing displacement are deprived of even the most basic social protections, along with any property, possessions, and social standing held in their area of origin. As populations seek critical assistance to survive, the power differential becomes increasingly acute and creates a context even more ripe for exploitation and abuse.

Therefore, the standards and requirements of SEA prevention and response must increase proportionally with vulnerability, taking into account the many variables—including conflict, disaster, displacement, poverty, locality, political transition, disease outbreak, infrastructure development, demographics, and others—and adapting accordingly. Within contexts assisted through humanitarian assistance programs, technical teams will establish and review adherence to disaster assistance-specific requirements.
Organizational Roles and Responsibilities

Applicability of the USAID Protection from Sexual Exploitation and Abuse Policy: The Policy applies to all bureaus, independent offices, missions—including platforms, Senior Development Advisor-run units, and other such units—and USAID staff in all hiring categories. In order to institutionalize the Policy, operating units will carry out the following roles and responsibilities.

All USAID Staff will: Adhere to the Policy and recognize their personal responsibility to contribute to SEA prevention, reporting, and response.

The Office of the Administrator will: Continue to highlight the importance of PSEA and ensure appropriate oversight for its implementation. Ensure sufficient resources are available and dedicated to carry out the functions of the Policy. Reach out to the interagency, Congress, foreign governments, and civil society to explain and stress the importance of PSEA in development and humanitarian assistance. Represent the Agency in key USG and international fora.

The AAPSM will: Advise Agency leadership on long-term cultural and organizational change related to preventing and addressing sexual misconduct, including PSEA. Until such a time as the work of the AAPSM is institutionalized and the PSEA Leadership Council can be established, the AAPSM will lead implementation of the Policy, including coordinating with internal and external stakeholders, as well as building USAID staff and partner capacity.

The PSEA Leadership Council will: Provide high-level, cross-bureau guidance and oversight on the PSEA Policy, including to achieve the strategic vision, monitor implementation, continuously drive PSEA systematization efforts across the Agency, and support and coordinate technical evaluations of the Policy, in coordination with the Bureau for Policy, Planning, and Learning. Core members will include the Bureau for Management’s Office of Management Policy, Budget and Performance, Compliance Division and Office of Acquisition and Assistance, and the Office of the General Counsel.

Regional and Pillar Bureaus will: Provide technical guidance and support related to the Policy, including liaising with missions and between the bureaus. Ensure that PSEA issues are incorporated into training programs offered by the bureaus and that PSEA awareness is reflected in the bureau’s programming, solicitations, contracts and grants. Convey to bureau implementing partners the Policy’s requirements and provide appropriate oversight to ensure that all implementers comply with these requirements.

The Bureau for Policy, Planning, and Learning (PPL) will: Actively engage in international discussions and negotiations on PSEA with other donors and in multilateral fora including but not limited to the OECD DAC, the Group of Seven (G7), Group of Twenty (G20), the UN, and the World Bank.

The Bureau for Management (M) will: Provide centralized management support services and ensure support for SEA prevention and response within the Office of Management Policy, Budget, and Performance, Compliance Division (M/MPBP/Compliance) and the Office of Acquisition and Assistance (M/OAA):

M/Office of Management Policy, Budget, and Performance/Compliance will:

- Analyze referrals from Contracting and Agreement Officers, the Office of Inspector General, and other sources related to instances of sexual misconduct and make recommendations regarding administrative actions to the USAID Suspending and Debarring Official, as appropriate.
• Assess implementing partners’ present responsibility to ensure they have corporate internal controls that appropriately prevent, detect, and respond to instances of sexual misconduct.

M/Office of Acquisition and Assistance will:

• Ensure Contracting Officers (COs) and Agreement Officers (AOs) include the applicable PSEA-related requirements in solicitations and awards.
• For assistance awards, ensure that pre-award risk assessments include reviews of internal controls related to prevention, detection, and response to instances of sexual misconduct.
• As part of award administration, COs/AOs will consult with the Office of the General Counsel and the affected operating unit in directing the contractor/recipient as necessary and considering appropriate measures in response to substantiated instances of sexual misconduct. These may include available award remedies (such as disallowed costs and award termination), and referral by the CO/AO to M/MPBP/Compliance for consideration of potential suspension and debarment action.

The Office of Human Capital and Talent Management will: Encourage supervisors to ensure that employees receive the training necessary to implement the Policy. Coordinate with regional and pillar bureaus, as appropriate, to identify opportunities for training or develop in-house training (online, on-the-job, sector or other) for staff. Monitor and seek to ensure a zero-tolerance climate for SEA in the Agency.

The Office of the General Counsel (GC) and Resident Legal Officers will: Provide legal counsel and advice on a broad range of matters related to PSEA. Assist USAID to report annually on the results of the Agency’s PSEA efforts. Work with bureaus and missions regarding implementation of the Policy. Serve as a resource, with M, for bureau and mission staff to answer questions on compliance and policy implementation.

Missions, Regional Missions, and Country Offices will: Actively engage on PSEA issues, including supporting the objectives and operating principles of the Policy. Hold implementing partners responsible for PSEA issues, as well as for gathering beneficiary feedback within projects, activities and programs. Assist with investigations and audits by the Office of Inspector General. In coordination with the State Department, liaise with host government counterparts to further the aims of the Policy objectives. Ensure staff accountability, through the Mission Director and senior mission leadership, for implementation of the Policy, with involvement of the Resident Legal Officer, the Executive Officer, the Supervisory Contracting and Agreement Officer, and the Supervisory Program Officer, as appropriate.

The Office of Inspector General: is statutorily authorized to conduct independent and objective audits and investigations of USAID and report its findings to USAID, Congress, and the public, assess and monitor foreign aid and development activities and, where appropriate, recommend actions for improving agency programs and operations and safeguarding taxpayer funds. Specifically, with respect to PSEA, OIG’s Office of Investigations receives and responds to SEA allegations and incidents and considers all available criminal, civil, and administrative enforcement remedies as appropriate.
Annex 1:

The IASC Task Force on PSEA in Humanitarian Crises Six PSEA Principles

1. Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment;

2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defense;

3. Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading, or exploitative behavior is prohibited. This includes exchange of assistance that is due to beneficiaries;

4. Sexual relationships between humanitarian workers and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work;

5. Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same humanitarian aid agency or not, s/he must report such concerns via established agency reporting mechanisms; and

6. Humanitarian workers are obliged to create and maintain an environment that prevents sexual exploitation and abuse and promotes the implementation of their Code of Conduct. Managers at all levels have particular responsibilities to support and develop systems that maintain this environment.

Annex 2:

Glossary

**Gender equality**: Gender equality concerns women and men, and it involves working with men and boys, women and girls to bring about changes in attitudes, behaviors, roles and responsibilities at home, in the workplace, and in the community. Genuine equality means more than parity in numbers or laws on the books; it means expanding freedoms and improving overall quality of life so that equality is achieved without sacrificing gains for males or females. *(Source: Gender Policy)*

**Inclusive Development**: The concept that every person, regardless of identity, is instrumental in the transformation of their own societies and their inclusion throughout the development process leads to better outcomes. *(Source: Additional Help for ADS 201)*

**Gender-Based Violence (GBV)**: An umbrella term for any harmful threat or act directed at an individual or group based on actual or perceived biological sex, gender identity and/or expression, sexual orientation, and/or lack of adherence to varying socially constructed norms around masculinity and femininity. It is rooted in structural gender inequalities, patriarchy, and power imbalances. GBV is typically characterized by the use or threat of physical, psychological, sexual, economic, legal, political, social and other forms of control and/or abuse. GBV impacts individuals across the life course and has direct and indirect costs to families, communities, economies, global public health, and development. Gender-based violence can include female infanticide; child sexual abuse; sex trafficking and forced labor; sexual coercion and abuse; neglect; domestic violence; elder abuse; and harmful traditional practices such as early and forced marriage, “honor” killings, and female genital mutilation/cutting. *(Source: United States Strategy to Prevent and Respond to Gender-Based Violence Globally (2016 Update))*

**Sexual misconduct** is an umbrella term that encompasses any inappropriate behavior of a sexual nature or that is sex-based, including sexual abuse, sexual assault, sexual exploitation, sexual harassment, stalking, voyeurism, and any other such conduct that is nonconsensual or has the purpose or effect of threatening, intimidating, denigrating, or coercing a person. The misconduct need not rise to the level of civil or criminal illegality to warrant corrective or disciplinary action.

Whether an action constitutes sexual misconduct does not depend on the intent of the alleged perpetrator, but rather, is evaluated from the objective standpoint of a reasonable person. Actions that constitute sexual misconduct include, but are not limited to: physical, verbal, non-verbal, and/or written acts, including comments, jokes, gestures, the posting of images, sexual advances, the offering of sexual incentives, and the threat of consequences for the refusal of sexual advances. Categories of sexual misconduct include, but are not limited to:

- **Inappropriate Sexual Conduct**: Any behavior that is (1) inappropriate and (2) either sexual in nature or sex-based.
- **Sexual Abuse**: Any actual or threatened physical intrusion of a sexual nature whether by force or under unequal or coercive conditions.
- **Sexual Assault**: Any non-consensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.
• **Sexual Exploitation:** Any actual or attempted abuse by aid workers of a position of vulnerability, differential power or trust, for sexual purposes, including profiting monetarily, socially or politically from the sexual exploitation of another.

**Sexual Harassment:** Misconduct of a sexual nature or about a person’s sex, which is so frequent or severe as to create a hostile or offensive work environment or which results in an adverse employment decision (such as the victim being fired or demoted). It can include verbal or physical harassment of a sexual nature, as well as offensive remarks related to a person’s sex.

**Trafficking in Persons (TIP):** An international crime involving the acquisition of a human being through the use of force, fraud, or coercion for the purpose of exploiting the individual for profit through forced labor or prostitution. A modern day form of slavery, trafficking constitutes a violation of human rights in which victims are deprived of their fundamental freedoms. TIP can involve either sex or labor exploitation, or both. At its essence, TIP is about people being bought and sold as chattel. (Source: C-TIP Policy)