



WEI Comments on USAID Policy on Protection from Sexual Exploitation and Abuse
October 25, 2019

Executive Summary & Introduction:

Women Enabled International commends the USAID Protection from Sexual Exploitation and Abuse (PSEA) Working Group for their work on this policy document. The draft of the policy can be found here: https://www.usaid.gov/sites/default/files/documents/1872/USAID_PSEA-Policy_for_external_consult.pdf. Our comments seek to center the needs and experiences of women and girls with disabilities within the implementation of the policy. The draft's recognition of disability as a particularly vulnerable group for SEA should be maintained (p. 2), if not expanded upon in the context of aid workers in conflict zones or regions experiencing humanitarian crises. In these regions, the number of individuals with disabilities increase at a higher rate than in areas without conflict, so USAID must be prepared to serve and respond to the specific needs of this ever-growing population.

Women and girls with disabilities comprise almost one-fifth or 20% of the world's population of women (World Health Organization and World Bank, "World Report on Disability" at 28, (2011) https://www.who.int/disabilities/world_report/2011/report/en/). USAID has further reported that women and girls with disabilities are two to three times more likely to experience gender-based violence than their non-disabled peers (USAID, United States Strategy to Prevent and Respond to Gender-based Violence Globally, at 7, (2012) https://pdf.usaid.gov/pdf_docs/PDACT888.pdf). The instability of conflict and inherent power structures of aid work will only increase these numbers. In fact, a 2007 report from the World Bank has found, "girls and women are more likely to become disabled because of violence, armed conflicts, aging and gender-biased cultural practices" (World Bank et al., "Social Analysis and Disability: A Guidance Note," at 32, (2007) <http://documents.worldbank.org/curated/en/930491468158381717/pdf/393850WP0Socia00Box374323B00PUBLIC0.pdf>). Compounding these statistics, humanitarian response efforts as well as peacebuilding efforts rarely include specific allocations for reasonable accommodation, accessibility, and personnel who are experts on working with women with disabilities, leaving these women even more vulnerable, open to exploitation, or without support systems altogether (Stephanie Ortoleva, "Who's Missing? Women with Disabilities in U.N. Security Council Resolution 1325 National Action Plans," *ILSA Journal of International & Comparative Law*: Vol. 18 : Iss. 2 , Article 6, at 402 (2012) <https://nsuworks.nova.edu/ilsajournal/vol18/iss2/6>).

Therefore, USAID must ensure that all mechanisms of the PSEA Policy are accessible for and inclusive of people with disabilities, especially women and girls with disabilities, including reporting procedures, physical facilities, forms and documents, communications materials, and any other reasonable accommodations expressed by the survivor (p. 2-3). Notably, women and girls with disabilities whose rights are violated face increased barriers to justice mechanisms

and thus are often unable to secure recourse or protections (Women Enabled and UNFPA, “Women and Young Persons with Disabilities: Guidelines for Providing Rights-Based and Gender-Responsive Services to Address Gender-Based Violence and Sexual and Reproductive Health and Rights” at 2, (2018) <https://womenenabled.org/wei-unfpa/WEI%20and%20UNFPA%20Guidelines%20Disability%20GBV%20+%20SRHR%20ACCESSIBLE.pdf>). USAID must ensure that access to justice is an active component of the PSEA Policy if the survivor chooses to pursue legal action.

While the U.S. has not ratified the UN Convention on the Elimination of Discrimination Against Women nor the UN Convention on the Rights of Persons with Disabilities, the USAID Policy Paper on Disability expressly states a commitment to the inclusion of women and girls with disabilities in USAID programming and service provision (USAID, Disability Policy Paper (1997) at 4, https://pdf.usaid.gov/pdf_docs/PDABQ631.pdf). USAID’s PSEA Policy must build upon the responsibilities laid forth in the Policy on Disability, including ensuring equal opportunity, nondiscrimination, and inclusion of women and girls with disabilities in all programming, advocacy, and outreach (USAID, Disability Policy Paper, at 2). Furthermore, the USAID Gender Equality and Female Empowerment Policy makes specific reference to the importance of not only inclusivity regarding disability, but the specific ways that women with disabilities can be marginalized or face injustice due to their combined disability and gender status (USAID, Gender Equality and Female Empowerment Policy (2012) at 10, https://www.usaid.gov/sites/default/files/documents/1865/GenderEqualityPolicy_0.pdf). Together, the USAID Disability Policy and Gender Equality and Female Empowerment Policy create a starting point to ensure the inclusion and empowerment of women and girls with disabilities in accessing and utilizing PSEA resources and services.

Objectives:

Objective 1:

USAID should provide staff with disability-specific training and resources to best meet the needs of SEA survivors with disabilities. For example, all USAID staff and aid workers must recognize the legal capacity of women and girls with disabilities and their very status as rights-holders who have a right to dignity and aid free from violence. This should also include a reiteration of the importance of informed decision-making and autonomy for women and girls with disabilities in making their own decisions, whether supported or independent (Women Enabled International, Legal Capacity of Women and Girls with Disabilities, (2019) <https://womenenabled.org/pdfs/Women%20Enabled%20International%20-%20Legal%20Capacity%20of%20Women%20and%20Girls%20with%20Disabilities%20-%20English.pdf?pdf=GBVEnglish>).

Substituted decision-making can deprive women with disabilities of their legal capacity and decision-making power, exposing them to a heightened risk of gender-based violence. Deprivation of decision-making power can make women with disabilities more reliant on potential abusers and can render them particularly vulnerable to forced medical procedures (Women Enabled International, Legal Capacity of Women and Girls with Disabilities). This is

especially dangerous in the context of USAID aid workers and the power imbalances inherent to such a relationship.

The PSEA Policy must recognize that women with disabilities are at greater risk for GBV not only on the basis of gender, but due to disability as well. The intersections of multiple identity categories- such as women with disabilities who are also immigrants, racial or ethnic minorities, indigenous, LGBTI, older women, or adolescents- will result in greater vulnerability to GBV, including exploitation and abuse (Women Enabled International, The Right of Women and Girls with Disabilities to be Free from Gender-Based Violence (2018)

<https://womenenabled.org/pdfs/Women%20Enabled%20International%20Facts%20-%20The%20Right%20of%20Women%20and%20Girls%20with%20Disabilities%20to%20be%20Free%20from%20Gender-Based%20Violence%20-%20ENGLISH%20-%20FINAL.pdf?pdf=GBVEnglish>).

Objective 2:

When establishing the PSEA Leadership Council, USAID must include individuals with disabilities in those large-scale conversations about implementation and systematization (p. 4). Including councilmembers with disabilities will help strengthen USAID's overall commitment to people with disabilities and incorporate accountability and disability inclusion directly into the business processes of USAID.

For more guidance on building capacity for disability inclusion, review "I See That It Is Possible': Building capacity for disability inclusion in GBV programs in humanitarian settings" (May 2015) written by the Women's Refugee Commission and International Rescue Committee [<https://www.womensrefugeecommission.org/resources/document/945-building-capacity-for-disability-inclusion-in-gender-based-violence-gbv-programming-in-humanitarian-settings-overview>] as well as "Strengthening the Role of Women with Disabilities in Humanitarian Action: A Facilitator's Guide" (February, 2017) written by the Women's Refugee Commission [<https://www.womensrefugeecommission.org/populations/disabilities/research-and-resources/1443-humanitarian-facilitators-guide>].

Objective 3:

We commend the commitment to transparency and accountability made in Objective 3 (p. 4). The requirement of partners to develop internal controls, however, should be complemented by a broader USAID policy to recognize the rights and autonomy of women and girls with disabilities to access aid free from violence, abuse, or exploitation (p. 5). The internal controls and policies of USAID partners must be compliant and understanding of the human rights of women and girls with disabilities to avoid instances of abuse or negligence.

Key Principles and Approaches:

In utilizing a survivor-first approach, it is vital that women and girls with disabilities are recognized as autonomous individuals with the power and right to make their own decisions about their bodies, their sexual health, and their sexual practices (Women Enabled International, Legal Capacity of Women and Girls with Disabilities, (2019)

<https://womenenabled.org/pdfs/Women%20Enabled%20International%20-%20Legal%20Capacity%20of%20Women%20and%20Girls%20with%20Disabilities%20-%20English.pdf?pdf=GBVEnglish>). SEA responders should undergo disability-specific trainings and be provided with resources to best support SEA survivors with disabilities (p. 7).

In any given community, those who are most marginalized are the same individuals who will have the most information and greatest expertise regarding what they need to succeed. To commit to a model of people-driven assistance, USAID's PSEA Policy should directly consult women and girls with disabilities to amplify their needs and strengthen their policies regarding SEA accordingly (p. 8).

Organizational Roles and Responsibilities:

While the organizational roles and responsibilities are delegated quite fairly, the addition of an Office of Disability Services could help mainstream and entrust the development of accessible and accountable PSEA resources and services for USAID employees, aid workers, and survivors of PSEA simultaneously (p. 13). The office should make a commitment to the equal employment of individuals with disabilities and the consultation of the unique perspectives of women with disabilities to best meet the needs of the population it aims to serve.

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[Women Enabled International](https://www.womenenabled.org/) (WEI) works to advance human rights at the intersection of gender and disability to respond to the lived experiences of women and girls with disabilities; promote inclusion and participation; and achieve transformative equality.

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