

INTERNATIONAL VIOLENCE AGAINST WOMEN ACT (I-VAWA)
DRAFT POLICY OUTLINE
DECEMBER 7, 2006

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SECTION A: GENERAL

I. FINDINGS

II. PURPOSES

(a)The purposes of this Act are:

(1)To systematically integrate efforts to end gender-based violence against women and girls into all existing, appropriate U.S. foreign policy programs, and to develop and implement guidelines for effective practices. Prevention of and response to gender-based violence against women and girls should be coordinated across all sectors.

(2)To expand the capacity of the U.S. government to raise the issue of gender-based violence against women and girls with foreign governments as part of our diplomatic relations.

(3)To support and build capacity and effectiveness of overseas non-governmental organizations (NGOs) working to end gender-based violence against women and girls, particularly women's non-governmental organizations.

III. DEFINITIONS

IV. GENERAL PROVISIONS

(a)It is the general policy of the United States government that its foreign assistance programs, projects, activities, or actions contained in this Act, or any amendment made by this Act, shall comply with the following requirements:

(1) Reduce gender-based violence through multi-sectoral methods, working across levels of society (individual, family, community, local, national, international), across types of activities (service provision, prevention/training, advocacy) and across areas of intervention (economic, education, health, legal and others).

(2) Conduct extensive consultation with in-country organizations that work with the target population before project design begins and throughout the project cycle.

(3) Coordinate and deliver assistance through locally based NGOs together with financial and technical support to build the capacity of these organizations to deliver effective programming whenever possible.

(4) Coordinate activities with recipient country governments and with other bilateral, multilateral, non-governmental, and private sector donors active in the relevant sector and country.

SECTION B. POLICY AND PROGRAMS

I. INCREASE WOMEN’S ECONOMIC OPPORTUNITY AND EDUCATION.

(a) ECONOMIC OPPORTUNITY.

(1)PURPOSE. —The purpose of this section is to improve economic opportunities for women to help prevent gender-based violence against women and give women opportunities to escape violence.

(2)AMENDMENT. —Amends Foreign Assistance Act.

(3)AUTHORIZATION. —

(A)Not less than 15% of the funds authorized under this act shall be used to create or expand programs to create economic opportunity for women, to integrate gender-based violence against women and girls into existing economic opportunity programs, or to integrate economic opportunity programs into already existing gender-based violence against women and girls programs.

(4)USE OF FUNDS¹. —

(A)Support programs to help women meet their economic needs and increase their economic opportunities, including through support for:

(i)Starting and growing businesses (micro, small and medium-sized enterprises) through access to financial and non-financial services, including initiatives to eliminate legal and institutional barriers to:

(I)women’s ownership of assets, access to credit, access to information and communication technologies, engagement in business activities within or outside of the home; and

(II)capacity-building for women entrepreneurs and micro entrepreneurs.

(ii)Activities to increase women’s access to gainful, informal and formal employment and higher quality employment with better remuneration and working conditions, relative to core labor standards determined by the International Labor Organization, including through promoting:

(I)efforts to support self-employed poor women or wage workers to form or join independent networks or other labor associations to increase their income and improve their working conditions;

(II)advocacy efforts to protect women and girls from violence in the workplace; and

(III)assistance to governments and organizations in developing countries seeking to design and implement laws, regulations and programs to improve working conditions for women and to facilitate their entry into and advancement in the workplace.

(iii)Education, literacy and numeracy programs, and training in job skills, including in non-traditional fields and expected growth sectors, business planning, financial management, leadership development and other relevant areas.

¹ Numerous studies have indicated that increasing women’s economic status and security is a critical strategy to decreasing their vulnerability to violence.

- (B) Support programs to help increase property rights, home ownership and land tenure security for all women by targeting programs that²:
- (i) promote extension of property and inheritance rights to all women;
 - (ii) promote legal literacy among men and women about women's property rights and measures available to ensure rights related to owning and disposing of property and assets, including information in the event of separation, death or divorce, and how to exercise such rights;
 - (iii) help women to make land claims and protect women's existing claims; advocate for equitable land titling and registration for women, including safeguards for women title-holders in joint-titling circumstances in the case of domestic violence disputes; and
 - (iv) train staff in bank and related land registration institutions on equitable land titling procedures.
- (C) Integrate gender-based violence against women and girls prevention and response activities into existing economic opportunity programs, including by:
- (i) Integrating education on gender-based violence against women and girls, economic rights, and related areas such as legal rights, HIV/AIDS prevention, and women's empowerment, into women's microfinance, microenterprise and job skills training programs and providing referrals for women who identify themselves as survivors of violence to psycho-social, legal, medical and other support services; and
 - (ii) Training service providers of economic opportunity programs on sensitivity to gender-based violence against women and girls, including identifying instances of abuse and knowledge about appropriate referral mechanisms.
- (D) Address gender-based violence against women and girls in the workplace, including by:
- (i) Developing assistance programs designed to promote awareness of and adherence to international labor standards on the elimination of discrimination with respect to employment and occupation, including all forms of gender discrimination. Programs on gender discrimination should include, but not be limited to, prohibiting mandatory pregnancy testing, HIV/AIDS status discrimination, and failure to effectively prohibit workplace gender-based violence against women and girls and sexual harassment.
 - (ii) Assisting countries in developing and enforcing laws that prohibit gender-based violence against women and girls in all sectors of work and provide protection for all workers, including migrant and immigrant workers. Laws should apply in both the formal and informal sectors, including work within or outside of any special economic business or export zones. In all cases, the injured worker must be able to pursue civil actions in addition to criminal sanctions.
 - (iii) Providing assistance and training to promote systems of independent and community-based evaluation and monitoring of corporate practices with

² Recent studies conducted by the International Center for Research on Women (ICRW) have shown that women's property rights in particular are statistically shown to decrease their vulnerability to gender-based violence against women and girls.

respect to policies on gender discrimination, sexual harassment and/or gender-based violence against women and girls, whether within or outside the ambit of corporate codes of conduct.

(iv) Providing gender-based violence against women and girls prevention and awareness-raising programs to workers and employers through economic growth and trade capacity building assistance programs.

(v) Encouraging developing country governments to develop effective mechanisms within government ministries to address workplace gender-based violence against women and girls.

(E) Address social norms and attitudes surrounding women's economic status by:

(i) Including in existing economic opportunity programs, for clients for which there is both a man and a woman in the household, programs that help both women and men adjust to women's changing economic roles. Programs should be sex-segregated where appropriate³.

(ii) Supporting public education efforts to inform women and men of women's legal rights related to employment, property rights, and finances.

(5) ELIGIBLE ENTITIES.—

(A) Funds can be provided to:

(i) Indigenous civil society organizations, including NGOs, community-based organizations, particularly women's civil society organizations with demonstrated expertise working on women's empowerment, including survivor's groups;

(ii) Appropriate developing country government agencies, including appropriate Ministries; and

(iii) Cooperating agencies and contractors that have demonstrated experience working on this policy area.

(B) Preference in funding should go to indigenous women's civil society organizations, particularly NGOs and community-based organizations, or partnerships with such organizations.

(C) Any entity receiving funding under this section shall include consultations with appropriate women's organizations for project design, implementation and monitoring and evaluation.

(D) All funds, except those provided directly to developing country governments, shall be awarded through an open, competitive, transparent grants and/or bidding process.

(E) Contractors and/or cooperating agencies partnering with local civil society organizations shall:

(i) Mentor and empower one or more appropriate indigenous civil society organizations by steadily increasing their amount of responsibility under the contract or agreement⁴.

(ii) Engage in an open, transparent, competitive process for selecting local partners.

³ For example, a recently released program evaluation report of the IMAGE project in South Africa found that integrating violence against women activities into microfinance programming significantly reduced the amount of violence experienced by women participants.

⁴ This is based on the model of the Women's Justice and Empowerment Initiative in South Africa.

(F) In addition, at least 10 % of funds shall be set aside for grants, including small grants, to indigenous women's NGOs and community-based organizations to develop and implement their own programs related to the above activities described in the "Use of Funds" section.

(b) EDUCATION.

(1) PURPOSE. — The purpose of this section is to prevent and respond to school-related gender-based violence to create safe school environments for girl and boy students and to help improve educational outcomes.

(2) AMENDMENT. — Amends Foreign Assistance Act.

(3) AUTHORIZATION. — \$50 million per year for 3 years

(4) USE OF FUNDS⁵. —

Increase girls' access to education and improve educational outcomes by addressing school-related violence, especially school-related gender-based violence against girls, including through working with Ministries of Education, by:

(A) Developing, implementing, and enforcing laws and codes of conduct in national education strategies that:

(i) Prohibit gender-based violence against women and girls and sexual harassment in schools, universities and technical training schools, including such actions towards students by teachers, other school staff and classmates;

(ii) Include an effective, confidential system for reporting and redress for all violations of the code;

(iii) Require the provision of health and psycho-social services when appropriate, or referrals to such services, for victims and witnesses of violent incidents and harassment; and

(iv) Require provision of referrals to legal services to victims when appropriate.

(B) Providing gender sensitive and responsive pre- and in-service teacher training for all men and women teachers and school administrators on school-related violence, especially gender-based violence against women and girls awareness, prevention, reporting and referral and on implementation of codes of conduct.

(C) Putting in place policies to encourage placement of female teachers and school administrators in schools and classrooms as a measure of safety while also serving as role models for retention of girl students.

(D) Working to ensure the safety of girls and boys during their travel to and from school, on school grounds, and in classrooms, dormitories and latrines, including by:

(i) Providing adequate and appropriate girls' sanitary facilities separate from boys' facilities;

(ii) Convening meetings of all stakeholders – school management committees, youth groups, parents, students, teacher, and other stakeholders to come up with practical community solutions to protect boys and girls from school-

⁵ The WID office has piloted a "Safe Schools" program in Ghana and Malawi. This section builds upon the best practices from that program and expands it to other countries.

related violence, especially school-related gender-based violence against women and girls;

(iii) Where appropriate, supporting construction or improvement of separate boys' and girls' safe housing structures attached to schools;

(iv) Creating designated safe school routes monitored by parents and other community members during designated before-and-after school hours or adult chaperoned walking groups; and

(v) Supporting community sensitization programs on the importance of girls' education.

(E) Including age and gender-appropriate social norm change and life skills programs for boys and girls through primary and secondary education about the unacceptability of gender-based violence against women and girls, healthy relationships, and self-protection awareness and response.

(F) Developing gender-equitable school curricula at primary and secondary educational levels and educating boy and girl students about gender equality, including by evaluating teacher performance on promoting the role of girls in the classroom.

(G) Supporting school curricula and extra-curricular activities on prevention of gender-based violence against girls, including theater and radio programs, clubs and after school programs.

(H) Promoting the role of parents in eliminating school-related violence, especially school-related gender-based violence against women and girls. Additional strategies may include:

(i) Establishing parent-teacher associations where they do not exist; and

(ii) Training parents on school-related violence, especially school-related gender-based violence against women and girls.

(I) Conducting national and baseline surveys to collect data on how boys and girls experience school-related violence, especially school-related gender-based violence against women and girls.

(5) ELIGIBLE ENTITIES. —

(A) Funds can be provided to:

(i) Indigenous civil society organizations, including NGOs, community-based organizations, particularly organizations with demonstrated expertise working on women's empowerment, including survivor's groups;

(ii) Appropriate developing country government agencies, including Ministries of Education; and

(iii) Cooperating agencies and contractors that have demonstrated experience working on this policy area.

(B) Preference in funding should go to indigenous civil society organizations, particularly NGOs and community-based organizations with demonstrated expertise on women's empowerment or partnerships with such organizations.

(C) Any entity receiving funding under this section shall include consultations with appropriate women's organizations for project design, implementation and monitoring and evaluation.

(D) All funds, except those provided directly to developing country governments, shall be awarded through an open, competitive, transparent grants and/or bidding process.

(E) Contractors and/or cooperating agencies partnering with local civil society organizations shall:

(i) Mentor and empower one or more appropriate indigenous civil society organizations by steadily increasing their amount of responsibility under the contract or agreement⁶.

(ii) Engage in an open, transparent, competitive process for selecting local partners.

(F) In addition, 10 % of funds shall be set aside for grants, including small grants, to indigenous women's NGOs and community-based organizations to develop and implement their own programs related to the above activities described in the "Use of Funds" section.

II. CHANGE SOCIAL NORMS TO PREVENT AND END GENDER-BASED VIOLENCE AGAINST WOMEN AND GIRLS.

(a) **PURPOSE.** —The purpose of this section is to change the social norms that condone and at times encourage gender-based violence against women and girls, by focusing on prevention and working with men and boys.

(b) **AMENDMENT.** —Amends Foreign Assistance Act.

(c) **AUTHORIZATION.** - \$30 million per year for 3 years.

(d) **USE OF FUNDS.** —

(1) Support community interventions and organizing efforts focused on changing the norms that shape male attitudes and behaviors toward women and women's attitudes about the acceptability of violence; emphasize multi-sectoral and coordinated responses over individual actors or sectors.

(2) Focus organizing efforts on identifying non-violent men and youth and elevating their status within communities; engage male opinion leaders in communities as allies in ending gender-based violence against women and girls, including faith and traditional leaders, and ensure that men's engagement programs work as allies with women's NGOs.

(3) Provide funding and programmatic support for mass media social change campaigns, and community organizing efforts to create new norms, and change behaviors and practices within communities and families.

(4) Identify and support women survivors of violence to educate their communities on the impacts of violence and empower them to be spokespersons in efforts to change social norms.

(5) Increase efforts to prevent violence and abuse by targeting children and youth and teaching them how to develop mutually respectful and nonviolent relationships.

⁶ This is based on the model of the Women's Justice and Empowerment Initiative in South Africa.

(6) Educate and provide trainings for journalists on the nature, prevalence and consequences of gender-based violence against women and girls and the ability of the media to change attitudes and behaviors.

(7) Support efforts to change attitudes around child marriage.

(e) ELIGIBLE ENTITIES. —

(A) Funds can be provided to:

(i) Indigenous civil society organizations, including NGOs, community-based organizations, particularly organizations with demonstrated expertise serving victims of gender-based violence against women and girls and conducting social change campaigns, including survivor's groups;

(ii) Appropriate developing country government agencies, and

(iii) Cooperating agencies and contractors that have demonstrated experience serving victims of gender-based violence against women and girls and conducting social change campaigns.

(B) Preference in funding should go to collaborations that involve multiple strategies addressed by this section.

(C) Any government, cooperating agency or contractor receiving funding under this section must include funding and/or capacity building for indigenous women's civil society organizations.

III. INCREASE THE CAPACITY OF THE HEALTH SECTOR TO PREVENT, IDENTIFY, AND RESPOND TO GENDER-BASED VIOLENCE AGAINST WOMEN AND GIRLS.

(a) PURPOSE. —The purpose of this section is to improve the capacity of the health care sector to identify and respond to gender-based violence against women and girls and to integrate anti-gender-based violence against women and girls activities into already existing health care delivery systems, specifically those addressing HIV/AIDS, reproductive health and maternal and child health programs.

(b) AMENDMENT. —Amends Foreign Assistance Act.

(c) SECTION I: HEALTH CARE PROVIDER TRAINING AND SERVICES.

Require integration of gender-based violence programming into health programs supported by USAID and State Department Bureaus and missions including the Bureau of Global Health and Office of Population Refugees and Migration and provide funding to create new grants and contracts where necessary to implement a systems-wide approach to training health care providers to safely assess for and respond to gender-based violence against women and girls as a means of helping women become safer and improve their health outcomes, and providing supportive services to women experiencing violence. Funding will go specifically to:

(1) Train health care providers, formal and informal, on how to safely and confidentially assess women seeking health services for intimate partner, family and sexual violence and respond in a culturally competent and supportive manner. Programs must integrate gender-based violence against women and girls throughout the health care delivery system and routinely screen only when safeguards are in place to protect women's safety.

(2) Train health care workers, including traditional birth attendants, specifically working with pregnant women and women at risk for an unwanted pregnancy on how to protect themselves from violence and unintended pregnancy and on the impacts of violence during pregnancy.

(3) Work with women in the health care setting on developing safety-promoting behaviors for themselves and their children and linking them with effective psychosocial and other relevant support services where available.

(4) Where supportive services do not already exist, funding may be used to provide a woman with psychosocial, legal, economic or other supports that the woman feels will help improve her safety and health.

(5) Ensure that special training is given to health workers and others in settings with large numbers of refugee and displaced persons to identify, respond to, and prevent gender-based violence against women and girls; identify and protect survivors, including of rape; and take other steps to deal with the specific vulnerabilities of refugee and displaced persons.

(6) Improve coordination in countries between the health and justice sectors to effectively respond to women experiencing violence and address the comprehensive needs of women who are survivors of violence, including forensic services, to help survivors of violence prosecute their abusers.

(7) Promote integration of already existing programs addressing reproductive health care, HIV/AIDS prevention, care, treatment, voluntary counseling and testing, gender-based violence against women and girls and child survival.

(8) When it can be done safely and does not jeopardize a woman's safety, involve husbands and male partners in counseling and reproductive health and HIV/AIDS services.

(9) Encourage health care providers and systems to participate in violence prevention networks that may already exist in other sectors or as part of national action plans.

(10) Develop surveillance systems within the health care sector that collect at a minimum the type of violence experienced by the girl or woman, age of the victim and relationship to the perpetrator if it can be done in a safe and confidential manner.

(d) SECTION II: PEPFAR.

The Office of the Coordinator of United States Government Activities to Combat HIV/AIDS Globally shall:

(1) Issue a guidance on the integration of gender-based violence against women and girls, reproductive health and HIV/AIDS into all PEPFAR country plans and make explicit that integrated programs will be the preferred method of delivering services.

(2) Provide incentives to PEPFAR country teams to incorporate gender-based violence against women and girls programs into existing HIV/AIDS programs and to integrate HIV/AIDS and gender-based violence against women and girls programming into reproductive health programming to reduce stigma.

(3) Develop targets and indicators for how programs will address and measure successful integration of gender-based violence against women and girls into programming.

(4) Require meaningful input from women-led NGOs, women's health advocates and networks of women living with HIV/AIDS, including organizations with expertise in gender-based violence against women and girls, into all levels of the country plan development process, implementation, and evaluation; and if women's NGOs do not have the capacity to contribute meaningfully then set aside a significant portion of

funding for women's groups and develop a plan in consultation with women's groups to bring them up to capacity so they can contribute in a meaningful way.

(5) Target adolescent girls with violence prevention programming and increase emphasis on addressing sexual violence and coercion and unequal power relations between men and girls as a primary HIV/AIDS prevention strategy.

(6) Set aside 5 percent of PEPFAR funding to focus on primary gender-based violence prevention programs, including programs directed at men and adolescent boys to change social norms around gender roles and sexual violence and coercion.

(7) Fund evidence-based public education efforts to raise awareness of the type, prevalence and impact of violence on health in general and HIV risk in particular, and on the supportive resources that are available.

(8) Increase women's access to information and training on safer sex practices and strategies for protecting themselves from HIV/AIDS.

(e) AUTHORIZATION OF APPROPRIATIONS.

(1) Authorization of Appropriation for Health Care Provider Training and Services -- \$60 million per year for 3 years

(i) Programs that use a "systems approach" to integrating gender-based violence against women and girls into all aspects of the health care delivery system will be given priority in funding.

(ii) Programs must include the collection of data and evaluation of programs.

(iii) Grantees are responsible for developing and reporting on outcomes related to gender-based violence against women and girls.

(iv) Programs must consider safety of women as the primary concern in deciding whether and how to screen for violence and should refer to the WHO guidelines on conducting ethical research on gender-based violence against women and girls.

IV. INCREASE LEGAL AND JUDICIAL PROTECTION AGAINST GENDER-BASED VIOLENCE AGAINST WOMEN AND GIRLS.

(a) PURPOSE. —The purpose of this section is to establish and support laws and legal systems that help to prevent and appropriately respond to gender-based violence against women and girls, including by, ensuring that law enforcement and judicial personnel and authorities will recognize the needs of victims and have the skills to address them, and ensuring that survivors are safe and supported throughout the legal process.

(b) AMENDMENT. —Amends Foreign Assistance Act.

(c) AUTHORIZATION. —\$55 million per year for 3 years

(d) USE OF FUNDS. —

(1) Promote political, legal and institutional reforms, including by providing technical assistance to developing country governments, that recognize gender-based violence against women and girls as a crime and call for training of personnel at all levels of the system to better understand and respond to gender-based violence against women and girls.

(2) Support programs that strengthen coordination efforts between the justice sector and healthcare and other social support systems.

- (3) Promote community-based support systems for survivors of violence⁷.
- (4) Support efforts to provide training and technical assistance to police, lawyers, corrections officers, judges and judicial officials on gender-based violence against women and girls, including:
- (i) Pre- and in-service training and sensitization programs regarding the particular needs and priorities of women survivors of violence, particularly those faced with violence by a partner or ex-partner, and to provide referrals as appropriate to health, psycho-social and economic opportunity services;
 - (ii) Development of safe, confidential protocols, as appropriate, for how complaints of gender-based violence against women and girls are received and evidence is collected, in a non-judgmental and respectful manner, including special protocols for working with minors, especially in cases of family and sexual violence;
 - (iii) Training on the implementation of the above protocols; and
 - (iv) Integration of gender-based violence against women and girls into law school curricula and training academies for judges, police and correction officers and other professional development activities such as conferences and seminars.
- (5) Enhance the capacity of the justice sector to address gender-based violence against women and girls, including to keep official records of all complaints, collect and safeguard evidence, systematize and track data on cases of gender-based violence against women and girls, and undertake investigations and evidence gathering expeditiously.
- (6) Help women victims of gender-based violence against women and girls to gain access to the justice sector and support women throughout the legal process, including by supporting developing country governments and advocates to:
- (i) Develop an advocate system;
 - (ii) Review and amend procedural and evidentiary rules to ensure that victims are treated with respect and dignity during the judicial process, including ensuring that women's evidence is given the same weight as men's and by preventing the introduction of unrelated evidence of a victim's sexual behavior;
 - (iii) Permit victims and witnesses to be accompanied by a person of their choice while they give evidence, particularly in cases involving crimes of sexual violence;
 - (iv) Educate women about the use of the justice system, including through providing women with legal technical assistance; and
 - (v) Establish victim and witness units for courts that will provide protective measures and security arrangements, counseling and other appropriate assistance during the investigation and trial process and any subsequent period when the safety of the victims or witnesses so requires.
- (7) Promote civil remedies in cases of domestic violence that:
- (i) Grant women and children protection, restraining or removal orders against perpetrators of violence and exclusive occupation of shared residences, as appropriate, and;
 - (ii) Preserve women's custodial rights over children and protect children.

⁷ *The purpose of this is provide access to alternative, community justice systems for survivors who do not choose to access the legal system.*

- (8) Develop confidential mechanisms for reporting gender-based violence against women and girls committed by government officials and institutions, especially those in the legal and criminal justice systems, including provisions for how perpetrators will be penalized.
- (9) Increase the numbers of well-trained female staff, prosecutors and judges in the justice sector, taking into account expertise on gender-based violence against women and girls when selecting staff, prosecutors and judges.
- (10) Have women at all police stations and increase the number of women police.
- (11) Remove procedures that grant State officials immunity from prosecution in cases of rape, human trafficking, and other forms of gender-based violence against women and girls.
- (12) Promote broader legal protection for women and girls against practices that are associated with higher rates of gender-based violence against women and girls and that are forms of violence against women and girls, such as child marriage and female genital cutting.
- (13) Amend provisions that allow mitigation of sentences in rape cases where the perpetrator marries the victim and in “honor killings”.

(e) ELIGIBLE ENTITIES. —

(1) Funds can be provided to:

- (i) Indigenous civil society organizations, including NGOs, community-based organizations, particularly women’s civil society organizations with demonstrated expertise working on women’s empowerment, including survivor’s groups;
- (ii) Appropriate developing country government agencies, including appropriate Ministries; and
- (iii) Cooperating agencies and contractors that have demonstrated experience working on this policy area.

(2) Preference in funding should go to women’s civil society organizations, particularly NGOs and community-based organizations or partnerships with such organizations.

(3) Any entity receiving funding under this section shall include consultations with appropriate women’s organizations for project design, implementation and monitoring and evaluation.

(4) All funds, except those provided directly to developing country governments, shall be awarded through an open, competitive, transparent grants and/or bidding process.

(5) Contractors and/or cooperating agencies partnering with local civil society organizations shall:

- (i) Mentor and empower one or more appropriate indigenous civil society organizations by steadily increasing their amount of responsibility under the contract or agreement⁸.
- (ii) Engage in an open, transparent, competitive process for selecting local partners.

(6) In addition, 10 % of funds shall be set aside for grants, including small grants, to indigenous women’s NGOs and community-based organizations to develop and implement their own programs related to the above activities described in the “Use of Funds” section.

⁸ This is based on the model of the Women’s Justice and Empowerment Initiative in South Africa.

V. ADDRESS GENDER-BASED VIOLENCE AGAINST WOMEN AND GIRLS IN OVERSEAS INTERNALLY DISPLACED PERSONS (IDP)/REFUGEE POLICY IN CONFLICT, POST-CONFLICT AND HUMANITARIAN RELIEF SITUATIONS

(a)PURPOSE.—The purpose of this section is to expand and coordinate overseas disaster assistance and refugee funding for humanitarian programs to prevent and respond to gender-based violence against women and girls.

(b) AMENDMENT. —

(c) AUTHORIZATION. — \$XX million for 3 years.

(d) USE OF FUNDS. —

(1) Coordinate disaster assistance and overseas refugee funding for NGO humanitarian programs through the USAID’s Office of Foreign Disaster Assistance, Office of Transition Initiatives and the State Department’s Bureau for Population, Refugees and Migration to prevent and respond to gender-based violence against women and girls. Ensure community participation in program design and implementation, including women’s NGOs and organizations that combat gender-based violence against women and girls. Increase capacity of local NGOs and indigenous legal institutions to provide legal and other assistance to refugee and IDP survivors of gender-based violence against women and girls.

(2) Ensure that funding to prevent and respond to gender-based violence against women and girls is built into in contingency plans and available throughout the duration of both natural and human-made disasters. Make available a continuum of funding to address gender-based violence against women and girls from the emergency phase through development.

(3) Incorporate the UN Interagency Standing Committee Guidelines for Gender-Based Violence Against Women and Girls in Humanitarian Settings into U.S. policy, as well as other guidelines and best practices such as InterAction’s report, “Protection in Practice: a Guidebook for Incorporating Protection into Humanitarian Operations.”

(5) Incorporate planning for gender-based violence against women and girls interventions in humanitarian settings for emergency preparedness, minimum prevention and response, and comprehensive prevention and response. Incorporate best practices for preventing and reducing gender-based violence against women and girls in all sectors including coordination; assessment and monitoring; protection (legal, social, and physical); human resources; water and sanitation; food security and nutrition; shelter and non-food essential items; health and community services; and information, education, and communication.

(4) Establish better collection, analysis and reporting of disaggregated data based on age and gender on instances of gender-based violence against women and girls in humanitarian and conflict settings by creating multi-sectoral teams that will incorporate many groups of people including the target population, field staff, coordinators, supervisors, project management, funding agencies. Design culturally appropriate and confidential reporting systems guided by ethical principles and addressing protection issues.

(5) As part of the return, repatriation or reintegration programs for refugees and internally displaced persons, provide support services for gender-based violence against women and girls to refugees and IDPs including psycho-social support, legal assistance, healthcare, training in economically viable fields, and disarmament, demobilization, and reintegration

(DDR) to all women and girl soldiers. Collaborate with community members and women's NGOs to educate local population on gender-based violence against women and girls.

(6) Provide assistance to female ex-combatants and take into account the needs of their dependents. Female ex-combatants should be part of the DDR process. Women and girl combatant suffer high rates of GBV. Ensure that girl prisoners are housed in separate juvenile facilities.

(7) Expand the role and contribution of women in field-based operations, and especially among military observers, civilian police, human rights and humanitarian assistance workers. In peacekeeping operations, increase the number of females and send numbers of females proportionate with the national average of women in the security forces to the extent possible.

(8) Ensure that the mechanisms for reporting violations against women by security forces are in place before security forces are deployed. Ensure that complaint reporting mechanisms include training about the complaints process for security forces and the communities.

(9) Actively move to protect whistle-blowers by strengthening confidentiality rules where needed. Ensure that all parties and actors within a context are trained and understand the levels and importance of confidentiality of information and establish a clear system of communication in order to reduce harm to those persons reporting cases of gender-based violence against women and girls through whistleblower and other formalized systems.

(10) Include the reduction of gender-based violence as part of the performance goals for all soldiers and commanders and rate managerial performance in accordance with the actual implementation of these goals.

(11) When negotiating and implementing peace agreements, adopt a gender perspective including:

(i) Addressing the special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict;

(ii) Adopting measures that support local women's peace initiatives and indigenous processes for conflict resolution and that involve women in all of the implementation mechanisms of the peace agreements, including as negotiators.

(iii) Adopt measures that ensure the protection of and respect for human rights of women and girls, particularly as they related to the constitution, the electoral system, the police and the judiciary.

(12) Ensure that PRM, OTI, and OFDA grantees would be required to report on gender-based violence against women and girls activities and/or cases, in accordance with confidentiality best practices.

(13) Establish regular reporting to Congress on instances of gender-based violence against women and girls in humanitarian and conflict settings.

VI. INCREASE UNITED STATES TRAINING OF OVERSEAS FOREIGN SECURITY FORCES ON GENDER-BASED VIOLENCE AGAINST WOMEN AND GIRLS.

(a) **PURPOSE.** —The purpose of this section is to ensure that security and policing programs funded with U.S. dollars address gender-based violence against women and girls. Specifically,

programs that qualify as U.S. training or assistance for foreign security forces include: Foreign Military Financing (FMF), International Military Education and Training (IMET), International Narcotics and Law Enforcement (INL), African Contingency Operations Training and Assistance (ACOTA), Section 1004 Drug Interdiction and Counter-Drug Activities, Joint Combined Exchange Training (JCET), International Criminal Investigative Training and Assistance Program (ICITAP), the Office of Overseas Prosecutorial Development Assistance and Training (OPDAT) and funding for U.S. contributions to UN Peacekeeping Operations.

(b) AMENDMENT. —

(c) AUTHORIZATION. — \$XX million for 3 years.

(d) USE OF FUNDS. —

Within those programs, the U.S. must:

- (1) Ensure that U.S. training of foreign security forces, military, police, and private contractors both in the United States and abroad include as an essential component specific instruction on principles of human rights and international humanitarian law, as well as training to stop and appropriately respond to gender-based violence against women and girls.
- (2) Incorporate training guidelines on the protection, rights and the particular needs of women, into national training programs for military and civilian police personnel.
- (3) Train foreign police, prosecutors, and judicial authorities in the treatment of victims of gender-based violence, and in the conduct of criminal investigations and the collection of forensic evidence.
- (4) Ensure that trainings include representatives or input from women's organizations, NGOs, community-based initiatives, survivors groups, non-profit and non-governmental victims services organizations with demonstrated experience in gender-based violence against women and girls.
- (5) Include training on existing codes of conduct, international standards, and complaint mechanisms.

SECTION C. PROGRAMMATIC STRUCTURE, DATA & REPORTING, AND ACCOUNTABILITY.

I. STRUCTURE AND ACTIVITIES.

(a) NATIONAL SECURITY COUNCIL. —

(1) Establishment of Interagency Task Force on International Violence Against Women.

The President shall establish an Interagency Task Force on International Violence Against Women. Interagency Taskforce members are appointed by the President and shall include at a minimum: Secretary of State, Director of Foreign Assistance, Secretary of Defense, Attorney General, and Coordinator of United States Government Activities to Combat HIV/AIDS Globally. The Taskforce shall meet at least quarterly to report on and coordinate strategies to prevent and reduce gender-based violence against women and girls. The Taskforce is chaired by the Secretary of State.

(2) Duties of Interagency Task Force on International Violence Against Women.

The Interagency Task Force shall:

- (i) Lead the government's effort to integrate an understanding of and services to address international gender-based violence against women and girls into and across federal government departments and agencies to improve coordination and effectiveness of U.S. aid and policy.
 - (ii) Measure and coordinate progress of U.S. agencies and foreign countries to combat gender-based violence against women and girls internationally. The mandate includes prevention, prosecution, and protection.
 - (iii) Assist Secretary of State in preparation of reports, including an annual report to Congress on U.S. assistance programs and funding overseas to combat gender-based violence against women and girls.
 - (iv) Coordinate and make consistent among different agencies research and data collection on gender-based violence against women and girls internationally.
 - (v) Monitor and ensure that activities to address international gender-based violence against women and girls are being done
- (3) Authorization of Appropriations for Interagency Task Force on International Violence Against Women.** \$500,000 per year for 3 years and additional sums as necessary

(b) STATE DEPARTMENT

(1) Establishment of Office on International Violence Against Women.

Establishes an Office on International Violence Against Women at the Department of State. The Office is headed by a Director. The Director is appointed by the President with the advice and consent of the Senate.

(2) Duties of Office on International Violence Against Women.

- (i) To serve as a principal adviser to the President and Secretary of State regarding matters affecting gender-based violence against women and girls internationally and to make recommendations regarding policies of the U.S. government towards governments that perpetrate or tolerate gender-based violence against women and girls.
- (ii) To execute the provisions of Section C, Subpart II: Reporting and Data

Collection.

(iii) To assist in the maintenance of the USAID internet website on Violence Against Women

(iv) To establish as part of the standard training for Foreign Service officers instruction in the field of internationally recognized human rights, including gender-based violence against women and girls.

(v) To represent the United States in matters and cases relevant to gender-based violence against women and girls in contacts with foreign governments, intergovernmental organizations, and specialized agencies of the United Nations, and other international organizations of which the United States is a member; and multilateral conferences and meetings relevant to gender-based violence against women and girls abroad.

(vi) To hold discussions on gender-based violence against women and girls in the annual meeting of U.S. Ambassadors from the region.

(vii) To establish, as a part of the agenda for Ambassadors, instruction in the field of internationally recognized human rights, including gender-based violence against women and girls.

(viii) To direct U.S. chiefs of mission to seek out, contact, and meet with women's NGOs and NGOs working to end gender-based violence against women and girls.

(ix) To convene an international Symposium/Conference on government responsibility in eliminating gender-based violence against women and girls, to discuss possible links to other global initiatives such as the UNIFEM Trust Fund for ending gender-based violence against women and girls, and possibly to compare governmental National Plans of Action against gender-based violence against women and girls.

(x) Programs and Allocations of Funds by U.S. to Missions Abroad

(I) As part of annual program planning, U.S. diplomatic missions to countries where the government engages in or tolerates gender-based violence against women and girls should assist in the creation of a strategy to end gender-based violence against women and girls; and

(II) In allocating funds or recommending candidates for U.S. programs and grants, U.S. missions should give particular consideration to those programs and candidates deemed to assist in the promotion of ending gender-based violence against women and girls.

(xi) Expresses the sense of the Congress that, in order to encourage involvement with issues regarding gender-based violence against women and girls at every strategic opportunity and by all appropriate U.S. Government representatives, officials of the Executive Branch should promote increased attention to such issues during meetings between foreign dignitaries and executive branch officials or Members of Congress.

(xii) To create annual report to Congress on U.S. assistance programs and funding overseas to combat gender-based violence against women and girls.

(3) Authorization of Appropriations for Office on International Violence Against Women. \$5 million per year for 3 years

(4) Establishment of a Senior Advisor on Gender Issues in F Bureau.

Establishes Senior Advisor for U.S. Assistance on Gender Issues reporting to the State Department Director of Foreign Assistance in F Bureau. The Senior Advisor will be a political appointee confirmed by the Senate.

(5) Duties of Senior Advisor on Gender Issues in F Bureau

(i) To advance the work to end gender-based violence against women and girls and to promote the protection of women from violence, to denounce the violation of that right, and to recommend appropriate responses by the United States Government when this right is violated.

(ii) To serve as a principal adviser to the Director of Foreign Assistance regarding matters affecting gender-based violence against women and girls internationally and to make recommendations regarding policies of the U.S. government towards governments that perpetrate gender-based violence against women and girls.

(iii) Coordinate activities of USAID and Department of State regarding policies involving gender-based violence against women and girls.

(iv) To oversee the integration of gender into U.S. foreign assistance and to ensure that gender is cross-cutting from the strategic to the country operational plan levels, and that program interventions are gender-sensitive.

(v) To ensure the development and strengthening of mechanisms to embed gender integration throughout all systems and procedures for planning, implementation, and evaluation.

(vi) To ensure the development of gender-sensitive indicators for tracking outcomes and showing results at the country level, including indicators on gender-based violence against women and girls.

(vii) To serve as the convener for regional and sectoral gender specialists in USAID and the State Department to meet, share strategies and learnings, and develop common approaches to advance gender equality in development, including on gender-based violence against women and girls.

(viii) To ensure the integration of activities against gender-based violence against women and girls in U.S. foreign assistance programs in DOS and USAID, including health, education, economic growth and opportunity, legal reform, social norm change, human rights, and humanitarian crisis activities.

AUTHORIZATION OF ASSISTANCE: \$X million

(6) Duties of the Women and Development (WID) Office at USAID

The WID office shall provide technical expertise on gender-based violence to support USAID's activities to reduce gender-based violence, particularly activities to integrate reducing gender-based violence into existing programs.

To facilitate this cross-agency role, the position of Director of the Women in Development Office shall be appointed by the President with the advice and consent of the Senate.

The Director shall report directly to the CFO (or Deputy Administrator?) of USAID.

AUTHORIZATION OF ASSISTANCE: \$15 million per year for 3 years

II. REPORTING AND DATA COLLECTION.

(a) STATE DEPARTMENT REPORTING ON GENDER-BASED VIOLENCE AGAINST WOMEN AND GIRLS.

Directs the Secretary of State to submit to Congress, in addition to the Human Rights Reports, no later than one year after the enactment of this law, a Report on Gender-Based Violence Against Women and Girls internationally describing:

- (1) The nature and extent of violations of gender-based violence against women and girls in each foreign country, including trends toward improvement or deterioration of the personal safety of women and girls.
- (2) Actions by the government of the country that contribute to, prevent or appropriately respond to gender-based violence against women and girls, including:
 - (i) statements by foreign officials to condemn gender-based violence against women and girls.
 - (ii) legislation that discriminates against women and its implementation.
 - (iii) legislation that criminalizes gender-based violence against women and girls as distinct crimes and its implementation.
 - (iv) investigations and prosecutions of gender-based violence against women and girls, including obstacles to prosecutions.
 - (v) training on gender-based violence against women and girls for police, lawyers, judges, forensic and medical personnel, social workers, immigration officials and teachers. Also, measurements of the impact and scale of training.
 - (vi) use of education system to end gender-based violence against women and girls and an assessment of the scale and impact.
 - (vii) government funding for ending gender-based violence against women and girls, including support for women's NGOs, NGOs working to combat gender-based violence against women and girls, crisis centers and shelters, and other services for survivors.
 - (viii) Collection of data on gender-based violence against women and girls.
 - (ix) public awareness and social norm change campaigns and evaluations of their effectiveness.
- (3) U.S. actions, funding and policies, as well as significant efforts by other bilateral and multilateral donors, in support of ending gender-based violence against women and girls in each such country engaging in or tolerating gender-based violence against women and girls.
- (4) Any foreign government commitments, including binding agreements between the United States and that government, committing such government to cease gender-based violence against women and girls.
- (5) An Executive Summary including the status of gender-based violence against women and girls in countries in which the U.S. is actively promoting safety for women and in countries where there has been significant improvement in protecting women from violence.

AUTHORIZATION OF ASSISTANCE: \$2 million

(b) ENHANCED REPORTING IN THE STATE DEPARTMENT COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES. —Following the first report on Gender-Based Violence Against

Women and Girls, this information will be included in the State Department Human Rights Reports in subsequent years. Directs the Director of the Office on International Violence Against Women to assist the Secretary of State in preparing those portions of the Human Rights Reports that relate to gender-based violence against women and girls.

(1)Preparation of reports regarding gender-based violence against women and girls:

(i) Standards and investigations.

The Secretary of State shall ensure that United States missions abroad maintain a consistent reporting standard and thoroughly investigate reports of gender-based violence against women and girls perpetrated by the local government.

(ii) Contacts with NGOs.

In compiling data and assessing the information on gender-based violence against women and girls for the Human Rights Reports, the Report on Gender-Based Violence Against Women and Girls, and the Executive Summary, United States mission personnel shall, as appropriate, seek out and maintain contacts with women's and human rights NGOs, with the consent of those organizations, including receiving reports and updates from such organizations and, when appropriate, investigating such reports.

(2)Amends Foreign Assistance Act of 1961 by adding "gender-based violence against women and girls" to be included as a part of the content in the Human Rights Reports for Countries Receiving Economic Assistance.

AUTHORIZATION OF ASSISTANCE: such sums as necessary

(c) USAID REPORTING ON GENDER-BASED VIOLENCE AGAINST WOMEN AND GIRLS.

USAID shall contribute to the Senior Advisor's annual report to Congress on all U.S. programs and funding across agencies to end gender-based violence against women and girls.

(d)INCREASE DATA COLLECTION ACTIVITIES/ RESEARCH/ MONITORING AND EVALUATION (section in progress).

- (1) Not less than 10% of funds shall be used to evaluate the impact of existing and new programs in [Section B] in reducing gender-based violence against women and girls and to develop best practices. The results of the evaluation shall be made public.
- (2) Prioritize safety and adhere to ethical guidelines during implementation of all research and program activities.
- (3) Enhance capacity for data collection to monitor gender-based violence against women and girls, and the attitudes and beliefs that perpetuate it⁹.
- (4) Collection and analysis of sex and age disaggregated data for all program development, implementation, evaluation, and reporting activities.
- (5) Increase funding for demographic and health surveys (DHS) to gather more information from more countries, specifically for the domestic violence module.

⁹ WHO recommendation

III. PRESIDENTIAL ACTIONS AND LIMITATIONS ON ASSISTANCE.

(a)POLICY.

It shall be the policy of the United States - (1) to oppose gender-based violence against women and girls that has been engaged in or tolerated by the governments of foreign countries; and (2) to promote the right to freedom from violence for women and girls in those countries through certain actions.

(b)ANNUAL WRITTEN REVIEW.

Requires the President to review annually the status of gender-based violence against women and girls in each foreign country during the preceding 12 months. The President must designate countries of particular concern for gender-based violence against women and girls including agencies, instrumentalities, and officials responsible for particularly severe violations of gender-based violence against women and girls.

(c)PRESIDENTIAL ACTIONS.

The President, in consultation with the Secretary of State, the Director of the International Office on Violence Against Women, and the Senior Advisor on Gender Issues, shall take one or more of the actions below in response to gender-based violence against women and girls in foreign countries:

- (1) Private or public demarche.
- (2) Public condemnation.
- (3) Create binding agreements with foreign governments obliging them to cease, or take substantial steps to address and phase out, the acts, policies, or practices constituting gender-based violence against women and girls.
- (4) Deny, delay, or cancel one or more working, official, or state visits.

(d)PRESIDENTIAL LIMITATIONS ON ASSISTANCE.

If the agents of a government of a foreign country engage in a consistent widespread pattern of gender-based violence against women and girls, and there is no serious effort to hold perpetrators accountable, then the President must withdraw, limit or suspend non-humanitarian, non-development foreign assistance to any government. This decision should be based on the reporting in the State Department Human Rights Reports or other credible evidence as provided by reliable sources including NGOs. The assistance can be resumed if the government holds perpetrators accountable. The limitation on assistance should be reviewed at minimum annually at the release of the results of the State Department Human Rights Reports. The State Department must prepare an annual report to the President and to Congress on the humanitarian impact of the withholding of U.S. assistance in the humanitarian sphere and on the effectiveness related to the end goal of ending gender-based violence against women and girls.

(e)LIMITATIONS TO PRESIDENTIAL ACTIONS.

(1)Humanitarian Assistance:

Any Presidential action taken may not prohibit or restrict the provision of medicine, medical equipment or supplies, food, or other humanitarian assistance.

(2)Consultation:

If the President decides to take one of the Presidential actions listed, the President shall first consult (privately or publicly) with the violating foreign government prior to taking any action against it; the President shall also consult with appropriate humanitarian and women's organizations, including indigenous women's civil society organizations, concerning the potential impact of U.S. policies to promote ending gender-based violence against women and girls in such countries.

(f) IMPLEMENTATION OF PRESIDENTIAL ACTIONS

(1) In deciding which actions to take, the President shall -

- (i) take the action or actions that most appropriately respond to the nature and severity of gender-based violence against women and girls;
- (ii) seek to the fullest extent possible to target action as narrowly as practicable with respect to the agency or instrumentality of the foreign government, or specific officials thereof, that are responsible for such violations; and
- (iii) when appropriate, make every reasonable effort to conclude a binding agreement concerning the cessation of such violations in countries with which the United States has diplomatic relations.

(2) In determining whether to take one of the Presidential actions listed, President shall seek to minimize any adverse impact on:

- (i) the population of the country whose government is targeted by the Presidential action or actions; and
- (ii) the humanitarian activities of United States, other governments and other foreign NGOs in such country.

(g) TERMINATION OF PRESIDENTIAL ACTIONS

Any Presidential Action taken with respect to a foreign country shall terminate on the earlier of the following dates:

- (1) Termination date -- Within 1 year of the effective date of the Presidential action unless expressly reauthorized by law.
- (2) Foreign government actions -- Upon the determination by the President, and certification to Congress that the foreign government has ceased or taken substantial and verifiable steps to cease the particular gender-based violence against women and girls.

Requires the President to Report to Congress 90 days after making the decision to take a Presidential action -- the President must identify the action to be taken, the nature of the violations giving rise to the actions, and a description of the purpose of the Presidential actions.

An evaluation must also be submitted describing the impact of the action on the foreign government, upon the population of the country, and the U.S. economy (?) and other interested parties.

IV. OTHER PROVISIONS

(a) PROMOTION OF ENDING GENDER-BASED VIOLENCE AGAINST WOMEN AND GIRLS--

(1) Amends the Foreign Assistance Act of 1961 to authorize the use of development assistance funds to carry out programs and activities in foreign countries that will encourage and promote ending gender-based violence against women and girls.

(2)Amends the United States International Broadcasting Act of 1994 and the Mutual Educational and Cultural Exchange Act of 1961 with respect to ending gender-based violence against women and girls.

(3)Amends the Foreign Service Act of 1980 to state that service in the promotion of internationally recognized human rights, including ending gender-based violence against women and girls, shall serve as a basis for the award of performance pay and Foreign Service awards to Foreign Service employees.

(b)FACTORS FOR ASSISTANCE.

Amends the Foreign Assistance Act of 1961 and the International Financial Institutions Act as follows: When determining factors for consideration in formulating the following:

(1)U.S. development assistance

(2)U.S. military assistance, and

(3)U.S. multilateral assistance programs;

the President shall give particular consideration to whether the government of a foreign country has: (1) engaged in a widespread pattern of gender-based violence against women and girls; or (2) failed to undertake serious and sustained efforts to combat particularly severe violations when such efforts could have been reasonably undertaken.

(c)TRANSNATIONAL CORPORATIONS.

Expresses the sense of the Congress that transnational corporations operating in countries in which the government engages in or tolerates gender-based violence against women and girls should adopt codes of conduct: upholding the right to be free from violence for their employees; and ensuring that violence in no way affects the status or terms of his or her employment.

(d) SUPPORT FOR GLOBAL EFFORTS TO END GENDER-BASED VIOLENCE AGAINST WOMEN AND GIRLS.

Authorizes \$5 each year for 3 years to support the UNIFEM Trust Fund in Support of Actions to Eliminate Violence Against Women (the Trust Fund), an effective multi-lateral granting mechanism that supports locally based efforts to end gender-based violence around the world.