



U.S.AGENCY FOR INTERNATIONAL DEVELOPMENT
**POLICY ON PROTECTION
FROM SEXUAL EXPLOITATION
AND ABUSE (PSEA)**



USAID
FROM THE AMERICAN PEOPLE



Julia Diew, the Deputy Team Leader of Internew's Boda Boda Talk project located in the UN House in Juba, interviews Sunday James about the support she provides to her family in the United Nations Protection of Civilians Camp (PoC). Since 2013, Julie has ensured that IDPs have access to humanitarian and life-saving information through the project.



PHOTO BY: BINTERNEWS

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Meralia Simon, 90, talks with a Handicap International staffer at a school in Haiti where she's taking refuge following Hurricane Matthew in 2016.



MESSAGE FROM THE ADMINISTRATOR


Colleagues,

A profound regard for human dignity is central to our work at the U.S. Agency for International Development (USAID). We believe every individual, every community, and every country should be treated with an abiding sense of respect as they pursue the Journey to Self-Reliance.


To that end, I am pleased to share USAID's first Policy on Protection from Sexual Exploitation and Abuse (PSEA). The Policy defines the principles and mechanisms by which we will uphold the Agency's commitment to protect and uphold the dignity of all people. It aligns with our core values and international commitments to prevent and address the sexual exploitation and abuse of those who receive our assistance, alongside our implementing partners.

The Action Alliance for Preventing Sexual Misconduct (AAPSM) formulated the Policy through a robust, collaborative process that included multiple rounds of consultations with USAID staff and implementing partners across more than 70 countries. At the heart of the Policy is the recognition that we, as humanitarian and development practitioners, have a unique responsibility to address this issue proactively. It emphasizes the importance of creating a respectful and safe environment, and, when prevention fails, respecting the experiences and needs of survivors of sexual exploitation and abuse, while also increasing accountability at both the individual and institutional levels.

Though we cannot eliminate every risk, we can strive to create an environment in which our staff, implementing partners, and beneficiaries can devote their energies to solving problems, providing humanitarian assistance, and making progress toward self-reliance, free of fear. Above all else, we can work to adapt the culture of our Agency and the entire aid sector, so that everyone—regardless of job title—accepts the personal responsibility to combat sexual exploitation and abuse in USAID-funded programming to prevent gross violations of our mission and values.



Mark Green
March 2020



PROTECTION FROM SEXUAL EXPLOITATION AND ABUSE (PSEA) POLICY

AT A GLANCE

OUTCOMES

Improve performance in addressing SEA allegations and hold perpetrators accountable.

Improve communication and engagement with populations we serve.

Reduce incidents of SEA significantly, long-term.

OBJECTIVES

Educate and empower USAID staff to integrate PSEA principles into their daily work.

Change how we do business by integrating PSEA best practices into our systems and processes.

Hold each other accountable for ensuring safe programming.

KEY PRINCIPLES AND APPROACHES

Prioritizing
Prevention and
Survivor Needs

Leading through
Change from Within

Working for
System-wide
Change

Adapting to Each
Context

Amplifying the Voice
and Power of the
People We Serve

Somali women living in El Waq, a small town in Somalia have suffered years of conflict, marginalization and drought. USAID, through Somalis Harmonizing Inter-and-Intra Communal Relationships program, brought these women together from conflicting clans to learn, decide and plan the future of their district in November 2017.

U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT POLICY ON PROTECTION FROM SEXUAL EXPLOITATION AND ABUSE (PSEA)

EXECUTIVE SUMMARY

The U.S. Agency for International Development (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 people are able to access USAID-funded services and activities safely, provide robust feedback to our implementing partners to mitigate risk, and facilitate the secure reporting of SEA violations when they occur.

We take a survivor-centered approach to SEA allegations, wherein we place the survivor’s experiences, considerations, and needs at the center of the process, with appropriate due process and accountability for alleged 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 recognition of our collective responsibility for preventing and responding to SEA.

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

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

- 1. Educating and empowering USAID staff;**
- 2. Changing how we do business, and;**
- 3. Holding each other accountable.**

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

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

- **Improve our performance in addressing SEA allegations to ensure timely and consistent response to each incident and, through due process, hold perpetrators accountable;**
- **Improve communication and engagement with the populations we serve in our development and humanitarian-assistance programs; and**
- **Reduce incidents of SEA significantly over the long term (although reports of SEA could increase in the near term as confidence in the PSEA Policy spurs increased reporting).**

INTRODUCTION

USAID leads the international development and disaster assistance of the U.S. Government (USG) through partnerships and investments that save lives; reduce poverty; strengthen citizen-responsive 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 have access to our assistance without fear of SEA by any aid worker, including any individuals who might be working for, or acting on behalf of, aid organizations, whether on a voluntary or paid basis.

SEA is deeply rooted in power imbalances, often linked to social, age-, and gender-related inequalities exacerbated in development and humanitarian contexts in which 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 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 to prevent and address effectively 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 the need to develop a policy for all USAID staff on preventing and responding to SEA and to provide appropriate tools and resources to our 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 Internal Workplace Sexual Harassment and Assault. 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 prevent and respond to all forms of sexual exploitation, abuse, and harassment among the international aid community, and to uphold our commitment to prioritize the safety of our staff and the people we serve.

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



A mother waits with her daughter – a young survivor of gender-based violence – to receive medical and counseling services at a USAID-supported clinic in Democratic Republic of the Congo.

POLICY OBJECTIVES

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

1 Educate and empower USAID's staff to integrate PSEA principles into their daily work, including by holding our partners accountable to standards of preventing, reporting, and responding to PSEA.

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 each of them. USAID is committed to providing leadership and resources, including technical support, to enable our staff to carry out this responsibility.

Though everyone has a responsibility to prevent and respond to SEA, the responsibility is particularly significant for USAID's Agreement and Contracting Officers (AOs/COs), and their respective Agreement and Contracting Officers' Representatives (AORs/CORs), who provide direct oversight to implementing partners. Staff at USAID's overseas Missions will be at the forefront of the implementation of this Policy as, based on USAID's field-oriented approach, they are best-positioned to engage and work with a wide range of local stakeholders to understand and address SEA locally.

To meet the general and specific needs of our staff for guidance, USAID will incorporate the PSEA Policy in the Agency's Automated Directives System (ADS) and develop a variety of tools, including communications products and enhanced training, to clarify roles and responsibilities, strengthen the capacity of our 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, AORs, CORs, and other staff who monitor the programs we fund, USAID will create and provide guidelines, reference materials, and in-depth training and support to empower our employees to discuss our expectations on PSEA with our partners and to work with staff to identify needs, mitigate risks, and address challenges in programs. Because the quality of field-level engagement is crucial to the Policy's success, USAID will assist our Missions to develop and gain access to the appropriate resources and support to engage successfully within their ranks and outside.

2 Change how we do business by integrating best practices in PSEA and accountability principles into our business processes.

To put this Policy into practice, USAID will integrate PSEA principles into our core business processes. Identifying and understanding the risk factors for SEA early in core business processes, including when considering country context, will strengthen our efforts at prevention and monitoring and allow the programs we fund to build in appropriate mitigation and response mechanisms. These efforts must be context-sensitive and recognize that, in humanitarian and conflict-affected operating environments, the risk of sexual exploitation and abuse can 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 allegations of SEA. As part

of this effort, USAID will issue guidance to our staff and implementing partners to clarify our expectations regarding how they should handle reports of SEA to ensure consistency across our Operating Units and among the programs we fund.

USAID anticipates the need for regular consultation and coordination among key agency stakeholders to review and make recommendations related to PSEA incidents, including the Compliance Division in the Offices of Management Policy, Budget, and Performance (MPBP) and Acquisition and Assistance (OAA) within the Bureau for Management (M Bureau); the Office of the General Counsel (GC); and others. Additional ongoing coordination and consultation to provide and share technical assistance, including training and support for the design of programs, among regional and technical units dedicated to protection across the Agency will also ensure consistency in SEA protections across the development and humanitarian-assistance sectors. The Office of Development Cooperation (PPL/DC) in the Bureau for Policy, Planning, and Learning (PPL) will continue to lead engagement with other donors on PSEA through various fora, including the Development Assistance Committee of the Organisation for Economic Co-operation and Development (OECD/DAC).

3 Hold each other accountable for ensuring safe programming by placing affected communities' knowledge and needs at the center of our programming, using appropriate mechanisms and protocols for preventing, reporting, and investigating all credible allegations¹ against aid workers.

USAID values the contributions of our more than 4,000 active partners in more than 100 countries through which we carry out our mission to end the need for foreign assistance by fostering self-reliance in partner countries. While the primary responsibility to investigate and respond to allegations of SEA will rest on implementing partners, the serious harm caused by SEA and the risk that these violations could affect USAID-funded programs more broadly, or the aid sector as a whole, demand collective action.

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

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

- 1** An affirmation of USAID's zero-tolerance policy and survivor-centered approach to addressing sexual exploitation, abuse, and harassment;
- 2** The expectation that each partner will take reasonable measures to prevent sexual harassment within its workforce and SEA in programs it implements with USAID funds;

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.

- This includes the expectation that partners will develop and adhere to a minimum set of internal controls necessary to prevent, detect, assess, address, and resolve these issues, including through the appropriate use of mechanisms to solicit feedback from beneficiaries, and to protect from retaliation those individuals who report abuse;
- 3 A mandatory requirement to report to USAID and the Office of the USAID Inspector General (OIG) 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 each partner to provide transparency on its employment procedures, including how it will handle employment-referencing and the information it will share regarding an employee's eligibility for hiring or transfer to affiliate, or other organizations, to address the potential circulation of perpetrators of sexual exploitation and abuse.

In implementing these elements, USAID will expect our partners to address the needs of survivors, protect whistleblowers, ensure investigations of alleged incidents take place in accordance with due process, and provide appropriate accountability for perpetrators that reduces the likelihood of their circulation within the donor and partner communities.

USAID will include these elements and remedies for non-compliance across our awards in conformity with applicable law, regulation, or practice, in line with existing award provisions. USAID may record partners' violations of these elements when assessing award performance, as appropriate.

PHOTO BY: MATTHIEU YOUNG

Development Innovation Ventures grantee Off-Grid: Electric's entrepreneurs are lighting up Tanzania through more reliable, affordable, and sustainable electrical services.



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 survivors' needs, leading through change from within, working with others to achieve system-wide change, adapting to each context, and amplifying the voice and power of the people we serve. Combined, these principles and approaches form a strong foundation for effective PSEA practices that uphold the safety and dignity of those we serve.

PRIORITIZING PREVENTION AND SURVIVORS' NEEDS

USAID recognizes the critical need to support SEA survivors and individuals who raise complaints. USAID will continue to work with our 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 ever happening. Several of the approaches described in the sections below play dual or multiple roles, including prevention. A comprehensive approach to prevention requires integrated efforts 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 the risks of SEA for the most vulnerable.

USAID is committed to working closely with our 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 the re-circulation of perpetrators of sexual exploitation and abuse.

At the corporate level, adopting a Code of Conduct on PSEA consistent with international standards is a primary means of prevention. A Code of Conduct should define the key values and standards of behavior

to which members of the aid community hold each other. This establishes a common set of expectations, regardless of local laws and customs.

At the program level, prevention tools include protection-mainstreaming, gender analysis, the mapping of PSEA risks, 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 the 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.

A Survivor-Centered Approach

The most effective approach in supporting the recovery of a survivor of any violation of human dignity, particularly gender-based violence (GBV), places the survivor's experiences, considerations, needs, and resiliencies at the center of the process. The survivor will continue to grapple with the consequences of an incident and subsequent actions taken to respond to the act. A survivor-centered approach reinforces that 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 affected, 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 survivors of SEA and place their wishes, rights, dignity, safety, and well-being at the forefront of efforts to prevent and respond to SEA, from an initial report through

investigation and follow-up actions. USAID expects staff and partners to ensure that survivors, or others vulnerable to repercussions or backlash, are shielded from harm as a result of any action taken. USAID will continue to advance best practices, improve global guidance, and provide practical tools to our implementing partners to ensure service to survivors of SEA.

USAID recognizes the challenges to implementing 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 line with principles of due process. In such situations, USAID encourages our partners to consult with the Agency.

DELIVERING ON OUR COMMITMENT TO SUPPORTING COMMUNITIES ON THE JOURNEY TO SELF-RELIANCE

USAID's objective to foster stable, resilient, prosperous, inclusive, and self-reliant countries defines our work. USAID's Policy on PSEA supports and advances the Journey to Self-Reliance by building capacity on PSEA among the communities we serve and engaging with individuals and organizations to support local solutions.

Inclusive development is a key pillar in achieving self-reliance. USAID's approach to inclusive development views all people, regardless of identity, as instrumental to the positive transformation of their own societies. It also prioritizes their meaningful inclusion throughout the development process as drivers of better development outcomes. This is particularly true for those who face social and legal discrimination, in practice or in principle, and therefore could 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, including to SEA.

USAID's Policy on PSEA builds on and complements other Agency policies and requirements designed to protect vulnerable populations across our development and humanitarian-assistance programs, including the following:



- Leadership Philosophy;
- Policy on Gender Equality and Female Empowerment;
- Policy/Guidance on the Implementation of USAID Child-Safeguarding Standards;
- Policy on Countering Trafficking in Persons (C-TIP);
- The 2018 Proposal Guidelines of the Office of U.S. Foreign Disaster Assistance (OFDA) within the Bureau for Democracy, Conflict, and Humanitarian Assistance;
- Disability Policy;
- Policy on Youth in Development;
- Strategy for Democracy, Human Rights, and Governance;
- Lesbian, Gay, Bisexual, Transgender Vision for Action;
- Policy on Non-Discrimination for Beneficiaries; and
- Strategy for Advancing Protection and Care for Children in Adversity.

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

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.

Holding Ourselves Accountable

Reflecting the importance of a PSEA Code of Conduct as a primary prevention mechanism, USAID holds our staff to standards consistent with the six core standards established by the Inter-Agency Standing Committee (IASC). As such, this Policy requires USAID's personnel to report all allegations of SEA that affect the recipients of our aid—whether the allegations involve USAID's personnel, grantees, or contractors—to the OIG at ig.hotline@usaid.gov. USAID's personnel must also report these allegations to the relevant USAID AO or CO. In addressing each allegation or complaint, USAID applies a survivor-based approach and adheres to principles of strict due process throughout our own business processes by prioritizing the safety and well-being of the survivor and/or person who is making the complaint; implementing specialized data-privacy measures to safeguard the identity of the individuals/entities involved; restricting information-sharing to a need-to-know basis, and; ensuring that we incorporate systematically our staff with technical expertise in protection and safeguarding into standard operating procedures for addressing reports.

WORKING FOR SYSTEM-WIDE CHANGE

To prevent all forms of sexual exploitation, harassment, and abuse across the aid sector, USAID will continue our work on a global scale to advance initiatives in PSEA and support enhanced communication and engagement at all levels, from local community members to international coordination bodies. USAID will continue to collaborate on an ongoing basis with other U.S. Government 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 to create and sustain an effective, cohesive approach to preventing and responding to SEA.

Spirit of Partnership

Our implementing partners are critical to our work. USAID understands accountability stems not only from robust oversight, but also from providing partners with support to build their own PSEA awareness, improving our

The Importance Of Leadership For Organizational Change

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

Our Agency's leaders will play a critical role to ensure we embed protection standards, policies, and processes related to SEA throughout the organization, and to demonstrate zero tolerance for inaction on or allegations of SEA by our staff and partners.

Beyond ensuring the implementation of PSEA standards, USAID's leadership is also responsible for modeling the Agency's values of accountability, inclusion, integrity, dignity, and respect in all interactions with their own staff, colleagues, partners, and the people we serve in communities around the world.

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 our 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 and promote continued awareness and commitment among the Agency's leaders.



A counselor works with a client of USAID's Case, Access, Safety, and Empowerment (CASE) program, which provides gender-based violence survivors in Democratic Republic of the Congo with medical support, counseling and legal services.

PHOTO: MORGANA WINGARD/USAID

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 to establish an open dialogue on challenges and lessons-learned without fear of reprisal.

USAID acknowledges that preventing and responding to sexual harassment within partner organizations is critically important to the ultimate goal of maintaining a safe, dignified, and effective aid environment. While USAID does not require our partner organizations to report internal workplace sexual harassment among their own staff, USAID takes all reports of sexual misconduct seriously, and we expect our partners to do the same. Internal workplace harassment causes direct harm to aid workers, and can create reputational problems that could affect organizational legitimacy and U.S. foreign-policy priorities, as well as impede the performance of our awards and detract from our collective mission.

Engaging Globally

USAID is involved substantially in the global conversation about preventing SEA in the international humanitarian and development community. In a series of international political commitments led, negotiated, or signed by USAID, the international aid community has recognized that collective action on PSEA is required across all stakeholders to protect and empower the recipients of our assistance, support survivors, and ensure accountability to the communities we serve.

USAID multiplies the impact of our efforts on PSEA when we undertake them in partnership with other stakeholders, including research institutions, implementing partners, host governments, multilateral aid agencies, and other donor agencies. 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, holding perpetrators accountable, and preventing the circulation of malefactors within the aid sector. These efforts ultimately will strengthen USAID's programming, by making it more responsive, more inclusive, and more accountable to our recipients.

ADAPTING TO EACH CONTEXT

SEA is a complex problem that requires tailored local solutions based on social norms and dynamics; 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 might not work with another. Recognizing that local contexts play a fundamentally important role in the success of PSEA efforts, USAID will support local and context-specific analysis and responses.

Localizing Our Response

Critical for effectiveness and sustainability of the Policy on PSEA, is to identify and enact recommendations for community-driven prevention, reporting, and response that fit the context at the local level. Local organizations provide crucial support to communities in both development and humanitarian contexts, yet often lack the capacity to implement systems for PSEA and ensure that people can gain access to assistance safely. 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 mechanisms for PSEA. Empowering local organizations to navigate local laws and customs and address inherent power dynamics in the delivery of aid will allow them to serve their communities better, and will be a central part of our implementation of this Policy.

Increased Vulnerability in Crisis

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


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

Therefore, the standards and requirements of preventing and responding to SEA must increase proportionally with vulnerability, take into account the many variables—including conflict, disaster, displacement, poverty, locality, political transition, disease, infrastructure, demographics, and others—and adapt accordingly. Within programs that provide humanitarian assistance, USAID's technical teams will establish, and review adherence, to requirements specific to disaster aid.



Participants in USAID/Georgia's Disability Advocacy Project, implemented by the Coalition for Independent Living.

PHOTO: LASHA KUPRASHVILI, COALITION FOR INDEPENDENT LIVING



USAID supports communities in Ethiopia to establish, repair, and maintain water points, working alongside community leaders to ensure the points are safe and accessible for the women and girls that use them.

AMPLIFYING THE VOICE AND POWER OF THE PEOPLE WE SERVE

Sexual exploitation and abuse has deep roots 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 aid recipients' perspectives and needs at the center of our work, and giving voice to the most-marginalized populations.

People-Driven Assistance

USAID is committed to using our power and influence 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 requires collaboration with our implementing partners and community members to ensure that our assistance is appropriate, relevant, timely, and effective at meeting their needs and priorities, and that its delivery 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 mechanisms for soliciting feedback and receiving complaints from beneficiaries, which build and maintain trust among the communities with which we work.

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

The U.S. Congress has charged USAID with ensuring our implementing partners collect, and respond to, feedback from beneficiaries regularly throughout the life of a project, activity, and/or program. The Agency will account for considerations around preventing and responding to sexual exploitation and abuse, so partner-feedback and information mechanisms are safe, accessible, and reflect the preferences of aid recipients, as well as provide confidentiality and can respond to any critical or sensitive protection issues that could arise.

ORGANIZATIONAL ROLES AND RESPONSIBILITIES

Applicability of the Policy on PSEA of the U.S. Agency for International Development (USAID):

This Policy applies to all USAID's Bureaus, Independent Offices (B/IOs), Missions—including platforms, offices run by Senior Development Advisors, and other such units—and staff in all hiring categories. To institutionalize the Policy, USAID's Operating Units will carry out the following roles and responsibilities.

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

The Office of the Administrator will: Continue to highlight the importance of PSEA and ensure appropriate oversight for the implementation of this Policy. Ensure sufficient resources are available and dedicated to carry out the functions of the Policy. Reach out to the USG 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 discussions.

The AAPSM will: Advise the Agency's leadership on long-term cultural and organizational change related to preventing and addressing sexual misconduct, including PSEA. Until the work of the AAPSM is institutionalized, the AAPSM will lead the implementation of the Policy; provide cross-B/IO guidance and internal oversight for monitoring the Policy; and drive the systematization of PSEA across the Agency, including by coordinating with internal and external stakeholders and building the capacity of USAID's staff and partners.

Regional and Pillar Bureaus will: Provide technical guidance and support related to the Policy, including by liaising with Missions and among the Bureaus. Ensure the incorporation of PSEA into

training programs offered by the Bureaus and that Bureau-funded programming, solicitations, contracts, and grants reflect PSEA. Convey to Bureau implementing partners the Policy's requirements, and provide appropriate oversight to ensure that all implementers comply with these requirements.

PPL will: Engage actively in international discussions and negotiations on PSEA with other donors and in multilateral fora, including, but not limited to, the OECD-DAC, the G-7, the G-20, the UN, and the World Bank. In addition, as the institutional home for coordinating support for CORs/AORs, PPL will work with M/OAA and the Office of Human Capital and Talent Management (HCTM) to improve capacity-building and develop or revise policies and guidance to help CORs/AORs prioritize and carry out their responsibilities.

The M Bureau will: Provide support services in relation to the prevention of, and response to, SEA, within M/MPBP/Compliance and M/OAA:

M/MPBP/Compliance will:

Analyze referrals from COs/AOs, the OIG, and other sources related to instances of sexual exploitation and abuse and make recommendations for administrative action to USAID's Suspending and Debarring Official, as appropriate; and

Assess implementing partners' present responsibility to ensure they have corporate internal controls that appropriately prevent, detect, and respond to instances of SEA.

M/OAA will, while soliciting open comment and feedback, work with USAID's implementing partners to:

Ensure COs/AOs include the applicable PSEA-related requirements in solicitations and awards;

- Ensure that pre-award risk assessments for assistance awards include reviews of the internal controls of prospective implementing partners related to the prevention, detection, and response to instances of sexual exploitation and abuse; and
- Ensure COs/AOs consult with GC, the affected Operating Unit, and where appropriate, the OIG, to direct a contractor/recipient to consider appropriate measures in response to substantiated instances of sexual exploitation and abuse:
 - This could include available award remedies (such as disallowing costs and terminating an award), and referral by the CO/AO to M/MPBP/Compliance for the consideration of potential suspension and debarment.

HCTM will: Encourage supervisors to ensure USAID's 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 our staff. Monitor and ensure a zero-tolerance climate for SEA in the Agency.

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 efforts in PSEA. Work with B/IOs and Missions regarding the implementation of

the Policy. Serve as a resource, with the M Bureau, for B/IO and Mission staff to answer questions on the implementation of, and compliance with, the Policy.

Missions, Regional Missions, and Country Offices will: Actively engage on PSEA, including by supporting the objectives and operating principles of the Policy. Hold implementing partners responsible for PSEA, as well as for gathering feedback from beneficiaries within projects, activities, and programs. Assist with investigations and audits by the OIG. In coordination with the U.S. Department of State, liaise with host-government counterparts to further the aims of the Policy. Ensure the accountability of our staff overseas, through Mission Directors and senior Mission leadership, for the implementation of the Policy, with the involvement of Resident Legal Officers, Executive Officers, Supervisory COs/AOs, and Supervisory Program Officers, as appropriate.

The OIG: Exercises the statutory authority to conduct independent and objective audits and investigations of USAID and report its findings to USAID, Congress, and the public; assess and monitor activities in foreign aid and development; and, where appropriate, recommend actions to improve the Agency's programs and operations and safeguard taxpayer funds:

- The OIG's Office of Investigations receives, and responds to, allegations and incidents of SEA, and considers all available criminal, civil, and administrative enforcement remedies, as appropriate.



Zunilda Arce (center) and young women from the Ita Guasu indigenous community in Paraguay, participate in the development of their community development plan.

ANNEX I:

IASC Six Core Principles Relating to Sexual Exploitation and Abuse

As of September 12, 2019

- 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 regarding the age of a child is not a defence.
- 3** Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries.
- 4** Any sexual relationship between those providing humanitarian assistance and protection and a person benefiting from such humanitarian assistance and protection that involves improper use of rank or position is prohibited. 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 agency or not, he or she must report such concerns via established agency reporting mechanisms.
- 6** Humanitarian workers are obliged to create and maintain an environment which 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 which maintain this environment.



PHOTO BY: ANITA KHEMIKA

Activity based learning in an USAID supported public school in the south Indian state of Karnataka.

ANNEX 2:

Glossary

Aid Worker: Any individuals who may be working for or acting on behalf of humanitarian and development organizations, whether on a voluntary or paid basis. This includes all international and national staff, as well as, all personnel or employees or individuals that have entered into a cooperative arrangement with these organizations including interns, volunteers, international and local consultants and contractors, including day labourers.

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.

Survivor-Centered Approach: A survivor centered-approach is one for which the survivor's dignity, experiences, considerations, needs, and resiliencies are placed at the center of the process, from the initial program design to investigating and responding to potential incidents, with appropriate accountability for perpetrators of abuse. Consistent with the UN Protocol on Allegations of SEA Involving Implementing Partners, the survivor should be informed, participate in the decision-making process, and provide consent on the possible use and disclosure of their information. Those interacting with the survivor and/or handling information regarding the allegation must maintain confidentiality, ensure safety of the survivor, and apply survivor-centered principles without discrimination.

When the survivor is a child, the approach must consider the best interests of the child and engage with the family/caregivers as appropriate. USAID staff and partners should comply with host country and local child welfare and protection legislation and international standards, whichever gives greater protection, and with U.S. law as applicable, per the USAID Child Safeguarding Policy.

**U.S. AGENCY FOR
INTERNATIONAL DEVELOPMENT**

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Cover Photo: Community members gather to celebrate the final event of a USAID-supported youth empowerment project.

PHOTO: ERICA FRENDACH/USAID



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