



**Report to Congress 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 Year 2020
June 2021**

Introduction

Consistent with section 7019(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021 (Div. K, P.L. 116-260) and the accompanying Joint Explanatory Statement, the U.S. Department of State (State) and the U.S. Agency for International Development (USAID) jointly submit this report on allegations of, and steps to prevent and respond to, sexual exploitation and abuse (SEA) committed by implementing partners of foreign assistance funds appropriated for State and USAID in Fiscal Year (FY) 2020. Sexual misconduct, including sexual exploitation, abuse, and harassment, strikes at the very foundation of foreign assistance and runs counter to the core values of State and USAID. State and USAID continue responding to individual SEA allegations while acknowledging that SEA is a global problem that requires systemic changes, actions, and accountability to fundamentally address the factors that drive this behavior.

For a full accounting of State and USAID efforts related to SEA through 2019, see the previous report. This report centers on recent events and additional steps taken to improve business processes and accountability and concludes with a discussion on SEA reporting.

Department of State

Bureau of Democracy, Human Rights, and Labor

State's Bureau of Democracy, Human Rights, and Labor (DRL) is committed to preventing sexual misconduct committed during the course of its foreign assistance programs and ensuring that all partners and beneficiaries have access to appropriate protection mechanisms should any incidents occur. Since July 2019, DRL, along with other stakeholders named in this report, has been scoping safeguarding opportunities in support of the U.S. Women, Peace, and Security Implementation Plan, as well as reviewing, revising, and standardizing SEA safeguarding efforts across the Department.

In November 2020, DRL began updating its Proposal Submission Instructions and Notice of Funding Opportunity (NOFO) templates to include more explicit guidance and requirements surrounding Do No Harm (DNH) and Protection from Sexual Exploitation and Abuse (PSEA) principles. DRL's updated submission and funding templates were published in March 2021 and require all DRL applicants to integrate these principles throughout their program design, including in their risk analysis and monitoring and evaluation plans. Further, DRL applicants are asked to submit copies of any organization-wide policies and procedures on DNH principles and PSEA to DRL as part of their applications; if such policies are not available, applicants should demonstrate a plan for developing such policies or clearly describe how they will follow these principles throughout the program, including how such requirements will apply to sub-grantees. DRL monitoring, evaluation, and learning on these issues are incorporated into official program reviews and DRL monitoring plans on a rolling basis. Non-compliance with these requirements may result in DRL action including, but not limited to, recommendations for suspension or debarment. DRL also trained its staff on the updated requirements.

Bureau of Educational and Cultural Affairs

State's Bureau of Educational and Cultural Affairs (ECA) prioritizes the health, safety, and welfare of its exchange participants and has zero tolerance for SEA. ECA programming is supported by a separate appropriation under State Operations and is typically awarded to U.S. colleges, universities, and nongovernmental organizations (NGOs), which means its recipient organizations are subject to U.S. laws and standards. ECA works closely with NGO partners and other stakeholders

to monitor the health, safety, and welfare of participants and to address any abuse, legal, or criminal issues that may arise.

ECA integrates several safeguards and protections for its participants. All ECA academic exchange programs conduct pre-departure and arrival orientations, which include safety and security briefings as well as discussion of various social and cultural norms and expectations that may impact participants. ECA ensures that participants are meeting the proper standards, including legal standards, for behavior during the exchange. ECA academic exchange programs provide participants with access to coordinators on site or nearby who can immediately assist participants and/or provide emergency support. Americans who go overseas on ECA academic exchanges are monitored and assisted in-country by the U.S. embassy and/or Fulbright commission or a U.S. NGO administrator, and also have access to a free 24-hour helpline for health and security concerns. ECA grants require partners to notify ECA promptly of any significant participant issues related to health, safety, or other serious circumstances.

Similarly, ECA professional and cultural exchange programs, including high school youth programs, have SEA reporting guidelines, participant handbooks, and include in-person or virtual briefings. Local coordinators, as well as ECA Youth Participant Monitors, ensure that participants know their rights and how to report inappropriate behavior. Should an incident occur, ECA has detailed reporting mechanisms and related protocols that coordinate with local law enforcement, as well as the Bureau's law enforcement liaison. ECA's private sector J1 program, BridgeUSA, requires every sponsor, across all program categories, to report incidents of sexual misconduct that involve exchange participants. The Secondary School Student Program has additional requirements on incident reporting and sponsor training. ECA is finalizing a new resource guide, developed in consultation with outside experts, to help sponsors prevent, recognize, and report sexual misconduct, including sexual exploitation, abuse, and harassment involving visitors.

Bureau of International Organization Affairs

State's Bureau of International Organization Affairs (IO) continues raising the need for enhanced SEA safeguards at high levels with donors; at the United Nations (UN), including with the Secretary-General; and through the governing bodies and boards of individual UN agencies.

Most recently, in response to allegations that the World Health Organization (WHO) failed to respond appropriately to reported incidents of SEA in the Democratic Republic of Congo (DRC), State/IO, in close coordination with USAID, engaged closely with the World Health Organization (WHO), including through the recent WHO Executive Board Programme, Budget, and Administration Committee and the May 2021 World Health Assembly, to demand action and accountability. The United States, through State/IO, has continued advocating for PSEA measures with other organizations as well, including the World Intellectual Property Organization, which just launched an SEA policy and training for its personnel, as well as with the International Civil Aviation Organization. State has also promoted stronger PSEA language in UN resolutions, including in the annual resolution on humanitarian assistance coordination, which emphasizes the importance of protecting persons from SEA, full implementation of the UN's zero-tolerance policy for SEA, and greater efforts by governments to prevent SEA and hold perpetrators accountable. State continues to advocate for additional PSEA measures in U.S. funding to UN agencies, including specific funding requirements and increased oversight. State is reviewing USAID's UN award provision for possible application to State funding measures.

State continues its strong and longstanding PSEA advocacy in peacekeeping operations. Allegations and work toward reform appear in the previously submitted "Report to Congress on United Nations Implementation of Effective Policies and Procedures to Prevent Sexual Exploitation and Abuse and Trafficking in Persons in UN Peacekeeping Missions." This report was submitted pursuant to the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2020 (Division G of Public Law 116-94) and section 104(e)(2) of the Trafficking Victims Protection Reauthorization Act of 2005 (22 U.S.C. 7111).

Bureau of Population, Refugees, and Migration

Since the last report, State's Bureau of Population, Refugees, and Migration (PRM) continues building donor and implementing partner (IP) consensus on PSEA in humanitarian settings, as well as on holding IPs and employees accountable to international PSEA standards of conduct. PRM continues to require IPs to submit codes of conduct consistent with the UN Inter-Agency Standing Committee's (IASC) six core principles relating to SEA.¹

¹ <https://interagencystandingcommittee.org/principals/documents-public/iasc-six-core-principles-relating-sexual-exploitation-and-abuse-2019>

During the reporting period, PRM updated its NOFO submission requirements for FY 2021 to include language requiring IP applications to include a country- or region-specific implementation PSEA plan demonstrating how PSEA codes of conduct will be operationalized. The plan must address employee training and awareness of PSEA requirements; how violations are safely reported and responded to; efforts to educate beneficiaries on code of conduct protections and reporting mechanisms; and must identify any PSEA focal points in-country or within the region.

The Secretary's Office of the U.S. Global AIDS Coordinator and Health Diplomacy

The President's Emergency Plan for AIDS Relief (PEPFAR), coordinated by the Office of the U.S. Global AIDS Coordinator and Health Diplomacy (S/GAC), has institutionalized rigorous PSEA child safeguarding policy expectations in PEPFAR programming. In 2019, S/GAC invested \$50 million in *Justice for Children* (JfC), a priority under the *PEPFAR Faith and Community Initiative*, which included activities to engage community leaders and the justice sector in strengthening prevention and response to sexual violence against children in ten PEPFAR countries: Botswana, Eswatini, Haiti, Kenya, Lesotho, Malawi, Tanzania, Uganda, Zambia, and Zimbabwe. JfC attempted to accelerate progress toward preventing and responding to the disproportionately high rate of gender-based violence (GBV) impacting adolescent girls and the inextricable link between GBV and HIV/AIDS incidence. One of the initiative conditions required IPs to develop or enhance their child safeguarding policies and procedures and provide robust, survivor-centered PSEA sensitization for all staff, including contractors and volunteers. PEPFAR expects full integration of JfC activities into its the broader portfolio in FY 2022, particularly in the PEPFAR Determined, Resilient, Empowered, AIDS-Free, Mentored and Safe (DREAMS) partnership and Orphans and Vulnerable Children (OVC) program.

S/GAC institutionalized a standard child safeguarding provision in all implementing agency memoranda of agreements, starting with the PEPFAR Country Operational Plan 2020 (FY 2021) business cycle, effectively requiring consistent and rigorous child safeguarding standards across PEPFAR programming, partner agencies, and implementing mechanisms. Additionally, PEPFAR incorporated a Child Safeguarding Core Essential Element into its Site Improvement through Monitoring System Assessment Tool to routinize programmatic monitoring, management, and improvement at the service-site level.

The Secretary's Office of Global Women's Issues

The Secretary's Office of Global Women's Issues (S/GWI) is leading efforts to comprehensively address PSEA in foreign assistance at State. S/GWI, along with PRM, and with support from the Office of the Procurement Executive, is leading the development of State-wide PSEA standards, including a standard provision for all grants, based on an existing provision currently implemented in all S/GWI funded grants and cooperative agreements. S/GWI's award provision includes requirements for implementing partners to have a code of conduct for employees that incorporates safeguarding and UN IASC principles as well as a safe, accessible, and confidential internal reporting mechanism for reporting SEA with appropriate safeguards to protect whistleblowers and survivors. This effort aligns with commitments made in the aforementioned 2020 WPS Implementation Plan and supports administration priorities around preventing and responding to GBV globally. S/GWI has shared its current PSEA award provision with State bureaus and offices through the WPS Steering Committee to encourage early adoption. For example, in FY 2020, the Bureau of Conflict and Stabilization Operations revised its procedures and now provides a Combatting Sexual Exploitation and Abuse Policy to all applicants in line with S/GWI's PSEA safeguarding standards.

USAID

USAID, through its Action Alliance for Preventing Sexual Misconduct (AAPSM), continues leading efforts to strengthen its overall PSEA approach. USAID recently finalized a new standard provision for its agreements with Public International Organizations (PIOs), including all UN entities. Among other requirements, the provision articulates USAID's expectations for PIO partners to implement survivor-centered PSEA measures in USAID-funded programs; address sexual harassment (SH) in their workplaces; report promptly to the USAID Office of Inspector General (OIG) all SEA allegations directly related to USAID funded-activities or that would significantly affect our partnership with the PIO; and allows USAID and the OIG to follow up with the PIO on its handling of reported allegations. USAID is also developing a new grant provision that will apply to all its assistance awards. The provision will require enhanced accountability around risk mitigation and reporting for USAID's assistance partners and will serve as the model for a similar requirement related to acquisition awards.

USAID also continues developing new resources for its staff and partners. In December 2020, USAID published its first-ever USAID Partner Toolkit, which includes guidance and resources related to PSEA, trafficking in persons, and child violence, abuse, exploitation, and neglect. In April 2021, USAID released a new online training module for its staff titled, “Introduction to Respectful, Inclusive, and Safe Environments (RISE).” The module includes content related to preventing sexual misconduct in USAID’s workplace and programs, as well as additional content related to unconscious bias, bystander intervention, and USAID’s standards of conduct. In June 2021, USAID launched a new training through its RISE learning platform, titled “Safeguarding 101,” that introduces staff to basic safeguarding concepts through a PSEA lens. USAID is drafting guidance on integrating PSEA into broader GBV development programming, as well as developing standard operating procedures and related process improvements to guide staff and partners in responding to SEA violations. These efforts align with recommendations made in a recent Office of Inspector General PSEA audit report.

USAID continues to lead PSEA internationally. In June 2021, USAID, in cooperation with the Netherlands Ministry of Foreign Affairs, concluded its global Employment Accountability Community of Practice with an event featuring USAID Administrator Samantha Power. Over seven months, the community of practice identified best practices related to preventing the circulation of perpetrators of SEA across the aid sector and developed a roadmap to help organizations improve employment safeguards. USAID remains active in the United Kingdom-led Donor Technical Working Group as well as the Organization for Economic Co-Operation Development (OECD) Development Assistance Committee (DAC) PSEA Reference Group. USAID has also played a leading role in coordinating the U.S. response to recent SEA allegations in the DRC, convening interagency stakeholders, consulting with other donors on coordinated messaging and response, and pushing for additional changes and reforms to address these systemic challenges.

Bureau for Humanitarian Assistance

USAID’s Bureau for Humanitarian Assistance (BHA) continues advancing SEA prevention and response in humanitarian settings. BHA IPs are required to adopt codes of conduct consistent with the UN IASC six core principles on PSEA. As part of their funding applications, BHA NGO IPs must submit their codes of conduct as well as PSEA plans that detail how they intend to implement their IASC-compliant codes of conduct.

Plans must specify how IPs train staff on their PSEA policies; how beneficiaries are made aware of the policies; what systems are in place to prevent, detect, and respond to incidents of SEA; and how those systems are designed to be safe, accessible, confidential, and survivor-centered. BHA also requires IPs to submit Accountability to Affected Populations (AAP) Plans that explain how partners will ensure the meaningful consultation and engagement of beneficiaries in program design; how they will incorporate safe and accessible feedback and complaints mechanisms; how they will track and respond to reports and feedback in a timely manner; and how they will ensure confidentiality in responding to any sensitive issues that may arise. BHA also updated its funding application guidelines to include enhanced PSEA and AAP requirements based on global best practices.

BHA's Safe and Accountable Programming (SAP) team reviews all funding applications to ensure prospective IPs meet PSEA requirements. In FY 2020, SAP reviewed approximately 960 applications. This approach has been so effective that the UN IASC shared this model with other members of its PSEA Task Force. SAP, in partnership with BHA's Risk and Internal Control (RIC) Unit, provides extensive PSEA technical assistance to BHA staff and partners. BHA supports more than 30 local organizations in the Republics of Haiti, Indonesia, and the Philippines, and the DRC to develop organizational PSEA systems, such as effective complaints mechanisms and safe investigational procedures, and to adapt global PSEA standards to local contexts. BHA funds PSEA Networks and Coordinators at the country level in Syria, the Central African Republic, the Republics of Iraq and Yemen, the DRC, and the Federal Republic of Somalia to better coordinate SEA prevention, risk analysis, and oversight. BHA also funds efforts to integrate PSEA at the outset of all humanitarian response efforts and funds InterAction's efforts to maintain and update publicly available PSEA training for aid workers.

In September of 2020, BHA released internal guidance for its staff related to documenting, reporting, and responding to SEA, consistent with USAID's PSEA Policy. BHA reinforces these protocols through staff training, which includes a mandatory pre-deployment humanitarian protection training for all personnel. BHA's protocols for program monitoring also include PSEA-specific guidance for field staff supporting emergency programming. During the reporting period, BHA also proactively and routinely engaged its PIO partners, including PIO leadership, to advocate for and assess the strengthening of PIO PSEA policies, practices, and capacities, working through mechanisms such as participation in PIO executive board and other governance meetings as well as formal and informal consultations.

Bureau for Management, Office of Management Policy, Budget, and Performance,
Compliance Division

USAID's Bureau for Management, through its Compliance Division, continues advancing SEA accountability with USAID's partners. When the Compliance Division becomes aware of allegations, it can draw on a variety of administrative tools to assess partner internal controls and present responsibility and to respond to safeguarding failures. In certain scenarios, the Compliance Division may recommend suspension or debarment to exclude organizations or individuals from receiving future U.S. government funding and ensure that taxpayer dollars are only entrusted to individuals and organizations that are presently responsible. Suspensions and debarments initiated by USAID have a government-wide effect. Since the last report, the Compliance Division has focused on leveraging available administrative tools to respond to widespread allegations of SEA during the 2018- 2020 eastern DRC Ebola outbreak.

SEA Reporting

Similar to other forms of GBV, SEA is often referred to as an "iceberg issue," meaning this behavior is highly undetected and underreported. Various factors contribute to this (e.g., harmful gender norms, uneven power dynamics, shame, fear of retaliation, unclear or difficult-to-access reporting mechanisms, etc.), and, even in the best case scenarios, these issues would lead to significant underreporting. State and USAID are committed to improving internal systems for receiving, tracking, and responding to SEA reports. USAID, for instance, is developing a new centralized intake and tracking system for safeguarding failures, including SEA, which the Agency will pilot this fall and implement more broadly in 2022. State is exploring similar options. State and USAID, in line with international best practice, recognize that effective PSEA efforts must assume SEA is always present, ensure safeguards regardless of reports, and systematically identify and mitigate SEA risks across operations to prevent this behavior from happening in the first place. The section below details efforts to encourage SEA reporting in State's and USAID's humanitarian operations and also provides recent reporting numbers.

Department of State

Since the last report, State/PRM continued to work with humanitarian implementing partners to strengthen SEA accountability systems. PRM's internal standard operating procedures include procedures on reporting SEA and 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 are brought to PRM's attention, all offices are required to report to their Office Directors, PRM's Comptroller's Office, and PRM's Office of Multilateral Coordination and External Relations within one business day. These allegations are logged, and PRM staff draft a memo to bureau leadership. In addition, PRM ensures that partner organizations report credible allegations to the Department of State's OIG. In FY 2020, PRM received credible allegations of SEA in the following regions: 19 in Africa, three (3) in Asia/Pacific, and three (3) in the Middle East and North Africa.

USAID

USAID requires all staff to report allegations of SEA and strongly encourages its partners to report all SEA allegations to both the USAID OIG and cognizant Contracting or Agreement Officer. In cases where employees have violated PSEA code-of-conduct requirements, USAID's partners are required to consult with the Mission Director and cognizant Contracting or Agreement Officer in determining a course of action. As noted above, all BHA staff must also adhere to BHA's Guidance for Documenting, Reporting, and Responding to Incidents of SEA. In FY 2020, BHA received 34 reported SEA incidents: 23 from the Africa region; two (2) from the Asia/Pacific region; six (6) from the Middle East, North Africa, and Europe region; and three (3) from Latin America and the Caribbean region. BHA's RIC and SAP teams review all reports and also provide technical assistance and risk-compliance support to staff and partners as part of the incident response process.