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FROM THE AMERICAN PEOPLE

Guidance on the Implementation of Agency-Wide Counter Trafficking in Persons Code of Conduct

The victims of human trafficking have many faces. Men, women, and children are all vulnerable to this crime. Whether trapped in situations of forced labor or sexual trafficking, child soldiering or involuntary domestic servitude, these victims are deprived of basic human rights and dignity. This modern form of slavery is an affront to our values as Americans and as human beings. The practice of human slavery is abhorrent to the very principles upon which USAID is founded.

Policy:

USAID commits to playing a vital role in the international effort to counter all forms of human trafficking. Through the adoption of its Counter Trafficking Code of Conduct, USAID pledges to do the following:

1. Prohibit USAID contractors, subcontractors, grantees and sub grantees during the period of performance of their contracts or awards from engaging in trafficking in persons, procuring commercial sex acts, or using forced labor.
2. Sensitize USAID personnel to human trafficking and the ethical conduct requirements that prohibit the procurement of commercial sex and the use of trafficked labor.
3. Equip USAID personnel with the necessary knowledge and tools to recognize, report, and address human trafficking offenses.
4. Require USAID personnel to report suspected cases of USAID employee misconduct as well as waste, fraud, and abuse in USAID programs as related to human trafficking.
5. Designate a Counter Trafficking in Persons Coordinator at all Missions to serve as the primary point of contact for this issue. The Coordinator will disseminate information, respond to inquiries, and liaise with appropriate staff in developing anti-human trafficking strategies.

USAID opposes any activities that may contribute to the phenomenon of human trafficking, including the procurement of commercial sex acts and use of forced labor. USAID seeks to deter activities of all USAID employees and Agency contractors, subcontractors, grantees, and sub grantees that would facilitate or support TIP, including pandering and patronizing of commercial sex workers even in host countries in which these acts are legal.

The following provides guidance on the implementation of USAID's C-TIP Code of Conduct:

Effective Date: February 1, 2011



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Definitions:

The United Nations' Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children (known as the Palermo Protocol) defines human trafficking as “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 United States has ratified the Palermo Protocol.

The Trafficking Victims Protection Act of 2000, as amended, defines severe forms of human trafficking. The annual U.S. Trafficking in Persons Report defines all major forms of human trafficking, including forced labor, sex trafficking, bonded labor, debt bondage among migrant labor, involuntary domestic servitude, forced child labor, child soldiers, and child sex trafficking. (See <http://www.state.gov/g/tip>)

Instructions on the Implementation of the C-TIP Code of Conduct

1. Prohibit USAID contractors, subcontractors, grantees and sub grantees during the period of performance of their contracts or awards from engaging in trafficking in persons, procuring commercial sex acts, or using forced labor.

Paragraph (g) of section 106 of the Trafficking Victims Protection Reauthorization Act of 2003 (section 106 is codified at 22 U.S.C. 7104) provides that:

“Any grant, contract, or cooperative agreement provided or entered into by a Federal department or agency under which funds are being provided to a private entity, in whole or in part, shall include a condition that authorizes the department or agency to terminate the grant, contract, or cooperative agreement, without penalty, if the grantee or any sub grantee, or the contractor or any subcontractor (i) engages in severe forms of trafficking in persons or has procured a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect, or (ii) uses forced labor in the performance of the grant, contract, or cooperative agreement.”

USAID is required to incorporate a standard TIP protection clause into all of its acquisition and assistance instruments. Suspected violations of this clause should be reported to the Agreement Officer or Contracting Officer.

Responsibilities:

- **Office of Acquisition and Assistance (OAA):** OAA holds responsibility to ensure the requisite clause is incorporated into all USAID grants, cooperative agreements, and contracts as well as to respond to suspected violations of this clause.
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- **Office of the Inspector General (OIG):** Pursuant to Section 232 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (P.L. 110-457), the OIG is responsible for investigating a sample of USAID contracts at heightened risk that the contractor may engage in acts related to trafficking in persons. The OIG's examination of selected contracts may include an assessment of whether the requisite TIP protection clause has been incorporated into the award.

2. Sensitize USAID personnel to human trafficking and the ethical conduct requirements that prohibit the procurement of commercial sex and the use of trafficked labor.

USAID regards the phenomenon of human trafficking as inimical to the Agency's core values and inherently harmful and dehumanizing. Through the adoption of its Code of Conduct, the Agency holds its own personnel to similar standards that are required of its contractors, subcontractors, grantees, and subgrantees under federal law. Human trafficking is a violation of human rights and against federal law.

USAID seeks to deter activities that would facilitate or support TIP. The procurement of commercial sex violates the Code, even within host countries in which prostitution is legal. **Women, children, and men are trafficked into the commercial sex trade regardless of whether prostitution is legal or criminalized in a country.** The procurement of commercial sex runs the risk of facilitating or supporting human trafficking.

USAID personnel should be cognizant of the risk of trafficked labor being used in projects supported by USAID contracts, subcontracts, grants, and subgrants, in sectors such as construction, catering, or other areas that produce goods and services.

USAID personnel covered under this provision include foreign service officers, civil servants, foreign nationals, contractors, and all other direct and indirect employees.

Responsibilities:

- **Office of General Counsel:** The GC will incorporate a module on human trafficking into its menu of possible topics to be covered its annual ethics training no later than June 2011. The GC will cover TIP in its annual ethics training.
- **Regional Legal Advisors (RLAs):** RLAs will cover human trafficking in annual ethics training provided in the field.
- **Office of Human Resources (HR):** Effective June 2011, HR will inform all candidates for USAID employment of the USAID C-TIP Code of Conduct prior to being hired. Vacancy announcements will inform potential applicants of USAID's C-TIP Code of Conduct.

3. Equip USAID personnel with the necessary knowledge and tools to recognize, report, and address human trafficking offenses.



Recognition of human trafficking: General training will be provided to USAID personnel to raise overall awareness of human trafficking **and its many manifestations**. Basic training will cover both labor and sex trafficking.

Reporting of human trafficking: This Code only applies to suspected cases of human trafficking that involve USAID implementing partners and/or USAID personnel. Suspected violations of the anti-TIP clause required in all USAID assistance and acquisition instruments should be reported to the appropriate Agreement or Contracting Officer (see Article 1). Suspected cases of USAID employee

misconduct with respect to human trafficking should be reported to the Office of Investigations (see Article 4).

Addressing human trafficking: Training will be provided USAID personnel to increase the Agency's capacity to design, implement, monitor, and evaluate effective anti-TIP initiatives. The integration of anti-TIP components into ongoing programming is encouraged.

Responsibilities:

- **Office of Human Resources:** HR will develop an agency-wide plan to provide anti-TIP training to USAID personnel. The C-TIP training plan will be finalized no later than September 2011. Agency-wide C-TIP training should commence no later than FY2012. HR may conduct periodic evaluations of C-TIP awareness among USAID personnel.
- **Regional and Functional Bureaus:** Regional and functional bureaus are strongly encouraged to identify opportunities to integrate or deepen anti-TIP training into ongoing training primarily to provide technical officers with the programmatic skills to support anti-TIP initiatives. (For instance EGAT integrated an anti-TIP module into its existing gender training provided to Missions and supported several anti-TIP trainings in DC and the field.)
- The **new USAID C-TIP Strategy** (scheduled to be completed no later than 2011) shall address the challenge of monitoring and evaluating anti-TIP programming. The Agency is committed to strengthening its evidence-based approach to the design and implementation of anti-TIP initiatives.

4. Require USAID personnel to report suspected cases of USAID employee misconduct as well as waste, fraud, and abuse in USAID programs as related to human trafficking.

Suspected cases of USAID employee misconduct or waste, fraud, and abuse in USAID programs related to human trafficking must be reported to the OIG's Office of Investigations (OIG/I).

The OIG conducts investigations into allegations of criminal, civil, and administrative violations related to the Agency. The OIG's investigative priority is to prevent fraud, waste, and abuse within USAID programs and operations and to foster and encourage the integrity of USAID employees, as well that of our contractors, grantees, and host country counterparts.



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Suspected cases of employee misconduct, mismanagement or violations of law, rules, or regulations by employees or program participants, or waste, fraud, and abuse related to human trafficking may be reported through the OIG hotline. The Inspector General Act and other pertinent laws provide for the protection of persons making hotline complaints. USAID personnel have the option of submitting complaints via telephone, U.S. mail, Internet, or electronic mail. The OIG takes steps to protect the investigative information it receives but cannot guarantee the confidentiality or security of information while it is transmitted over external telecommunications or information technology networks or through outside mail systems.

For telephone reporting, call 1-800-230-6539 or 202-712-1023. Complaints may be sent to ig.hotline@usaid.gov. Alternatively, reports may be completed online at [Webform Submission](#), or submitted in completed PDF form ([complaint form pdf](#)) by fax at 202-216-3801 or by mail to the following address:

U.S. Agency for International Development
Office of Inspector General
P.O. Box 657
Washington, DC 20044-0657

The Office of Human Resources is in the process of updating its Table of Offenses and Penalties (ADS 487 for civil service and ADS 485 for foreign service) to cover human trafficking violations.

Responsibilities:

- **Office of Inspector General:** The OIG investigates allegations of USAID employee misconduct, mismanagement or violations of law, rules, or regulations by employees or program participants, as well as waste, fraud, and abuse in USAID programs related to human trafficking.

5. Designate a Counter Trafficking in Persons Coordinator at all Missions to serve as the primary point of contact for this issue. The Coordinator will disseminate information, respond to inquiries, and liaise with appropriate staff in developing anti-human trafficking strategies.

C-TIP Coordinators serve as the primary point of contact for the issue of human trafficking. At a minimum, the C-TIP Coordinator is responsible for disseminating TIP-related information and responding to TIP-related inquiries.

Missions may wish to broaden the role and responsibilities of the C-TIP Coordinator, as appropriate. Additional responsibilities may include training of Mission personnel, contributing to and/or leading in development of a Mission-wide counter TIP strategy, and assisting technical offices with the integration of anti-TIP components into existing programs.

USAID has established a C-TIP Coordinator directory located on the Trafficking in Persons Developedia page. The directory will facilitate communications between the field and headquarters and across field missions. Designated C-TIP Coordinators shall update the directory with their name. Please follow the instructions:



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1. Go to: [http://developedia.usaid.gov/wiki/index.php?title=Trafficking in Persons](http://developedia.usaid.gov/wiki/index.php?title=Trafficking_in_Persons)
2. Log on (Click on the 'AIDNet / Auto Login' link in the top right corner of the Developedia page. You will be logged in automatically).
3. Click the 'Edit' tab located on the top of the page.
4. Type in your name under the appropriate column.
5. Repeat the process to incorporate any additional changes, as necessary.
6. Select 'Save' located on the bottom of the screen.

Additional Roles and Responsibilities:

Office of General Counsel

- The GC shall provide advice and assistance to USAID personnel on all TIP legal matters, including reviewing and coordinating on all proposed TIP policies, regulations, directives, and instructions, and on all proposed exceptions to USAID C-TIP policy.

USAID Mission Directors

- Combating human trafficking is an important priority of the Administration. Missions are expected to support the implementation of the C-TIP Code of Conduct to the greatest extent practicable and to identify opportunities to strengthen anti-TIP efforts in their respective Missions. Especially in Tier 2 Watch List and Tier 3 countries, Missions are encouraged to develop anti-TIP strategies across all technical areas and integrate anti-TIP components into ongoing programming.

Regional and Functional Bureaus

- Effective efforts to combat TIP require sustained attention and demonstrated political will of bureau leadership. Regional and functional bureaus are highly encouraged to integrate anti-TIP into ongoing planning and programming processes.

References:

- a) USAID Counter Trafficking Code of Conduct, Executive Message, February 1, 2011. (The Code was disseminated via an Executive Message on January 31, 2011.)
 - b) National Security Presidential Directive 22, "Trafficking in Persons," February 25, 2003
 - c) Sections 401 through 407 of Public Law 110-457, "William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008," December 23, 2008, Federal Acquisition Regulation Subpart 22.17, "Combating Trafficking in Persons," and Federal Acquisition Regulation Clause 52.222-50, "Combating Trafficking in Persons," February 2009
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