

The Big Ideas for Women and Girls Coalition (BIC)
Public comment in response to
USAID's Draft 2020 Gender Equality and Women's Empowerment Policy

OVERVIEW

The USAID gender equality and women's and girls' empowerment policy must be a bold, evidence-based, and technically strong document to ensure that USAID's work effectively advances gender equality and USAID's overall mission.

We support the continued commitment to advancing gender equality and the empowerment of women and girls and appreciate that USAID took ample time from its initial announcement of its intent to update the policy (more than a year ago) to the release of a draft policy. The update of such a vital and far-reaching policy should reflect a review of the latest evidence and best practices as well as consultation with internal stakeholders, civil society, and Congress.

However, we are concerned that after such a lengthy internal development process, there is not ample time built in for dialogue and review of the draft policy to understand its full implications. The draft policy was released with a mere 5-day external review during a popular vacation time and Congressional recess, making it difficult for Congress, civil society, and the American public to review and respond. Though the initial comment period was extended by 48 hours due to a high-level of interest, the length of this comment period remains insufficient. The draft also did not reflect changes resulting from the internal review period – which would seem to indicate that either the internal review or the public draft are not relevant, as well as a lack of adherence to the spirit, if not the letter, of the USAID's own ADS 200 guidance and standard procedures for policy development. Finally, despite repeated assurances that the new draft would just be an update and not a rewrite of the policy, the draft notes that it “supersedes and replaces” the 2012 policy in its entirety. Given these factors, we strongly recommend:

- the external comment period be extended until Friday, September 11, to allow necessary review by key stakeholders;
- that further Congressional consultations be held, including a briefing with interested Members, and that the policy not be considered finalized until these limitations have been addressed;
- a thorough review of both internal and external comments by gender technical experts in Washington and from USAID missions, reflecting diverse sector and regional expertise;
- a revised draft be shared for internal review first, with the incorporation of relevant internal comments reflecting internal technical expertise;
- a revised draft (that includes internal changes) be shared for a two-week external review;
- the revised draft be an update of the 2012 policy, as originally communicated. The revision should delete the language now in Executive Summary, page 4 and Section 1, page 8, that states that the new draft supersedes and replaces the current draft.

A policy with such far-reaching implications and impact warrants nothing less. Further, the release of a new policy after Labor Day of a Presidential election year increases the risk that the policy will be politicized or perceived as political rather than reflecting best practices and evidence; therefore, any release should be delayed until after the elections.

Below is a list of specific issues and edits to strengthen the policy. Please note that any changes to the core body of the draft policy should also be reflected in the Executive Summary, where relevant.

KEY REVISIONS:

1. A clear understanding of gender, and the achievement of gender equality, must be central to the policy.

The term gender refers not to a person's sex (male or female), but to the socially defined roles that guide how they are expected to behave, what resources they have access to, and what rights they are able to exercise. Gender is a social construct upon which gender equality is based, and gender inequality is a root cause of oppression, discrimination, harassment, and violence based on gender. Achieving gender equality involves changing laws, policies, systems, norms, and behaviors. Helping women start businesses and girls go to school are worthy causes, but they are not gender equality programs if they don't also address discriminatory attitudes and beliefs, as well as the gender barriers that women face accessing credit or girls face in the classroom.

PRIORITY RECOMMENDATIONS

- Section 2, page 9: Revise the first objective to read, "Advance gender equality by reducing gender disparities in access to, control over, and benefit from economic, social, political, educational and cultural resources, wealth, opportunities, and services;"
- Section 3, page 11 and page 15: Add an operating principle on addressing the enabling environment needed to achieve gender equality, including economic and legal barriers and social norms.

2. Advancing gender equality is a goal, not a means to an end.

The new draft policy instrumentalizes women's and girls' empowerment to achieve economic growth or advance security, rather than gender equality being a goal with value in and of itself. This is a profound change and one that can only be viewed as anti-women.

PRIORITY RECOMMENDATIONS

- Section 1, page 5: Change "The U.S. Agency for International Development (USAID) believes that gender equality and women's empowerment are fundamental for the realization of unalienable human rights and key to effective and sustainable development outcomes" to "The U.S. Agency for International Development (USAID) believes gender equality to be a universally recognized, core development objective that is fundamental to the realization of human rights."
- Section 2, page 9: Revise "Strive to eliminate gender-based violence, which affects women's ability to thrive and succeed, and mitigate its harmful effects on individuals and communities, so all people can live healthy and productive lives;" by striking the statement, "which affects women's ability to thrive and succeed" entirely.
- Section 2, page 9: Revise "Increase the capability of women and girls to exercise their basic and legal rights fully, help determine their life outcomes, assume leadership roles, and influence decision-making in households, communities, and societies" to "Increase the capability of women and girls to exercise their rights fully, determine their life outcomes, assume leadership roles, and influence decision-making individually and collectively in households, communities, and societies."
- Section 4, page 21: Strike "When women are economically empowered, they re-invest in their families and communities, producing a multiplier effect that spurs economic growth and contributes to global peace and stability... Economic gender gaps reduce the benefits that women bring to the economy."

3. Agency requirements to fulfill this draft policy are weaker than in the previous GE/FE policy and are not sufficient to successfully fulfill the policy mandate.

The agency requirements reinforce many of the key elements of the existing USAID gender architecture that are needed to implement a policy of this scope, including the importance of gender advisors, broad-based training, and reporting and accountability. However, omissions or watering down of agency requirements risks rolling back USAID's effective programming on gender equality and undermining USAID's standing as a leader in effective humanitarian and development programming. The draft includes no reference to the vital role of the Gender Equality and Women's Empowerment Hub in the new Bureau of Democracy, Development, and Innovation (DDI) and the Senior Coordinator for Gender Equality and Women's Empowerment, as specified in the Congressional notification (REORG CN #6) submitted by USAID in August 2018. It allows the hiring of unqualified gender advisors, as long as they have the "opportunity" to develop their expertise. Further, it waters down the reporting requirements. The draft only refers to required indicators and does not provide detailed or specific information about output or outcome indicators on gender equality, female empowerment, and gender-based violence that should be used in Performance Management Plans for tracking progress toward implementation results and measuring impact across programs.

PRIORITY RECOMMENDATIONS

- Section 5, page 36: Gender advisors in missions, regional missions, and country offices should not be hired unless they have the expertise needed to do the job, or at a minimum, they should be required to develop the necessary expertise within 180 days of being hired. Further, given the broad scope of the job of a gender advisor within an operating unit, staff fulfilling this role should have 100% of their time focused on these duties.
- Section 5, page 37: Similarly, gender advisors in the Washington Regional and Pillar Bureaus should be full-time positions.
- Section 5, page 38: Internal reporting should be disaggregated by both sex and age at a minimum, given the unique challenges faced by adolescent girls.
- Section 5, page 38: External reporting should be done on an annual basis, reflecting USAID's efforts to advance gender equality and women's and girls' empowerment.
- Section 5, page 38-39: Provide detailed or specific information about output or outcome indicators on gender equality, female empowerment, and gender-based violence that should be used in Performance Management Plans for tracking progress toward implementation results and measuring impact across programs. Further, all reporting should be made publicly available on USAID's website in keeping with best practices around transparency and accountability, regardless of whether or not it's required by Congress.

4. Intersectionality and inclusion are critical, and LGBTI+ issues must be addressed.

The draft policy includes a vital operating principle in section 3 committing to an inclusive approach. However, the brief paragraph provides insufficient guidance to ensure that approach is pursued.

Despite the severe marginalization faced by LGBTI+ people, the draft policy makes no reference to sexual orientation, gender identity, or gender expression or to the importance of addressing the discriminatory attitudes, norms, beliefs, laws, and policies that they face. Moreover, by constantly reinforcing a binary, instead of recognizing the fluidity of gender or the existence of gender non-conforming people, the policy deliberately ignores some of the most marginalized people. As a broad

policy that would impact all of USAID's policies and programs, it is critical that the Policy specifically reference the importance of LGBTI+ inclusion to avoid omission of this due to oversight or a chilling effect.

Further, given that many women and girls face multiple forms of discrimination, an intersectional approach is vital to ensuring that this draft policy achieves its stated goals. Added specificity in identifying excluded groups throughout the document will be beneficial in ensuring an intersectional approach to gender equality and women's empowerment. For example, women and girls with disabilities are often left behind in foreign assistance programming due to a number of factors, but "disability status" is only mentioned once (page 30). In addition to highlighting excluded groups, the Policy must outline steps to prevent exclusion; for example, adding best practices for disability inclusion in gender equality programming and listing disabled people organizations (DPOs) as stakeholders. Such specificity would not only be consistent with language submitted by USAID to Congress in August 2018 in REORG CN #6 on USAID's plans for the forthcoming DDI bureau, which notifies the agency's intention to create a Youth and Inclusive Development Hub because these populations are not consistently considered and prioritized in USAID's designs, it would also increase the likelihood that such patterns would be corrected.

PRIORITY RECOMMENDATIONS

- Section 2, page 10: Include the current USAID definition of gender identity: "Gender Identity is an individual's internal, personal sense of being male or female. For transgender people, their birth--assigned sex and their own internal sense of gender identity do not match." (USAID, Gender Equality and Female Empowerment Policy, 2012, page 3 footnote 2.)
- Section 2, page 10: Include the definition of gender expression: "Gender expression is the manifestation of one's gender identity; how a person behaves, appears or presents with regard to societal expectations of gender. One's gender expression may not necessarily match one's gender identity." (USAID, LGBT Vision for Action: Promoting and Supporting the Inclusion of Lesbian, Gay, Bisexual, and Transgender Individuals, 2012, page 17.)
- Section 2, page 10: Include the definition of intersectionality: "The interconnected nature of social categorizations and backgrounds (e.g. based on gender; age; sexual orientation; disability status; race, ethnicity, indigeneity; socio-economic status; nationality; migratory and refugee status) and systems of oppression (e.g. sexism, ageism, homophobia, ableism, racism, xenophobia, classism). It is a framework for understanding how a person or group can be affected by multiple systems of oppression and forms of discrimination at the same time." (Crenshaw, K. (1991) 'Mapping the margins: intersectionality, identity politics, and violence against women of color', Stanford Law Review, 43(6), pp. 1241–1299. doi: 10.2307/1229039.)
- Section 3, page 15: In the description of the inclusive approach, revise the principle to call for pursuing an "intersectional and inclusive approach", and specifically name key marginalized populations, including but not limited to LGBTI+ people, indigenous peoples, people with disabilities, youth, and ethnic and religious minorities. The policy must commit to pursuing equality for all people, regardless of age, sexual orientation, gender identity, disability status, religion, ethnicity, socioeconomic status, geographic area, migratory status, forced displacement, or HIV/AIDS status. It must also acknowledge the compounding impact of multiple forms of marginalization.

5. The terms "unalienable rights" and "basic (rights)" and "legal rights" are not internationally understood and roll back America's long-standing leadership on international human rights.

The narrower term “unalienable rights,” which is used throughout the draft policy in place of “human rights,” is not an internationally defined term in international law and policy. Use of this term, along with the reference to “basic and legal rights,” sows confusion around the USAID’s commitment to global human rights – both hindering its efforts to advance those rights as well as its ability to cooperate with others on that agenda.

PRIORITY RECOMMENDATION

- Strike all references to “unalienable rights” and “basic and legal rights” and replace with “human rights”, including: Executive Summary, page 3; Section 1, page 5; Section 2, pp. 9-10; Section 4, page 16; Section 4, page 25.

6. Definitions in the document are not congruent with current operational USAID policies or US legislation.

Key definitions used in this document are not evidence-based, legitimate, or aligned with current US government policy and legislation. New definitions in this document could cause confusion and misinterpretation when implementing USAID programs. Furthermore, achieving gender equality involves changing harmful attitudes, norms, and behaviors but, most importantly, the unequal distribution of resources and power and the unequal recognition of rights. The current definitions do not address changing systems and structures that perpetuate inequality. The definitions should also replace “women and men” with “people of all genders” so as to include girls and boys and to be inclusive of all people and identities. Much of the work to change norms should include special attention to the key stages of childhood and youth.

PRIORITY RECOMMENDATIONS

Section 2 page, 10: Replace existing definitions with the following:

- **Gender Equality** - Gender equality concerns women, men, and gender non-conforming people, and it involves working with adults, youth, and children of all gender identities to bring about changes in attitudes, behaviors, roles, and responsibilities at home, in the workplace, and in the community. Genuine equality means more than parity in numbers or laws on the books; it means expanding freedoms and improving overall quality of life so that equality is achieved without sacrificing gains for men, women, or gender non-conforming people.
- **Female Empowerment (replace with “Women’s Empowerment”)** - Empowerment is achieved when women and girls acquire the power to act freely, exercise their rights, and fulfill their potential as full and equal members of society. While empowerment often comes from within, and individuals empower themselves, cultures, societies, and institutions create conditions that facilitate or undermine the possibilities for empowerment.
- **Gender Analysis**
 - (1) means a systemic analysis of available or gathered quantitative and qualitative information to identify, understand, and explain disparities between genders which typically involve examining—
 - (A) differences in the socio-economic status of different genders and their differential access to and control over assets, resources, opportunities, and services;
 - (B) influence of gender roles, structural barriers, and norms on the division of time between paid employment, unpaid work (including subsistence production and care for family members), and volunteer activities;
 - (C) prevalence of GBV and the GBV context, including attitudes, norms, legal context, availability and access to services for survivors, etc.

- (D) the influence of gender roles, structural barriers, and norms on gender disparities in health care access and outcomes;
 - (E) the influence of gender roles, structural barriers, and norms on leadership roles, participation and decision making; constraints, opportunities, and entry points for addressing gender disparities and empowering women; and
 - (F) potential differential impacts of health and development policies and programs on different genders, including unintended or negative consequences; and
- (2) includes conclusions and recommendations to enable health, development, and humanitarian policies and programs to address gender disparities and improve the health and lives of individuals.

7. A USAID gender equality and women’s empowerment policy must align with existing U.S. Government strategies and policies that are in effect, not just new ones adopted since 2017.

Many policies and strategies that are currently in effect at USAID were developed under previous Administrations and are relevant to the implementation of this revised draft policy. Despite this, the draft policy only references new policies that have been adopted since 2017, regardless of their relevance. This omission risks creating confusion for staff about how to implement this draft of the revised gender equality and women’s empowerment policy.

PRIORITY RECOMMENDATIONS

- Section 1, page 7: The following US Government strategies and policies should be appropriately referenced in the text box “Key Policy and Strategy Priorities” and the draft policy text should align with the contents of these policies:
 - U.S. Strategy to Prevent and Respond to Gender-Based Violence Globally (2016 update)
 - U.S. Global Strategy to Empower Adolescent Girls (2016)
 - USAID LGBT Vision for Action (2014)
 - PEPFAR Gender Strategy (2013)
 - Ending Child Marriage & Meeting the Needs of Married Children: The USAID Vision for Action (2012)
 - USAID Youth in Development Policy (2012)

8. The commitment to adolescent girls has been watered down to focus more on women, despite the serious challenges faced by girls.

The draft policy revision shifts from talking about “female empowerment” – which includes both women and girls – to “women’s empowerment”, which excludes girls. Furthermore, the incorporation of girls into the draft policy is sporadic and inconsistent. Adolescent girls are involved in a broad range of USAID programming due to the fact that they face greater risks -- of violence, discrimination, HIV, maternal mortality -- and are in need of more services than other female-identified age groups. Adolescent girls also have an important voice within families and communities and are making valuable contributions to political and civic life. Their unique issues and interests deserve attention in this draft policy.

PRIORITY RECOMMENDATIONS

- Change the title of the report to “Gender Equality and Empowerment of Women and Girls”, which recognizes the importance of investing in childhood and adolescence as important phases of human development.

- Section 3, page 11: Change the operational principle on “gender equality and women’s empowerment” to “gender equality and empowerment of women and girls”.

9. An effective policy must consistently promote evidence-based approaches.

The draft policy includes an important operational principle on driving decision-making and investments using evidence and data, which is vital to achieving its intended outcomes as well as to responsible stewardship of taxpayer dollars. While some of the document is consistent with this approach, inconsistencies must be rectified to safeguard the integrity of the draft policy as well as the effectiveness of USAID policies and programming.

PRIORITY RECOMMENDATIONS

- Section 4, page 30: The draft section references the lifespan as beginning “before birth”, a concept for which there is significant variation across societies, cultures, and religious beliefs rather than there being a shared understanding based on scientific evidence. This should be deleted. Furthermore, the policy refers to the benefits of “fertility awareness” as one method of family planning, but omits other modern methods of contraception that have a stronger evidence base in terms of effectiveness. The document should either reference all effective methods of family planning, or at a minimum, cite the extensive evidence regarding the links between access to family planning, reproductive health, and empowerment.
- Section 3, page 14: The principle on evidence-based decision-making should explicitly note the importance of collecting and analyzing data disaggregated by sex, age, disability, and other factors.

10. Men and boys’ roles in advancing gender equality are not effectively characterized.

The draft policy pays important attention to the role of men and boys in gender equality. However, they are frequently referenced as victims of gender inequality and harmful gender norms alongside women and girls. While important, the draft policy should place more emphasis on the role of men and boys in either perpetuating or changing power dynamics or harmful gender norms, and that they take a larger role in promoting gender equality, challenging the attitudes and beliefs that support violence, and dismantling structures that undermine efforts to promote gender justice.

PRIORITY RECOMMENDATIONS

- Section 3, page 12: The principle on engaging men and boys should be revised from “All men play a critical role in challenging inequitable norms and power dynamics, given their positions in households, communities, institutions, and in their relationships with peers and others” to “Men are the primary beneficiaries of inequitable gender norms and are also the most likely to perpetrate violence. It remains critical to build men and boys’ understanding and examining of how gender norms and their power impacts women and girls. They play a critical role in challenging harmful gender norms and power dynamics and building a gender-just society alongside of (not in place of or as allies of) women and girls.”
- Section 3, page 12: Change “Men and boys benefit from positive models that emphasize their important roles and responsibilities in helping to strengthen their families and communities” to “Men and boys benefit from positive models that emphasize equality and promotion of women's empowerment as a key value and right.”
- Section 3, page 12: Change “In addition, men and boys often are not taught the importance of shared responsibility in the home, or the productive value of domestic work. As a result, they may

not value such work, and it can fall disproportionately on women and girls” to “In the majority of the world, women bear two to ten times the amount of care work that men do, often in addition to participating in paid labor activities, creating a double burden in which women face severe restrictions around their time. Men and boys must take on their fair share of the under- and unpaid care work.”

- Section 1, Introduction, page 5: Change “Similarly, USAID has also shown the importance of engaging men and boys for their own well-being, to become better family and community members, and to improve development outcomes” to “Similarly, USAID has also shown the importance of engaging men and boys as key influencers or agents of transformation of harmful gender norms, to become better family and community members, and to improve development outcomes”.

11. Achieving gender equality requires increased partnership with women- and girl-led organizations.

The draft policy only mentions women’s organizations one time, yet partnerships with and funding to women- and girl-led organizations should be a fundamental approach, principle, and method towards implementation and achieving gender equality goals. The outsized role of faith-based organizations in the draft policy also fails to recognize the full range of partners and stakeholders that play essential roles in advancing gender equality or the importance of determining the best partner based on their expertise or role in achieving desired programmatic outcomes.

PRIORITY RECOMMENDATIONS

- Section 2, page 9: Add the objective: “increase partnerships and funding to women- and girl-led organizations towards gender equality and self-reliance.”
- Add references to the importance of partnership with women- and girl-led organizations throughout the document. Change the listing of groups in Section 3, page 13: to “Working with local individuals and organizations, including women- and girl-led organizations, faith-based organizations, lesbian, gay, bisexual and transgender advocates, and civil society.”

CLOSING SUMMARY

An update of the USAID Gender Equality and Female Empowerment Policy is a prime opportunity to bolster the existing Policy with new data, update it with best practices, and align it with new strategies and pieces of legislation. Unfortunately, the current draft of the policy is out of touch with current global best practices, and contains inaccurate and problematic elements that may stall or even reverse progress towards gender equality globally. Moreover, it is possibly harmful to program beneficiaries and detrimental to the reputation of the agency and effective U.S. diplomatic engagement.