

Safeguarding at USAID: Frequently Asked Questions For Implementing Partners

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Definitions

Q. What is exploitation?

A. “Exploitation” constitutes any actual or attempted abuse of a position of vulnerability, differential power, or trust, including for the purposes of profiting monetarily, socially, or politically. When carried out for a sexual purpose this constitutes sexual exploitation.

Q. What is sexual exploitation?

A. “Sexual exploitation” is any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including profiting monetarily, socially, or politically from the sexual exploitation of another. In more basic terms, sexual exploitation occurs when a person coerces or convinces someone with less power to participate in sexual activities. For example, if an aid worker offers extra rations or money in exchange for sex, even sex without physical contact, including digitally or by text message.¹ “Sexual exploitation” is a broad term, which includes a number of acts, including “transactional sex”, “solicitation of transactional sex” and “exploitative relationship.”²

¹ Interaction and Translators Without Borders - No Excuse for Abuse: Preventing Sexual Exploitation and Abuse in Humanitarian Action (English)

² United Nations Glossary on Sexual Exploitation and Abuse

Q. What is sexual abuse?

A. “Sexual abuse” constitutes any actual or threatened physical intrusion of a sexual nature towards another person whether by force or under unequal or coercive conditions. When carried out against a child by an adult, such conduct is considered sexual abuse even in the absence of force or unequal or coercive conditions.

Q. Who is a “child”?

A. “Child” means a person younger than 18 years of age.

Q. What is child abuse?

A. “Child abuse” means emotional, physical, sexual, or any other ill-treatment carried out against a child by an adult.

- “Emotional child abuse or ill-treatment” means injury to the psychological capacity or emotional stability of the child caused by acts, threats of acts, or coercive tactics.
- “Physical child abuse” means acts or failures to act resulting in injury (not necessarily visible) or unnecessary or unjustified pain or suffering without causing injury, harm, or risk of harm to a child’s health or welfare, or death.

Q. What is child neglect?

A. “Child neglect” means a failure to provide for a child's basic needs in the absence of the child's parent or guardian when the care of the child is associated with the award activities.

Q. What is trafficking in persons?

A. “Trafficking in persons” is the recruitment, transportation, transfer, harboring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud or deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation. The recruitment, transportation, transfer, harboring, or receipt of a child for the purpose of exploitation is trafficking even if it does not include threats, use of force, coercion, abduction, fraud, deception, the abuse of power, or payment. For information on the distinction between human trafficking and human smuggling, see [here](#).

Q. Who is an aid worker?

A. An “aid worker” is any individual 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 staff or employees or individuals who have entered into a cooperative arrangement with these organizations including interns, volunteers, international and local consultants, and contractors, including day laborers.

Q. What is credible information?

A. Under the plain meaning of the term, if there is a reasonable belief that the event(s) described have occurred, the matter shall be considered credible. This does not require a partner to conduct an investigation to determine whether the violation occurred or to substantiate an allegation prior to reporting. Credible information is an intentionally low threshold, which does not require a preponderance of evidence, and is designed to facilitate reporting and encourage due diligence in response to an allegation. The low threshold for initial disclosure upholds the policy to prohibit exploitation, sexual abuse, child abuse, and neglect.

Policy**Q. What is safeguarding?**

A. Safeguarding refers to the practice of implementing preventative, protection, and compliance measures for populations who may be at an increased risk for harm across an organization’s operations, for the purposes of preventing harm, including but not limited to exploitation, abuse, and violence, generally.

Q. What is a survivor-centered or victim-centered approach?

A. A survivor-centered approach is used to describe approaches in which the survivor’s needs, wishes, rights, experiences, strengths, and insights, and dignity are prioritized in both prevention and response efforts. USAID’s Protection from Sexual Exploitation and Abuse (PSEA) Policy defines a survivor-centered approach as: “one in 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 allegations.” Similarly, USAID’s Countering Trafficking in Persons (C-TIP) Policy also calls for a “survivor-centered approach” that is also “trauma-informed, survivor-informed, and

culturally competent.” USAID is committed to working with its implementing partners to prioritize a survivor-centered approach in its response to allegations of misconduct related to safeguarding in USAID programs.

Within a survivor-centered approach: “the survivor should be informed, participate in the decision-making process, and provide notice on the possible use and disclosure of their information. Persons interacting with the survivor and/or handling information regarding the allegation must maintain confidentiality, prioritize the safety of the survivor, and apply survivor-centered principles which are safety, confidentiality, respect, and non-discrimination.”

A victim-centered approach is one that involves placing victims’ priorities, needs, and interests at the center of programming; providing an emphasis on their self-determination; assisting them in making informed choices; prioritizing efforts to restore their feelings of safety and security; and safeguarding against policies and practices that might inadvertently expose them to secondary or tertiary risk or harm. Successful programs are accessible, tailored, contextually appropriate, and reinforce victims’ dignity and well-being.

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 members 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.

The [Safeguarding Partner Toolkit](#) contains additional information on survivor-centered approaches, including information about how to conduct survivor-centered investigations. As detailed below, in certain circumstances USAID may, in the course of monitoring an implementing partner’s response, request additional information related to the support for the safety, protection, and privacy of the survivor.

Q. What is a best interest of the child determination?

A. Best interest of the child determination considers the best possible outcome for a vulnerable child who has been exposed to violence, abuse, exploitation, or neglect. The child should be provided with appropriate and confidential resources for child survivors, and special care should be taken when considering how to interview a child, provide required services, and engage with parents, family, or other caregivers as appropriate.

Q. What are USAID’s policies related to safeguarding?

A. USAID and the US Government have several policies and strategies related to safeguarding including:

- [USAID Protection from Sexual Exploitation and Abuse Policy](#)
- [USG Strategy for Advancing Protection and Care for Children in Adversity](#)
- [USAID Counter-Trafficking in Persons Policy](#)
- [Principles on Protection from Sexual Exploitation and Abuse and Sexual Harassment for United States Government Engagement with International Organizations](#)

Q. How do the PSEA, C-TIP, and child safeguarding policies and award requirements interact?

A. PSEA, child safeguarding, and C-TIP are all key components of a unified safeguarding regime. Taken together and applied effectively, these distinct yet connected frameworks can help strengthen safeguarding and protections for vulnerable populations across USAID programming. The principles concerning gender equality, inclusive development, robust feedback, and a culture of accountability are also critical for building a safeguarding regime and operating environment that reduce risks for the most vulnerable.

Regardless of the type of safeguarding violation, whether at the allegation stage or substantiated, USAID takes, and requires our partners to take, a survivor-centered approach to allegations, placing 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 parents, family, or other caregivers as appropriate.

When responding to allegations of safeguarding violations in USAID-funded programs and activities, implementing partners should check their award requirements for specific terms and guidance. In some instances, an incident may relate to two or more award requirements, in which case, partners should ensure they are compliant with all relevant requirements. For example, procurement of a commercial sex act from a beneficiary is both a violation of the C-TIP award requirements and the standard provision for safeguarding against exploitation, sexual abuse, child abuse, and child neglect, and if the survivor is under the age of 18, child safeguarding requirements also apply.

Award Requirements

Q. What are the basic award requirements related to safeguarding for assistance to NGOs (grants and cooperative agreements)?

A. All USAID assistance awards have safeguarding requirements, including:

Safeguarding Against Exploitation, Sexual Abuse, Child Abuse, and Child Neglect: USAID prohibits its NGO partners' employees, agents, interns, or any other person provided access or contact with beneficiaries, from engaging in any exploitation, sexual abuse, child abuse, and child neglect of any person during the period of performance, supporting or advancing these actions, or intentionally ignoring or failing to act upon allegations of these actions. If the award exceeds \$500,000, the implementing partner must develop a Safeguarding Compliance Plan that details risk analysis and mitigation measures. If an implementing partner receives any credible information of a safeguarding violation by the partner, employee, agent, intern, or any other person provided access or contact with beneficiaries, the implementing partner must immediately notify the cognizant Agreement Officer, USAID's Responsibility, Safeguarding, and Compliance (RSC) Division at disclosures@usaid.gov, and the USAID Office of Inspector General (OIG) via their [Hotline](#). Implementing partners should review their award terms and conditions for additional information on the requirements of the provision which are numbered M27, M25, or M13. This new provision replaces the existing Child Safeguarding provision.

Counter-Trafficking in Persons (C-TIP): USAID opposes any activities that may contribute to human trafficking, including the procurement of commercial sex acts and use of forced labor, consistent with Trafficking Victims Protection Act requirements. The Agency prohibits its employees, contractors, subcontractors, grantees, and recipients from engaging in behaviors that facilitate or support TIP. If an implementing partner receives any credible information of a TIP violation by the implementing partner, subawardee, or contractor, at any tier, or their employees, labor recruiters, brokers or other agents, the implementing partner must immediately notify the cognizant AO and the USAID Office of Inspector General (OIG) via their [Hotline](#). Implementing Partners should review the terms of their award(s) for the C-TIP provision (M20 or M15), which provide that if the estimated value of service required to be performed under the award outside of the United States exceeds \$500,000, the recipient must submit an annual certification and implement a compliance plan. Please review the terms of your agreement, as well as the C-TIP provision for clarity on the requirements for compliance plans.

Humanitarian Assistance: In addition to the requirements referenced above, NGOs with awards involving International Disaster Assistance (IDA), Transition Initiative (TI), or Food for Peace Title II (Title II) emergency funds—must, before receiving funding, adopt a code of conduct to protect beneficiaries from SEA in humanitarian relief operations consistent with the six core principles adopted by the U.N. Inter-Agency Standing Committee on Protection from SEA in Humanitarian Crises.

Partners who receive IDA and Title II emergency funds from USAID's Bureau for Humanitarian Assistance (BHA) are also required to provide details on how the code of conduct will be implemented within a specific field project. For additional information on requirements specific to IDA and Title II emergency funds, please review BHA's Application Guidelines.

Q. What are the basic award requirements related to safeguarding for acquisition (contracts)?

A. All USAID contracts have safeguarding requirements, including:

Code of Conduct (Employee Misconduct): USAID contractors must ensure their employees conduct themselves in a professional manner when carrying out awards, consistent with the standards for United Nations (U.N.) employees in Section 3 of the U.N. Secretary General's Bulletin - Special Measures for Protection from Sexual Exploitation and Sexual Abuse. In the event that an employee's conduct violates these standards, our partners must consult/coordinate with the cognizant Contracting Officer (CO) and Mission Director. The U.S. Ambassador may direct the removal of any U.S. citizen from the country and require termination of any employee from an award. See AAPD 18-03 for contract requirements.

Counter-Trafficking in Persons (C-TIP): USAID opposes any activities that may contribute to human trafficking, including the procurement of commercial sex acts and use of forced labor, consistent with Trafficking Victims Protection Act requirements. The Agency has adopted a C-TIP Code of Conduct and a C-TIP Field Guide. The Agency prohibits its employees, contractors, subcontractors, grantees, and recipients from engaging in behaviors that facilitate or support TIP. If a contractor receives any credible information of a TIP violation by the implementing partner, subawardee, or contractor, at any tier, or their employees, labor recruiters, brokers or other agents, the implementing partner must immediately notify the cognizant CO and the USAID Office of Inspector General (OIG) via their [Hotline](#). The Federal Acquisition Regulation Clause 52.222-50 directs most contractors performing services or providing goods outside the United States with an estimated value in excess of \$550,000 to implement and certify to a compliance plan. Please review the terms of your agreement, as well as the Federal Acquisition Regulations (FAR) for clarity on the requirements for compliance plans.

Child Abuse, Exploitation, Or Neglect: Child Safeguarding Standards, included in all USAID contracts (other than contracts for commercial items) require recipients to abide by core principles that prohibit personnel from engaging in child abuse, exploitation, or neglect. The standards also incorporate child safeguarding in project planning and implementation and institute procedures to prevent and address violations. These protections stem from the U.S. Government Strategy Advancing Protection

and Care for Children in Adversity and the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005 (P.L. 109-95). These protections are included in AIDAR 752.7037 for contracts.

Humanitarian Assistance: In addition to the requirements referenced above, contractors with awards involving International Disaster Assistance (IDA), Transition Initiative (TI), or Food for Peace Title II (Title II) emergency funds—must, before receiving funding, adopt a code of conduct to protect beneficiaries from SEA in humanitarian relief operations consistent with the six core principles adopted by the U.N. Inter-Agency Standing Committee on Protection from SEA in Humanitarian Crises.

Partners who receive IDA and Title II emergency funds from USAID’s Bureau for Humanitarian Assistance (BHA) are also required to provide details on how the code of conduct will be implemented within a specific field project. For additional information on requirements specific to IDA and Title II emergency funds, please review BHA’s Application Guidelines.

Q. What are the basic award requirements related to safeguarding for Public International Organizations (PIOs)?

A. All USAID awards with PIOs have safeguarding requirements, including:

Sexual Exploitation and Abuse and Sexual Harassment: PIOs and their implementing partners must take all reasonable and adequate steps to prevent SEA and sexual harassment of any person linked to the award by both its employees and any implementing partner and respond appropriately when reports arise. PIOs must report credible SEA allegations to the USAID OIG. See ADS 308mab M19 and M19-alt for more information.

Counter-Trafficking in Persons (C-TIP): As a condition of the award, the PIO agrees not to engage in TIP. See ADS 308mab M15 for more information.

Humanitarian Assistance: In addition to the requirements referenced above, PIOs with awards involving International Disaster Assistance (IDA), Transition Initiative (TI), or Food for Peace Title II (Title II) emergency funds—must, before receiving funding, adopt a code of conduct to protect beneficiaries from SEA in humanitarian relief operations consistent with the six core principles adopted by the U.N. Inter-Agency Standing Committee on Protection from SEA in Humanitarian Crises.

Partners who receive IDA and Title II emergency funds from USAID’s Bureau for Humanitarian Assistance (BHA) are also required to provide details on how the code of conduct will be implemented

within a specific field project. For additional information on requirements specific to IDA and Title II emergency funds, please review BHA's Application Guidelines.

In addition, PIOs must report certain program irregularities, including SEA, to the Agreement Officer (AO), Agreement Officer's Representative (AOR), the USAID field-based representative, and the USAID OIG. See BHA's Application Guidelines for more information.

Q. What are the requirements for partners in the new Safeguarding Against Exploitation, Sexual Abuse, Child Abuse, and Child Neglect provision?

A. The Safeguarding Against Exploitation, Sexual Abuse, Child Abuse, and Child Neglect provision establishes comprehensive PSEA and child safeguarding measures in NGO assistance awards, including:

Standards, Policies, and Procedures: The partner must have standards, policies, or procedures which prohibit engaging in any exploitation, sexual abuse, child abuse, and child neglect of any person during the period of performance, supporting or advancing these actions, or intentionally ignoring or failing to act upon allegations of these actions; consistent with the Inter-Agency Standing Committee's Six Core Principles Relating to Sexual Exploitation and Abuse and the Keeping Children Safe Standards. The standards must require a "survivor-centered approach" and, when a child is involved, a "best interest of the child determination." They must also include efforts to monitor subrecipients, employees, agents, interns, and any other person provided access or contact with beneficiaries, actions and remedies to be taken against who commit exploitation, sexual abuse, child abuse, and child neglect of any person or who fail to take reasonable steps to prevent it, and provide transparency on hiring, screening, and employment practices.

Compliance Plan: For awards over \$500,000, the partner must develop, implement, and maintain a compliance plan appropriate to the size and complexity of the award and to the nature and scope of the activities, including the particular risks presented by the operating context that details risk analysis and mitigation measures that will be implemented to prevent and address exploitation, sexual abuse, child abuse, and child neglect of any person. The partner may develop the compliance plan either in conjunction with or separate from the Trafficking in Persons Compliance Plan. This plan must also be made available to the AO upon request.

Notification: The partner must immediately inform the RSC Division at disclosures@usaid.gov and USAID Office of Inspector General (OIG), with a copy to the AO whenever the recipient receives credible information from any source that alleges the recipient, subrecipient, employee, agent, intern, or any other person provided access or contact with beneficiaries under the award has engaged in activities

prohibited by this provision. As soon as practicable, the partner must provide: additional information on any actions planned or taken in response to the allegation; and any actions planned or taken to assess, address, or mitigate factors that contributed to the incident.

Q. What type of awards does the new Safeguarding Against Exploitation, Sexual Abuse, Child Abuse, and Child Neglect provision apply to?

A. The Safeguarding provision applies to new and certain existing NGO assistance awards, once modified. If you have questions about the requirements in your award, ask your AO.

Q. Are sub-awards covered by the above award requirements?

A. Yes. The new provision includes a flow-down requirement for sub-awardees. This flow down requirement also applies to grants under contracts. Subawardees are expected to notify the recipient directly, and the recipient must then complete the required notifications to USAID and the OIG. Subawardees are expected to notify the recipient directly, and the recipient must then complete the required notifications to USAID and the OIG.

Q. For applicable partners, who among their staff is covered?

A. Employees, including consultants and volunteers, agents, interns, or any other person provided access or contact with beneficiaries, are covered.

Q. Why are all USAID-funded programs covered by safeguarding requirements?

A. USAID has incorporated safeguarding requirements in all USAID-funded awards to ensure consistent protections for program participants, local communities, and other vulnerable populations, regardless of the type of USAID program involved. Safeguarding violations can and do occur in any USAID program, regardless of the sector.

Q. Do partners need to certify compliance?

A. Implementing Partners must submit an annual certification for their Combating Trafficking in Persons Compliance Plan. The Safeguarding Compliance Plan does not have a similar certification requirement.

Q. Is sexual harassment covered by award requirements?

A. In some instances, yes. There are instances where sexual harassment between implementing partner staff may also be considered sexual exploitation and abuse, and the requirements outlined in the Safeguarding Provision must be followed. As sexual exploitation constitutes any actual or attempted abuse of a position of vulnerability, differential power, or trust, including for the purposes of profiting monetarily, socially, or politically, examples where this may occur include soliciting sexual favors in exchange for jobs or promotions. In addition, PIOs are required to take all reasonable and adequate steps to prevent sexual harassment and respond appropriately when reports arise.

Q. Are other forms of harassment or discrimination covered by USAID's award requirements?

A. In some instances, yes. USAID policy and its award requirements require that the recipient not discriminate against any beneficiaries in implementation of this award. This includes, but is not limited to, withholding, adversely impacting, or denying equitable access to the benefits provided through the program on the basis of any factor not expressly stated in the award. This includes, for example, race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, disability, age, genetic information, marital status, parental status, political affiliation, or veteran's status. This is not intended to limit the ability of the recipient to target activities toward the assistance needs of certain populations as defined in the award. USAID also requires that the recipient not discriminate against persons with disabilities in the implementation of USAID funded programs and that it makes every effort to comply with the objectives of the USAID Disability Policy in performing the program. The recipient should demonstrate a comprehensive and consistent approach for including men, women, Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex (LGBTQI+) individuals, and children with disabilities.

Further, USAID award requirements strongly encourage implementing partners and their subpartners to develop and enforce comprehensive nondiscrimination policies for their workplaces that include protection for all their employees on the bases listed above, subject to applicable law.

Prevention

Q. What are the basic elements of a safeguarding regime?

A. A comprehensive approach to safeguarding 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 harm for the most vulnerable. At the corporate level, adopting a code of conduct consistent with international standards is a foundational 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 accountable. This establishes a common set of expectations, regardless of local laws and customs. It is often helpful for organizations to have policies specific to safeguarding.

At the program level, prevention tools include protection-mainstreaming, gender analysis, the mapping of safeguarding 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. Consult USAID's PSEA Policy for greater detail.

Q. How are partners supposed to pay for safeguards?

A. USAID recognizes the varying levels of existing safeguarding capacity among individual organizations within the development community and the need to strengthen this capacity overall. Because strengthening safeguarding capacity and complying with new safeguarding requirements may be associated with new or increased costs, the Agency encourages all current and prospective recipients to consider safeguarding compliance costs during the program design and application processes, building one-time or recurring costs appropriate to the anticipated program into the proposed budget. Safeguarding costs and the method of recovery (e.g., via a specific cost line item vs. through an indirect cost rate) will vary from organization to organization and across awards. The cognizant AO will make final decisions on safeguarding cost allowability, taking into consideration the extent to which proposed costs are allocable and reasonable given the operating environment and relative safeguarding risk given the type of program and anticipated activities.

Q. Does USAID provide safeguarding training to implementing partners?

A. USAID engages with partners regularly on safeguarding matters. Implementing partners are responsible for educating their staff and sub-awardees related to their safeguarding responsibilities. Partners may consult USAID's Safeguarding Partner Toolkit for additional information and resources. Numerous organizations currently offer training. Additional materials and resources are included in the Partner Toolkit.

Q. Does the implementing partner have responsibilities for ensuring their sub-awardees have adequate safeguarding measures in place?

A. The implementing partner must have appropriate oversight and award management controls in place and encourage the subcontractor to review its policies and processes to ensure that they are in line with the award requirements. This includes ensuring that the appropriate safeguarding award requirements are incorporated into their awards. The partner may consider providing additional training for its staff and sub-awardees to ensure that policies are well understood and implemented.

Reporting

Q. Are USAID implementing partners required to report possible safeguarding violations?

A. Yes. See the question above on award requirements for more detail.

Q. Are USAID implementing partners required to report instances of workplace sexual harassment?

A. Yes, in some instances. Sexual harassment between implementing partner staff may also be considered sexual exploitation and abuse and the reporting requirements outlined in the Safeguarding Provision must be followed.

Q. What are USAID implementing partners required to report under the new safeguarding provision?

A. Implementing partners must report credible information of exploitation, sexual abuse, child abuse, child neglect, or TIP violations by implementing partner or sub-awardee staff, consistent with their specific award requirements. The partner may also be required to provide: additional information on any actions planned or taken in response to the allegation; and any actions planned or taken to assess, address, or mitigate factors that contributed to the incident.

Q. What is USAID's policy on whether partners should share personally identifiable information (PII) in reports?

A. USAID expects its staff and partners to protect the privacy and confidentiality of individuals involved in SEA incidents. The Agency's PSEA Policy clearly articulates the importance of appropriately safeguarding any personally identifiable information obtained during the reporting process, which should only be shared on a strict need-to-know basis.

It is USAID's general policy to encourage partners not to share personally identifiable information (PII) related to survivors, as this could pose significant risks to their safety and security and is not necessary for Agency purposes. In addition, the Safeguarding Compliance Plan requires that partners have documented procedures for protecting PII from unauthorized access and disclosure.

Q. What happens when I report possible safeguarding violations to USAID?

A. Once a report is received, USAID will review the information provided by the partner and may ask follow-up questions, as appropriate based on the particular facts and circumstances, and in accordance with the terms and conditions of the award. Those questions could include, but are not limited to, questions about: the safety and wellbeing of the survivor, including whether the survivor has been provided access to appropriate support and whether they are protected from retaliation; the alleged perpetrator, including whether they are a partner employee and therefore subject to the code of conduct requirements; whether government authorities have been notified or are involved in the matter; and partner internal controls and response mechanisms.

The OIG reviews reports independently and may also choose to initiate an investigation or request additional information as needed.

For more information: see USAID's Safeguarding Standard Operating Procedures, applicable for USAID staff.

Q. How many reports of possible safeguarding violations does USAID receive?

A. Safeguarding violations are chronically underreported across the development and humanitarian assistance sector due to a number of factors, including fears of stigma or retaliation, limited availability of or accessibility to trusted service providers, impunity for perpetrators, and lack of awareness of the benefits of seeking care and support. This makes accurate data and reporting about the prevalence of safeguarding violations difficult to obtain. Sharing and reporting the data that is available, while protecting the confidentiality and dignity of survivors and the due process rights of alleged perpetrators, is an important component in increasing transparency around and accountability for misconduct. USAID recognizes that strengthening such transparency and accountability can both serve as a deterrent and instill greater trust in our efforts to protect survivors and all those we reach through our programming.

In Fiscal Year 2023, USAID received 112 reports of sexual misconduct (including SEA and sexual harassment at the implementing partner level) in our programs. These included 102 reports of SEA, 37 reports of sexual harassment within an implementing partner organization, and 27 reports involving both

SEA and sexual harassment. 69% involved civil society organizations, 10% involved public international organizations, and 21% involved subawardees. 30.4% of reports involved children and 55.4% involved adults, with 14.3% of an unknown status. Where the information is known, survivor support is provided in 41% of reports, and most often includes psychosocial support.

USAID takes these reports seriously and works with relevant stakeholders, including our implementing partners and the OIG, to take appropriate action in response. This includes advising partners as necessary to take specific steps to address an actual or alleged violation, considering appropriate protective measures in response to substantiated instances of misconduct, and considering other remedies, including disallowing costs, suspending or terminating awards in whole or in part, or pursuing suspension or debarment. At the same time, USAID recognizes that given the “invisible” nature of this crisis, we need to address formal reports while also expanding sexual misconduct prevention and mitigation efforts and ensuring that support services are available to all survivors, regardless of whether they choose to report.

Investigation and Response

Q. What is the role of the Responsibility, Safeguarding, and Compliance (RSC) Division as it relates to safeguarding?

A. As the Agency’s operational safeguarding lead, the RSC Division receives and manages disclosures of possible safeguarding violations via the Disclosures Mailbox (Disclosures@usaid.gov) and related case/incident tracking. The RSC Division also coordinates and provides guidance to USAID staff regarding response to possible safeguarding violations, including award management and suspension and debarment options. The division analyzes trends in misconduct allegations and Agency response to inform Agency policy and operational guidance, as may be appropriate.

Q. Does USAID directly investigate reports of possible safeguarding violations?

A. USAID expects our partners to have internal controls and procedures that align with the terms and conditions of their awards and the applicable requirements for assistance in 2 CFR Part 200 and for acquisition in the FAR and the AIDAR. This includes having the internal capacity for and/or access to external support for taking necessary actions to assess alleged code of conduct violations, including for safeguarding (see below for more information on investigations), consistent with their awards. Implementing partners can contract out support to organizations which specialize in certain functions, to assist them or their sub-awardees with their financial, administrative, and management functions if they lack the expertise needed to perform these functions themselves. USAID does not investigate individual

incidents. However, in some cases, the OIG may choose to initiate an investigation of its own, under its independent authority.

Q. How are investigations of possible safeguarding violations different from investigations related to fraud, waste, and abuse?

A. Investigations into possible safeguarding violations require a specialized skill set. Specialized training is available through a number of organizations. Generally, all investigators should have the ability to use active listening skills and communicate non-judgmentally. In addition, safeguarding investigators should, at a minimum, have the ability to:

- Use a survivor-centered approach in their interactions with those that report (or call for information);
- Take special care when the survivor is a child, when considering how to interview the child and engage with parents, family, or other caregivers as appropriate.
- Demonstrate empathy;
- Demonstrate cultural competence, including knowledge of local customs and social norms;
- Communicate essential information about reporting and care options to a caller/reportee/survivor; and,
- Defer to the caller/reportee/survivor to make their own decisions about what is best for them.

For more guidance on investigations related to sexual exploitation, abuse and harassment (SEAH), see the [CHS Alliance Investigation Guide](#).

Q. Who pays for survivor support?

A. USAID understands that responding to violations will have cost implications for implementing partners. The Agency encourages all current and prospective recipients to consider safeguarding compliance costs during the program design and application processes, building one-time or recurring costs appropriate to the anticipated program into the proposed budget. Requests for reimbursement of these costs will be at the discretion of the AO who will consider the extent to which incurred costs are allowable, allocable, and reasonable and the extent to which the implementing partner has fully complied with the award's safeguarding requirements.

Q. What is the role of USAID staff, including the USAID CO/AO or the CO/AO's Representative (COR/AOR)?

A. USAID staff are required to report allegations of misconduct related to safeguarding in USAID programs including but not limited to trafficking in persons, sexual exploitation and abuse and sexual harassment, and child abuse, exploitation, and neglect to USAID's Disclosures Mailbox at Disclosures@usaid.gov and the USAID OIG ([OIG Portal](#)). In addition, USAID staff must notify the cognizant CO/AO, if known, as soon as they become aware of the allegations.

While partners are not always required to provide additional information regarding each individual incident, the COR/AOR may consider asking additional follow up questions of the partner in order to make a recommendation to the CO/AO on the appropriate award remedy and consider whether the matter should be referred to the RSC Division. Specifically, they may ask implementing partners what they are doing to address the needs of the survivor who directly experienced the sexual exploitation or abuse—including protection from potential retaliation. The COR/AOR may also ask partners what they are doing regarding the alleged perpetrator, including ensuring that any investigations incorporate appropriate principles of due process.

USAID staff are also responsible for following Agency policies and protocols related to need-to-know, confidentiality, and privacy. When coordinating with the RSC Division, staff may follow up with implementing partners and provide technical guidance to the RSC Division, which may include but is not limited to: sector and subject-specific technical guidance, regional and country-specific guidance, communications, and media support, etc.

COs/AOs may also take a range of award management actions in accordance with the terms and conditions of the award, including referring perpetrators for potential suspension and debarment (see question below). Effective communication between the CO/AO, COR/AOR, and implementing partner is essential for ensuring an appropriate response to all allegations of serious wrongdoing.

Q. What is the role of the Office of Inspector General?

A. The OIG reviews reports independently and may also choose to initiate an investigation or request additional information as needed. The OIG has independent legal authority to:

- Investigate allegations of misconduct, mismanagement or violations of law, rules, or regulations by employees or program participants, as well as fraud, waste, and abuse in USAID programs, including SEA, TIP, and child exploitation, abuse, and neglect.
- Investigate allegations of criminal, civil, and administrative violations related to USAID's programs, which includes directly communicating any requests for information to the partner.
- Refer allegations and investigative results of misconduct to the appropriate parties for review and potential administrative action.

Q. What is the role of suspension and debarment in this process?

A. USAID relies on a wide range of tools and remedies, including but not limited to suspension and debarment, when engaging with partners on potential performance and compliance issues. Suspension and debarment are discretionary tools used by the U.S. Government (USG) to protect taxpayer dollars and ensure that USG funds are only entrusted to individuals and entities that are presently responsible. In the context of safeguarding violations, suspension and debarment actions are intended to protect the USG and prevent harm by excluding individuals identified as perpetrators and/or excluding implementing partners that do not have appropriate safeguarding and reporting requirements. Only USAID's Suspending and Debarring Official can make suspension and debarment determinations on the Agency's behalf.

Q. Does USAID expect partners to report allegations of safeguarding violations that are related to non-USAID programming?

A. USAID does not require implementing partners to report allegations of safeguarding violations that are unrelated to USAID programming, for example, another donor's program. However, such reporting can help the Agency identify broader trends and risk factors related to safeguarding within a specific operating context. To the extent that implementing partners choose to report such incidents to USAID, we will use it to inform our own prevention efforts.

Q. What is the role of local authorities?

A. Implementing partners are responsible for ensuring they are aware of local laws and engaging with their own legal counsel to determine appropriate next steps. USAID otherwise does not enforce compliance with local laws and does not mandate reporting of exploitation, sexual abuse, child abuse and child neglect to local law enforcement.

Protection from Sexual Exploitation and Abuse (PSEA)**Q. Where can I find international standards on PSEA?**

A. There are several recognized standards around PSEA. USAID endorses the Interagency Standing Committee's (IASC) Six Core Principles on SEA. The CHS Alliance and Core Humanitarian Standard are also commonly consulted frameworks for addressing SEA within the international community.

Child Safeguarding

Q. Where can I find international standards on child safeguarding?

A. Keeping Children Safe's International Child Safeguarding Standards outline the key principles and standards related to child safeguarding.

Q. Within USAID, what is the difference between child protection programming and child safeguarding?

A. Child protection is broadly defined as the prevention of and response to violence, exploitation, abuse, and neglect of children. Child protection programs focus on child beneficiaries, especially vulnerable children and their households. Child protection programs typically encompass an understanding of host country child welfare laws and policies and include community and child welfare systems reforms that address risks to children, and may focus on family and caregiver environments, actions, and behaviors that affect individual children. Child safeguarding is one aspect of a sound child protection approach. Other organizations may have their own definitions of child protection depending on the contexts in which they work.

In this guidance, child safeguarding is specifically focused on the conduct of USAID implementing partners. Child safeguarding is used to describe the prohibitions and actions necessary to prevent and respond to incidents of child abuse, exploitation, and neglect perpetrated by implementing partners' personnel across all sectors of an intervention or program. It constitutes what is appropriate behavior when working with children. Child safeguarding also includes systems and mechanisms established by organizations to ensure the safety of child participants in the presence of staff or outside parties.

USAID funds diverse types of programming that impact children and their families, but they must all incorporate USAID child safeguarding provisions, so that any children in such programs also have the benefit of the prohibitions and protections required under the USAID child safeguarding terms contained in their awards.

Q. What additional requirements may apply when a U.S. citizen/national child overseas may have been subjected to child abuse, exploitation, or neglect?

A. In cases in which either the alleged perpetrator or victim is a U.S. citizen/national, the Department of State has detailed, separate guidance in 7 FAM 1720—Child Abuse and Neglect (2018), which must be

followed. Under 7 FAM 1721, the Department of State notes that such allegations of child abuse or neglect should be taken seriously. It requires that these cases must be approached urgently but dispassionately, and with deliberation and discretion. The Department of State's Office of American Citizens Services and Crisis Management (CA/OCS/ACS) is the action office for child abuse and neglect issues concerning private U.S. citizens/nationals abroad.

The Department of State 7 FAM 1720 also provides a helpful list of general resources on child abuse, exploitation, and neglect that may be of assistance to implementing partners developing child safeguarding guidance. For example, see 7 FAM 1730 regarding child exploitation and 7 FAM 1932.4 Crime Victim Assistance: Child Abuse and 7 FAM Exhibit 1721 Child Abuse and Neglect Resources, which provides links to various sources of assistance and reference materials. 7 FAM Exhibit 1723 (A through C (2005)) provides lists of possible indicators for child neglect and maltreatment; child physical abuse; and child sex abuse.

Counter-Trafficking in Persons (CTIP)

Q. Where can I find international standards on CTIP?

A. There are a number of standards around CTIP, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons (Palermo Protocol), which has been in place since 2000. The U.S. Government's anti-trafficking efforts are guided by the Trafficking Victims Protection Act, which provides the USG definition of TIP as well as the legal framework for the USG to address human trafficking. The U.S. National Action Plan to Combat Human Trafficking has identified cross-cutting approaches as instrumental to countering TIP, including integrating survivor consultant expertise into policies and programs, and promoting more inclusive, culturally competent, linguistically accessible, and survivor-informed resources. Finally, each year the State Department's Office to Monitor and Combat Trafficking (known as J/TIP) releases an annual Trafficking in Persons report which highlights global trends in human trafficking as well as information being taken to combat human trafficking.

Q. How is TIP different from smuggling?

Human smuggling is distinct from human trafficking, occurring when a person voluntarily enters into an agreement with a smuggler to gain illegal entry into a foreign country and is moved across an international border. The key differences between the two crimes include: consent - smuggling, even if dangerous or degrading, involves consent; exploitation - smuggling ends with the migrants' arrival at their destination, whereas trafficking involves ongoing exploitation; transnationality - smuggling is always transnational, whereas trafficking may not be; and, source of profits - in smuggling cases, profits are

derived from the transportation or facilitation of the illegal entry or stay of a person into another country, while in trafficking cases profits are derived from exploitation.