

Report to Congress on Allegations of, and Steps to Prevent and Respond to, Sexual Exploitation and Abuse Committed by Implementing Partners of Foreign-Assistance Programs Supported by Funds Appropriated for the U.S. Department of State and USAID in Fiscal Years 2018 and 2019

Section 7019(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2020 (Division G, P.L. 116-94), and Senate Report 116-126

Introduction

Consistent with section 7019(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2020 (Div. G, P.L. 116-94) and Senate Report 116-126, the Department of State and USAID jointly submit this report on allegations of, and steps to prevent and respond to, sexual exploitation and abuse committed by implementing partners of foreign assistance programs supported by funds appropriated for the Department of State and USAID in fiscal years 2018 and 2019. The U.S. Department of State (State) and the U.S. Agency for International Development (USAID) are committed to preventing and protecting vulnerable populations from sexual misconduct, including sexual exploitation and abuse (SEA) and sexual harassment. Sexual misconduct by the staff of implementing partners (IPs) causes intolerable harm to survivors and the broader community, threatens the underlying mission, and undermines the credibility of the entire aid sector. This malignant behavior strikes at the very foundation of foreign assistance and runs counter to the core values of USAID and State.

Reports of Sexual Exploitation and Abuse

Last year's report discussed ongoing efforts by USAID, State, and the wider development and humanitarian assistance community to protect beneficiaries from SEA during Fiscal Years (FY) 2017 and 2018. Since then, State and USAID continue to receive reports of SEA from partners and have continued advancing accountability related to these issues. For example, in 2018, USAID became aware of multiple reports of SEA connected to programs and IPs it funds. In response, USAID issued a formal Request for Information (RFI) through its Suspending and Debarment Official to one of the IPs. This first-of-its-kind request required that the IP address the allegations of SEA and provide additional information about its internal procedures and controls for deterring, detecting, and responding to allegations of serious misconduct. While the IP was responsive to the RFI in this instance, unresolved deficiencies prompted the Agency to enter into an Administrative Agreement with the IP that required both organizational reforms related to SEA and the hiring and referencing of employees. This agreement also established a heightened disclosure requirement for the IP concerning fraud, child safeguarding violations, and SEA.

Since then, USAID has continued to use multiple administrative tools, including the process for suspension and debarment and award-specific measures, to respond to allegations of SEA connected to its programming. In one instance, USAID issued an RFI to a former recipient of its funds to provide additional information to address reports that alleged the organization had failed to safeguard children entrusted to its care adequately and severely mishandled allegations that

senior employees sexually exploited and abused children. The Agency also issued RFIs when allegations linked USAID-funded conservation programs to abuses of human rights, including SEA, and after USAID received allegations that another IP failed to report credible allegations of trafficking in persons. Further, this oversight is not limited to organizations; USAID also has used its system for suspension and debarment to hold individual perpetrators to account and prevent their recirculation in the aid sector.

Most recently, in September 2020, widespread allegations emerged that aid workers from multiple UN humanitarian agencies, the government, and non-governmental organizations committed SEA during the 2018-2020 eastern Democratic Republic of Congo (DRC) Ebola outbreak. In response, USAID and State immediately engaged with IPs and the UN to express deep concern and urged them to conduct thorough investigations, protect victims, and hold perpetrators accountable. The organizations have initiated ongoing investigations into the allegations. USAID and State continue to work with UN agencies and implementing partners to strengthen preventing sexual exploitation and abuse (PSEA) measures and accountability at the systematic and programmatic levels.

Humanitarian Efforts

U.S. law prohibits funding from the International Disaster Assistance (IDA), Transition Initiative (TI), Migration and Refugee Assistance (MRA), and the U.S. Emergency Refugee and Migration Fund accounts to flow to any organization that fails to adopt a code of conduct that protects beneficiaries of assistance from SEA in humanitarian relief operations. As a matter of policy, USAID has extended similar requirements to recipients of emergency funding under Title II of the Food for Peace Act. State's Bureau of Population, Refugees, and Migration (PRM) and USAID's Bureau for Humanitarian Assistance (BHA) have both helped lead the international response to SEA in humanitarian settings, including by building consensus among donors and IPs on the prevention and response to SEA.

PRM and BHA require their implementing partners to adopt and submit codes of conduct consistent with the [six core principles related to SEA of the Inter-Agency Standing Committee \(IASC\)](#), last updated in September 2019. In addition, IPs funded by PRM and BHA must submit plans, as part of their applications for funding, that detail how they intend to enforce their IASC-compliant codes of conduct. PRM includes language in its guidelines for non-governmental organizations (NGOs) that encourages partners to include a narrative on their procedures for responding to allegations of SEA of beneficiaries by their staff. BHA is developing enhanced application guidelines based on a previous version issued under its predecessor Operating Unit, the Office of U.S. Foreign Disaster Assistance (OFDA). The application guidelines require partners to include a narrative that is specific to the country of application and details the mechanisms they have in place for beneficiaries to report SEA violations and the procedures the organization will follow to respond to any critical protection issues that arise. BHA's Safe and Accountable Programming Team and PRM's Program Officers review every proposal to ensure prospective IPs meet these requirements, and the teams follow up with the partners, sometimes several times, until the organizations are compliant. In FY 2019, the former OFDA Protection team reviewed approximately 700 proposals. PRM and BHA use this information to monitor

partners' adherence to SEA protections in humanitarian programming. This approach has been so effective that the IASC shared this model with other members of its PSEA Task Force.

PRM and BHA have provided extensive assistance to IPs to build their awareness of, and capacity to prevent and respond to, SEA through a survivor-centered approach, and to support localization efforts. Through the [Safe from the Start initiative](#), PRM is funding the UN Children's Fund (UNICEF) to support programming to prevent and respond to SEA and gender-based violence in emergencies (GBViE) as mutually reinforcing areas of work by developing programmatic guidance, helping adapt the global [UN Protocol on the Provision of Assistance to Victims of SEA](#) to various local country contexts, and building the capacity of UNICEF's staff and partners on survivor-centered responses to gender based violence, including SEA. BHA continues to provide funding for tailored support to 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 their local contexts. These efforts by PRM and BHA fill gaps prioritized by the international humanitarian community.

On a global scale, PRM and BHA continue financing PSEA Networks, the primary bodies within humanitarian responses responsible for awareness raising, prevention, coordination, and oversight of efforts to respond to SEA at the country level. Through the Safe from the Start initiative, PRM is also funding the International Organization for Migration (IOM) to implement the only dedicated program under the IASC or UN System to support requests for technical assistance on SEA by UN Humanitarian Coordinators and UN Humanitarian Country Teams, which has created stronger in-country SEA initiatives in 26 countries. In addition to supporting field-based PSEA Networks and Coordinators in Syria, the Central African Republic (CAR), the Republics of Iraq and Yemen, the DRC, and the Federal Republic of Somalia, BHA funds efforts to establish PSEA as a core requirement at the outset of a humanitarian response, inclusive of a standard training package and SEA risk-assessment.

To further enhance and enable these community-based protections, PRM and BHA support and prioritize efforts to promote Accountability to Affected Populations (AAP), which call for the meaningful consultation and engagement of beneficiaries/clients throughout the humanitarian program cycle. PRM and BHA have funded efforts to ensure that displaced women and girls are contributing to, and are at the center of, broader protection and PSEA efforts at the field and global levels. PRM is financing the International Rescue Committee (IRC) to amplify the voices and power of refugee women and girls to catalyze institutional reform, interagency action, and increased resources to reduce and respond to SEA in humanitarian settings. PRM continues to fund the [Global Women's Institute at the George Washington University](#) (GWU) to conduct a multi-component research study to help reduce power disparities and SEA risks in humanitarian distribution mechanisms, as well as to pilot innovative approaches to the distribution of aid based on challenges identified in an earlier phase of the study.

Both PRM's NGO guidelines and BHA's application guidelines require prospective partners to provide information related to their integration and implementation of AAP in their project proposals, in line with the [Inter-Agency Standing Committee's Five Commitments to AAP](#). PRM also works with the Steering Committee on Humanitarian Response, as co-convenor of the

Grand Bargain Participation Revolution workstream, to generate consensus and develop resources related to effectively integrate the participation of beneficiaries in humanitarian response. In the past, BHA funded the implementation of the IASC PSEA/AAP Task Team work plan, which covered global-level coordination and consistent field-level technical support. BHA currently finances the interagency [Communication and Community Engagement Initiative](#), which implements the Grand Bargain Participation Revolution commitments by ensuring UN clusters and Humanitarian Coordinators improve the quality of aid, the effectiveness of its provision, and accountability to affected populations through a harmonized, collective approach.

Since 2005, PRM and BHA have funded the development of global guidance and training on PSEA. PRM and BHA have both financed InterAction, a large alliance of international NGOs in the United States, to develop training and materials for the broader humanitarian community. BHA is funding InterAction to update training materials to reflect the most-recent learning in the field, add additional focus on localization and survivor-centered approaches, and generate additional practical tools to facilitate their uptake by staff, particularly in sudden-onset emergency responses. This includes the recently released video titled, "[No Excuse for Abuse](#)," created with Translators Without Borders.

PRM and BHA hold their own personnel accountable to the same international standards of conduct on PSEA. PRM conducted a framework assessment of its requirements for staff and concluded that, in addition to existing mandatory PSEA training, it needed to institute more formalized awareness of personnel responsibilities, internal reporting and investigation mechanisms, and program management procedures related to SEA. Since 2013, PRM has required its personnel to take PSEA training as part of their initial orientation, with refresher training sessions provided during the year, and has worked to better integrate this training in its internal capacity-building efforts. In 2017, PRM, in partnership with State's Foreign Service Institute (FSI), designed a new distance-learning course titled, "*PP531 Protection from Sexual Exploitation and Abuse (PSEA)*." The course is available to all State personnel and is required for PRM employees. BHA trains its personnel on their PSEA responsibilities during a two-day, in-person protection training that is mandatory for all personnel prior to deployment, which reinforces USAID's broader PSEA awareness and training efforts. BHA's protocols for monitoring and evaluation also include guidance for site visits related to tracking SEA risks.

State and USAID continue to work with their humanitarian IPs to strengthen systems for PSEA accountability. PRM updated its internal Standard Operating Procedures on reporting corruption, fraud, mismanagement, and misconduct to require IPs to notify PRM of any credible SEA allegations, similar to requirements around fraud or other violations of Federal law. When SEA allegations are brought to PRM's attention, all offices are required to report to their Office Directors, the Comptroller's Office, and the PSEA Senior Advisor in the Office of Multilateral Coordination and External Relations within one business day. PRM's officers log these allegations and draft a memo for the PRM Front Office. PRM's officers work to follow up on these cases to ensure partners have the necessary systems in place to address the allegations and to mitigate further risks, including by requesting that they provide additional information about their procedures and internal controls for deterring, detecting, and responding to allegations of serious misconduct. In addition, PRM requires partner organizations to report credible allegations to State's Office of the Inspector General (OIG). For 2021, PRM will be negotiating

standard provisions in its contribution agreements with multilateral organizations, where appropriate, that reflect international standards on the prevention of and response to SEA based on the work undertaken by several donors, including the U.S. government.

Additional Responses to Sexual Exploitation and Abuse

Separate from the actions identified above related to humanitarian assistance, USAID and State are leading additional efforts to combat SEA. USAID's Action Alliance for Preventing Sexual Misconduct (AAPSM) continues to advance additional initiatives to provide protections against SEA in its awards to implementing partners such as strengthening reporting requirements, addressing the needs of survivors, and requiring appropriate accountability for perpetrators. The Secretary of State's Office of Global Women's Issues (S/GWI) has advanced similar efforts, in cooperation with State's Bureau for International Organization Affairs (IO), as detailed below.

USAID's Action Alliance for Preventing Sexual Misconduct

As highlighted in previous reporting, USAID prioritizes a survivor-centered approach in which the Agency prevents misconduct wherever possible; takes safe, timely, and effective action in response to allegations; empowers survivors and shields them from reprisal; holds perpetrators accountable; and clearly communicates throughout the process with all stakeholders. USAID continues as a leader in the U.S. government by responding effectively to allegations of SEA and other measures. This includes demonstrated sustained, senior-level leadership and commitment to institutionalize SEA protections. USAID recognizes that addressing SEA requires a long-term commitment to culture change, gender equality, and human dignity across the entire international development and humanitarian assistance community.

In March 2020, USAID released its first-ever [Policy on Protection from Sexual Exploitation and Abuse \(PSEA\)](#), which articulates how the Agency will ensure people have safe access to the services and activities it funds. The Policy's objectives are straightforward and mutually reinforcing: USAID will focus on (1) educating and empowering staff; (2) changing how USAID conducts business; and (3) holding personnel and IPs accountable. The PSEA Policy complements USAID's forthcoming internal operational policy on workplace sexual misconduct. The policies reinforce that we should balance survivors' experiences and needs with accountability for perpetrators of abuse, while also respecting due process.

Based on an in-depth review of its business processes related to SEA, USAID is taking steps to ensure its systems are more survivor focused, transparent, responsive, and accountable. These improvements include: increased coordination with USAID's OIG; the alignment of USAID's response to SEA with its existing requirements on child safeguarding and countering trafficking-in-persons (C-TIP); improved tracking of incidents and data; as well as staff resources to support prevention and compliance. USAID continues building the capacity of its own staff, including specific skills for those who manage and oversee awards. The Agency will release a Partner Toolkit in Winter 2020 to help its IPs integrate their efforts to prevent and respond to SEA, C-TIP, and child safeguarding across USAID-funded programming.

In October 2020, USAID and the Ministry of Foreign Affairs of the Kingdom of The Netherlands launched a state-of-the-art [Community of Practice](#) regarding employment accountability measures. The Community of Practice focuses on building best practices for preventing the circulation of perpetrators of sexual misconduct in six key issue areas: (1) legal; (2) risk management; (3) human resources; (4) data/privacy; (5) capacity building; and (6) investigations. This effort will connect key stakeholders – including IPs, other donors, and academics – to develop best practices and a learning agenda to continue advancing accountability in employment. USAID also initiated new internal screening measures throughout its hiring process to prevent the hiring and/or recirculation of perpetrators of sexual misconduct.

USAID is moving forward with additional protections against SEA in its awards for IPs and public international and multilateral organizations, such as strengthening reporting requirements, addressing the needs of survivors, and requiring appropriate accountability for perpetrators. USAID also continues to lead and engage on PSEA internationally, including by working with others in the donor community to develop a uniform approach to hold UN partners accountable in awards. USAID participates in the donor technical working group on these issues led by the United Kingdom and contributed to the [Safeguarding Summit One Year Progress Report](#) in 2019.

Secretary of State’s Office of Global Women’s Issues (S/GWI)

The release of the 2019 [U.S. Strategy on Women, Peace, and Security](#) (WPS) included the first-ever set of integrated interagency metrics to monitor Federal progress on WPS, including a milestone indicator to mark the U.S. government’s review, revision, and adoption of PSEA safeguarding standards that guide the conduct of the implementers of U.S. government-funded programs. To meet this milestone, model best practices, and continue its global leadership on WPS, State committed to enhancing PSEA safeguards in its [2020–2023 Plan to Implement the U.S. Strategy on WPS](#). For the purposes of the plan, State defines “safeguarding standards” as the required process by which all State-funded and -implemented programming, public diplomacy, and diplomatic efforts will prevent, and ensure accountability for, any harm to participants or beneficiaries. This includes, but is not limited to, SEA.

In December 2019, S/GWI held a civil society consultation with current and recent grantees to exchange information and best practices on PSEA in its programming. Leveraging learning from this consultation as well as from USAID and PRM, S/GWI began integrating a requirement for PSEA and Do-No-Harm policies and procedures in its Notices of Funding Opportunities in February 2020. The Bureaus of Conflict Stabilization Operations and Democracy, Human Rights, and Labor, as well as the Office of the U.S. Global AIDS Coordinator, with support from the Office of the Procurement Executive, have also committed to integrate similar requirements into their procurement processes. S/GWI’s standard award provision on PSEA works harmoniously with USAID’s new PSEA policy and guidance for grantees. This award provision is now required for all S/GWI-funded grants and cooperative agreements. S/GWI will share its PSEA award provision with other bureaus and offices to encourage the broader adoption of such a provision within State.

State Bureau for International Organization Affairs (IO)

Engagement with International Organizations

Since FY 2018, State officials have regularly raised the need for strengthening safeguards against SEA at meetings of the Executive Boards or governing bodies of UN agencies, including: the World Food Programme; the World Health Organization, UNICEF; the UN Development Programme; the Food and Agriculture Organization; the International Labour Organization; the World Intellectual Property Organization; and the International Civil Aviation Organization among others. State also advocated for UN funds, programs, and specialized and technical agencies to implement recommendations from the UN's [Chief Executive Board \(CEB\) Task Force on Addressing Sexual Harassment in the UN System](#), which included a new model policy on sexual harassment, prioritizing sexual harassment investigations, and participating in the new "Clear Check" screening database.

Due to the U.S. government's continued leadership, the majority of UN agencies implemented new policies on sexual harassment and/or SEA and are in the process of implementing other recommendations from the CEB Task Force. For example, following U.S. engagement, the FAO implemented action plans on SEA and sexual harassment in 2019, conducted a staff survey on sexual harassment, implemented a new whistleblower-protection policy in August 2019, and conducted staff trainings on the prevention of SEA and sexual harassment. In 2019, WHO released two mandatory training modules on the prevention of SEA and sexual harassment for all staff, continued a communications campaign to raise awareness of SEA in its Country Offices, and included specific clauses in all non-staff contracts that set expectations for contractual partners' behavior in regard to SEA.

During the Seventy-fourth Session of the UN General Assembly in 2019 (UNGA 74), the U.S. government worked with partners to support and adopt the annual UNGA resolution titled, "Strengthening of the coordination of emergency humanitarian assistance of the United Nations." The resolution emphasized the importance of protecting persons from SEA, including any exploitation or abuse by humanitarian personnel; encouraged the UN Secretary General's efforts to implement fully the UN's policy of zero tolerance for SEA; and encouraged governments to make greater efforts to prevent SEA and hold perpetrators accountable.

In May 2020, the then-Acting Assistant Secretary of State for IO signed on behalf of the United States, along with 14 other donor governments, a letter to the CEB that pledged zero tolerance for SEA and pressed for the inclusion of a formal clause on SEA in all donor agreements with UN agencies and IPs, the text of which was negotiated in conjunction with USAID.

In September 2020, the allegations of SEA by personnel employed by UN international organizations and relief agencies in the DRC highlighted the need for further reform in the UN system to protect against SEA. Senior State and USAID officials raised the U.S. government's concerns with the leadership of UN agencies and in the Geneva Group of major UN donors in Geneva and New York. The United States joined other countries in statements calling on UN entities to expand training, strengthen reporting mechanisms, assist victims, and implement accountability and screening procedures for staff. Furthermore, the U.S. government has also

encouraged UN agencies and implementing partners to address the increased risk of SEA during the COVID-19 recovery and response.

Preventing Sexual Exploitation and Abuse in Peacekeeping Operations

State continues its strong and long-standing advocacy for the prevention of SEA 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).