

108TH CONGRESS
1ST SESSION

H. R. 2536

To make the protection of women and children who are affected by a complex humanitarian emergency a priority of the United States Government, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2003

Mrs. LOWEY (for herself, Mr. BALLENGER, Mr. SHAYS, Mr. LANTOS, Mr. WEXLER, Mr. McDERMOTT, Mr. BERRY, Ms. LEE, Mr. MEEKS of New York, Ms. SCHAKOWSKY, Mr. BERMAN, Ms. ESHOO, Ms. DELAURO, Ms. CORRINE BROWN of Florida, Mr. PAYNE, Ms. WOOLSEY, Ms. MCCOLLUM, and Mr. OWENS) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To make the protection of women and children who are affected by a complex humanitarian emergency a priority of the United States Government, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Women and Children
5 in Conflict Protection Act of 2003”.

1 SEC. 2. TABLE OF CONTENTS.

2 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.

TITLE I—PROGRAM AND POLICY COORDINATION

- Sec. 101. Findings.
- Sec. 102. Purposes.
- Sec. 103. Requirement to develop integrated strategy.
- Sec. 104. Designation of Coordinator.

TITLE II—PREVENTION AND PREPAREDNESS

- Sec. 201. Findings.
- Sec. 202. Early warning and early action systems.

TITLE III—SECURITY FOR REFUGEE AND INTERNALLY
DISPLACED WOMEN AND CHILDREN

- Sec. 301. Findings.
- Sec. 302. Codes of conduct.
- Sec. 303. Sense of Congress regarding administration practices in camps for refugees and displaced persons.
- Sec. 304. Health services for refugees and displaced persons.
- Sec. 305. Whistleblower system.
- Sec. 306. Women’s economic self-sufficiency.
- Sec. 307. International military education and training.
- Sec. 308. Protection initiatives.
- Sec. 309. Accountability.

TITLE IV—POSTCONFLICT RECONSTRUCTION AND
REHABILITATION

- Sec. 401. Findings.
- Sec. 402. Support for communities and former combatants.
- Sec. 403. Police reform and accountability.
- Sec. 404. Sense of Congress regarding the improvement of United Nations peacekeeping operations.

TITLE V—WOMEN AND CHILDREN’S PROTECTION ASSISTANCE

- Sec. 501. Women and children’s protection assistance.

3 SEC. 3. DEFINITIONS.

4 In this Act:

- 5** (1) APPROPRIATE CONGRESSIONAL COMMIT-
- 6** TEES.—The term “appropriate congressional com-
- 7** mittees” means—

1 (A) the Committee on Appropriations and
2 the Committee on Foreign Relations of the Sen-
3 ate; and

4 (B) the Committee on Appropriations and
5 the Committee on International Relations of the
6 House of Representatives.

7 (2) CHILDREN.—The term “children” means
8 persons under the age of 18 years.

9 (3) COMPLEX HUMANITARIAN EMERGENCY.—
10 The term “complex humanitarian emergency” means
11 a situation that—

12 (A) occurs outside the United States and
13 results in a significant number of—

- 14 (i) refugees;
15 (ii) internally displaced persons; or
16 (iii) other civilians requiring basic hu-
17 manitarian assistance on an urgent basis;
18 and

19 (B) is caused by one or more situations in-
20 cluding—

- 21 (i) armed conflict;
22 (ii) natural disaster;
23 (iii) significant food shortage; or
24 (iv) state-sponsored harassment or
25 persecution.

1 (4) COORDINATOR.—The term “coordinator”
2 means an individual designated by the Secretary
3 under section 104(a).

4 (5) EXPLOITATION OF CHILDREN.—The term
5 “exploitation of children” means—

6 (A) adult sexual activity with children;

7 (B) kidnapping or forcibly separating chil-
8 dren from their families;

9 (C) subjecting children to the worst forms
10 of child labor;

11 (D) forcing children to commit or witness
12 acts of violence, including compulsory recruit-
13 ment into armed forces or as combatants; and

14 (E) withholding or obstructing access of
15 children to food, shelter, medicine, and basic
16 human services.

17 (6) FORMER COMBATANT.—The term “former
18 combatant” means a woman or child who was a
19 member of or affiliated with an armed group, includ-
20 ing serving as a cook, a porter, or a messenger, or
21 in a domestic or sexual capacity or in any other sup-
22 port role, whether or not the woman or child con-
23 sented to such participation.

1 (7) GENDER-BASED VIOLENCE.—The term
2 “gender-based violence” means causing harm to a
3 person based on gender, including—

4 (A) rape;

5 (B) sexual assault or torture;

6 (C) sex trafficking and trafficking in per-
7 sons;

8 (D) demands for sex in exchange for em-
9 ployment, goods, services, or protection;

10 (E) withholding or obstructing access to
11 food, shelter, medicine, and basic human serv-
12 ices; and

13 (F) other forms of violence based on gen-
14 der.

15 (8) HIV.—The term “HIV” means the human
16 immunodeficiency virus, the virus that causes the ac-
17 quired immune deficiency syndrome (AIDS).

18 (9) INTER-AGENCY STANDING COMMITTEE.—
19 The term “Inter-Agency Standing Committee”
20 means the Inter-Agency Standing Committee estab-
21 lished in response to United Nations General Assem-
22 bly Resolution 46/182 of December 19, 1991.

23 (10) PROTECTION.—The term “protection”,
24 with respect to an individual, a family, a group, or
25 a community, means all appropriate measures to

1 promote the physical and psychological security of,
2 provide equal access to basic services for, and safe-
3 guard the legal and human rights and dignity of,
4 individuals, families, groups, and communities.

5 (11) SECRETARY.—The term “Secretary”
6 means the Secretary of State.

7 (12) SEX TRAFFICKING.—The term “sex traf-
8 ficking” has the meaning given the term in section
9 103 of Trafficking Victims Protection Act of 2000
10 (22 U.S.C. 7102).

11 (13) TRAFFICKING IN PERSONS.—The term
12 “trafficking in persons” has the meaning given the
13 term “severe forms of trafficking in persons” in sec-
14 tion 103 of Trafficking Victims Protection Act of
15 2000 (22 U.S.C. 7102).

16 (14) WORST FORMS OF CHILD LABOR.—The
17 term “worst forms of child labor” has the meaning
18 given the term in article 3 of Convention Number
19 182 of the International Labor Organization.

20 **TITLE I—PROGRAM AND POLICY** 21 **COORDINATION**

22 **SEC. 101. FINDINGS.**

23 Congress makes the following findings:

24 (1) The nature of war has changed dramatically
25 in recent decades, putting women and children at

1 greater risk of death, disease, displacement, and ex-
2 ploitation.

3 (2) Civilians, particularly women and children,
4 account for the vast majority of those adversely af-
5 fected by complex humanitarian emergencies, includ-
6 ing as refugees and internally displaced persons, and
7 increasingly are targeted by combatants and armed
8 elements for murder, abduction, forced military con-
9 scription, involuntary servitude, displacement, sexual
10 abuse and slavery, mutilation, and loss of freedom.

11 (3) Traditionally, humanitarian response has
12 focused on providing food, medical care, and shelter
13 needs, while placing less emphasis on the safety and
14 security of those affected by a complex humanitarian
15 emergency.

16 (4) Few well-coordinated efforts exist to prevent
17 and respond to violence against women and children
18 when they are refugees or internally displaced per-
19 sons.

20 (5) While the United Nations High Commis-
21 sioner for Refugees and the Department of State are
22 charged with protecting refugees, there is no United
23 States Government agency or international body
24 with a clear mandate to protect internally displaced

1 persons and those at risk of displacement as a result
2 of a complex humanitarian emergency.

3 (6) There is a substantial need for the protec-
4 tion of women and children to be given a high pri-
5 ority during all complex humanitarian emergencies.

6 **SEC. 102. PURPOSES.**

7 The purposes of this Act are—

8 (1) to ensure that the United States Govern-
9 ment has adequate capabilities to support programs
10 that provide for the protection of women and chil-
11 dren who are affected by a complex humanitarian
12 emergency;

13 (2) to build the capacities of United States
14 Government agencies, multilateral institutions, inter-
15 national nongovernmental organizations, local non-
16 governmental organizations, and local communities
17 to prevent and respond effectively to gender-based
18 violence and exploitation of children that occur dur-
19 ing a complex humanitarian emergency; and

20 (3) to provide increased funding for the protec-
21 tion of women and children affected by a complex
22 humanitarian emergency.

1 **SEC. 103. REQUIREMENT TO DEVELOP INTEGRATED STRAT-**
2 **EGY.**

3 (a) REQUIREMENT.—The Secretary shall, in con-
4 sultation with the Administrator of the United States
5 Agency for International Development, develop an inte-
6 grated strategy for the protection of women and children
7 who are internally displaced, made refugees, or otherwise
8 affected by a complex humanitarian emergency.

9 (b) REPORT.—Not later than 90 days after the date
10 of enactment of this Act, the Secretary shall submit to
11 the appropriate congressional committees a report out-
12 lining the strategy described in subsection (a).

13 (c) CONTENT.—The report required by subsection (b)
14 shall include—

15 (1) an assessment of the specific needs of, and
16 particular threats to, women and children at the var-
17 ious stages of a complex humanitarian emergency,
18 especially at the onset of such emergency;

19 (2) a description of which agencies and offices
20 of the United States Government are responsible for
21 addressing each aspect of such needs and threats;

22 (3) an evaluation of the needs and threats that
23 are being adequately addressed and funded, and
24 those which require additional attention or re-
25 sources;

1 (4) a set of guidelines and recommendations for
2 improving United States and international systems
3 for the protection of women and children during a
4 complex humanitarian emergency; and

5 (5) a mechanism for coordinating and over-
6 seeing United States efforts to prevent and respond
7 to gender-based violence and exploitation of children
8 that occurs during a complex humanitarian emer-
9 gency.

10 **SEC. 104. DESIGNATION OF COORDINATOR.**

11 (a) **IN GENERAL.**—Not later than 60 days after the
12 date of enactment of this Act, the Secretary shall des-
13 ignate one or more senior-level officials of the Department
14 of State or the United States Agency for International De-
15 velopment as a coordinator or coordinators, as the case
16 may be, to be responsible for the oversight and coordina-
17 tion of United States Government efforts to provide pro-
18 tection to women and children who are affected by a com-
19 plex humanitarian emergency.

20 (b) **DUTIES.**—A coordinator designated under sub-
21 section (a) shall—

22 (1) coordinate the actions taken to carry out
23 the purposes of this Act, as described in section 102;

24 (2) be responsible for the oversight and coordi-
25 nation of United States Government efforts to pro-

1 tect women and children who are affected by a com-
2 plex humanitarian emergency; and

3 (3) provide United States embassies and con-
4 sular posts with mechanisms to warn relief agencies
5 of an impending complex humanitarian emergency.

6 (c) NOTIFICATION.—Not later than 5 days after des-
7 ignating an official as a coordinator under subsection (a),
8 the Secretary shall submit the name of such official to the
9 appropriate congressional committees.

10 **TITLE II—PREVENTION AND** 11 **PREPAREDNESS**

12 **SEC. 201. FINDINGS.**

13 Congress makes the following findings:

14 (1) The percentage of civilians killed and
15 wounded as a result of hostilities has risen from 5
16 percent of all casualties at the turn of the 19th cen-
17 tury to 65 percent during World War II and to 90
18 percent in more recent hostilities. Women and chil-
19 dren comprise the majority of civilian deaths and the
20 majority of all refugees from hostilities.

21 (2) In the last decade alone, more than
22 2,000,000 children have been killed during wars,
23 while more than 4,000,000 have survived physical
24 mutilation, and more than 1,000,000 have been or-

1 phaned or separated from their families as a result
2 of war.

3 (3) In many armed conflicts, soldiers have de-
4 stroyed food supplies and productive capacities, sto-
5 len donated food intended for women and children,
6 and blocked the distribution of humanitarian aid.

7 (4) During 2003, an estimated 300,000 chil-
8 dren have been compulsorily recruited into military
9 operations around the world, including a large num-
10 ber of girls who have been forced to work as combat-
11 ants, cooks, messengers, spies, or sexual slaves for
12 soldiers.

13 (5) The use of rape, particularly against women
14 and girls, is an increasingly common tactic in mod-
15 ern war.

16 (6) The international community has a respon-
17 sibility pursuant to the Protocol Relating to the Sta-
18 tus of Refugees done at New York October 4, 1967
19 (19 UST 6223), the Convention Relating to the Sta-
20 tus of Refugees done at Geneva July 28, 1951, and
21 the Convention Relative to the Protection of Civilian
22 Persons in Time of War done at Geneva August 12,
23 1949 (6 UST 3516), to take preventive action that
24 would improve preparedness and reduce the vulner-

1 ability of women and children to violence and exploi-
2 tation.

3 **SEC. 202. EARLY WARNING AND EARLY ACTION SYSTEMS.**

4 (a) PREVENTIVE ACTIONS.—Each coordinator
5 shall—

6 (1) maintain a data base of information related
7 to occurrences of gender-based violence or exploi-
8 tation of children during a complex humanitarian
9 emergency;

10 (2) develop, based on the information contained
11 in the database required by paragraph (1) and other
12 research—

13 (A) a list of early warning signs that indi-
14 cate there is a likelihood that gender-based vio-
15 lence or exploitation of children will occur dur-
16 ing a complex humanitarian emergency; and

17 (B) a list, that is updated regularly, of
18 countries or regions where there is an increased
19 risk of gender-based violence or exploitation of
20 children due to a complex humanitarian emer-
21 gency to enhance the preparedness of the
22 United States Government or organizations
23 funded by the United States Government to re-
24 spond to such an emergency;

1 (3) disseminate to United States embassies and
2 consular posts the lists described in subparagraphs
3 (A) and (B) of paragraph (2);

4 (4) assist embassies and consular posts in re-
5 sponding to an increased risk of gender-based vio-
6 lence or exploitation of children that may occur dur-
7 ing a complex humanitarian emergency;

8 (5) develop a procedure for nongovernmental
9 organizations to report evidence of gender-based vio-
10 lence and exploitation of children, during a complex
11 humanitarian emergency to ensure appropriate re-
12 sponse by United States officials; and

13 (6) establish a reporting and monitoring system
14 for United States diplomatic missions and consular
15 posts and missions of the United States Agency for
16 International Development to collect and submit to
17 the coordinator standardized data on evidence that
18 women and children are being targeted for or are at
19 increased risk of violence or exploitation in complex
20 humanitarian emergencies.

21 (b) REPORTING AND MONITORING.—Not later than
22 30 days after a country or region is placed on a list main-
23 tained under subsection (a)(1), each United States diplo-
24 matic mission and consular post located in such country
25 or region shall submit to the appropriate coordinator a

1 description of the measures undertaken by such mission
2 or post for the protection of women and children in the
3 event of a complex humanitarian emergency.

4 (c) DISSEMINATION OF INFORMATION.—A coordi-
5 nator shall make available to the public, including to non-
6 governmental organizations located in areas where there
7 is an increased risk of gender-based violence or exploi-
8 tation of children, the information, procedures, systems,
9 and measures described in subsections (a) and (b).

10 **TITLE III—SECURITY FOR REF-**
11 **UGEE AND INTERNALLY DIS-**
12 **PLACED WOMEN AND CHIL-**
13 **DREN**

14 **SEC. 301. FINDINGS.**

15 Congress makes the following findings:

16 (1) Almost one-half of the world's estimated
17 37,500,000 refugees and internally displaced persons
18 are children.

19 (2) Food rations in camps for refugees and in-
20 ternally displaced persons are often limited and un-
21 predictable, and vulnerable women rarely have legiti-
22 mate opportunities to generate income or products
23 to barter for additional food and other supplies.

24 (3) Refugee women and girls face particular
25 threats because of power inequities, including being

1 forced to exchange sex for food and humanitarian
2 supplies, and being at increased risk of rape and
3 gender-based violence due to poor security in refugee
4 camps.

5 (4) An investigation into sexual exploitation of
6 refugees by aid workers in West Africa, conducted
7 by the United Nations Office of Internal Oversight
8 Services, found many factors that contribute to the
9 exploitation and abuse of women and children in ref-
10 ugee situations, including—

11 (A) few women working in key positions in
12 refugee relief efforts;

13 (B) insufficient international staff presence
14 in the camps;

15 (C) isolation and lack of separate and dis-
16 tinctly placed sanitary facilities for men and
17 women;

18 (D) incomplete rations and delayed deliv-
19 ery of supplies to refugees; and

20 (E) lack of punishment for perpetrators,
21 including adult refugees, of sexual crimes
22 against children in refugee situations.

23 (5) Refugees and internally displaced persons
24 living outside of camps experience a range of serious
25 problems including vulnerability to harassment,

1 abuse, and exploitation by landlords and employers
2 with little legal recourse, and constant threat of de-
3 tention, imprisonment, and deportation.

4 (6) Existing nongovernmental organization and
5 international agency policies, procedures, training
6 programs, monitoring, and accountability mecha-
7 nisms have not protected displaced women and chil-
8 dren from exploitation and abuse, provided adequate
9 assistance to survivors, or to disciplined offenders
10 and achieved justice.

11 (7) The limited presence of protection officers
12 and other trained managerial staff of the United
13 Nations High Commissioner for Refugees in camps,
14 especially at night, exacerbates the vulnerability of
15 women and children to abuse by, in particular, fellow
16 camp residents and nearby local residents.

17 (8) In some circumstances, humanitarian agen-
18 cies have failed to make women and children aware
19 of their rights to protection and assistance, to give
20 them access to effective channels of redress, and to
21 make humanitarian workers aware of their duty to
22 respect these rights and provide adequate assistance.

23 (9) The Inter-Agency Standing Committee has
24 identified standards of behavior applicable to all of
25 its personnel and is implementing a plan of action

1 related to protection from sexual exploitation and
2 abuse to strengthen mechanisms for protecting those
3 who depend on international aid.

4 **SEC. 302. CODES OF CONDUCT.**

5 (a) **LIMITATION ON ASSISTANCE.**—None of the funds
6 made available by the Department of State through the
7 Migration and Refugee Assistance account or the Emer-
8 gency Refugee and Migration Assistance account or by
9 any provision of law for the purposes of the provision of
10 assistance to refugees or internally displaced persons may
11 be provided to an organization that has failed to adopt
12 a code of conduct regarding the protection of beneficiaries
13 of humanitarian assistance that incorporates the 6 core
14 principles recommended by the Inter-Agency Standing
15 Committee, as described in subsection (b).

16 (b) **CORE PRINCIPLES.**—The 6 core principles for the
17 protection of beneficiaries are as follows:

18 (1) Sexual exploitation and abuse by humani-
19 tarian workers constitute acts of gross misconduct
20 and are therefore grounds for termination of employ-
21 ment.

22 (2) Sexual activity with persons under the age
23 of 18 years is prohibited regardless of the age of
24 majority or age of consent locally. Mistaken belief
25 regarding the age of a child is not a defense.

1 (3) Exchange of money, employment, goods, or
2 services for sex, including sexual favors or other
3 forms of humiliating, degrading, or exploitative be-
4 havior, is prohibited. This includes exchange of as-
5 sistance that is due to beneficiaries.

6 (4) Sexual relationships between the providers
7 and beneficiaries of humanitarian assistance are
8 strongly discouraged since they are based on inher-
9 ently unequal power dynamics. Such relationships
10 undermine the credibility and integrity of humani-
11 tarian assistance work.

12 (5) Whenever a humanitarian assistance worker
13 develops concerns or suspicions regarding sexual
14 abuse or exploitation by a fellow worker, whether in
15 the same agency or not, the worker must report
16 such concerns through established agency reporting
17 mechanisms.

18 (6) Humanitarian assistance agencies are
19 obliged to create and maintain an environment that
20 prevents sexual exploitation and abuse and promotes
21 the implementation of their code of conduct. Man-
22 agers at all levels have particular responsibilities to
23 support and develop systems that maintain this envi-
24 ronment.

1 **SEC. 303. SENSE OF CONGRESS REGARDING ADMINISTRA-**
2 **TION PRACTICES IN CAMPS FOR REFUGEES**
3 **AND DISPLACED PERSONS.**

4 It is the sense of Congress that all agencies, including
5 multilateral and nongovernmental agencies, implementing
6 United States humanitarian assistance programs should
7 conduct a thorough review of their administrative, man-
8 agement, and employment practices in refugee and dis-
9 placed persons camps for the purposes of—

10 (1) significantly increasing the number of
11 women involved in the distribution of food and hu-
12 manitarian supplies;

13 (2) expanding opportunities for women to gen-
14 erate legitimate income in the camps, including
15 through employment in the camps;

16 (3) educating providers and beneficiaries of hu-
17 manitarian assistance about the seriousness of gen-
18 der-based violence and exploitation of children;

19 (4) improving expatriate supervision and moni-
20 toring of daily operations in the camps;

21 (5) improving the design and logistics of camps
22 to create a safer and more secure environment for
23 women and children, including through consultation
24 with female camp residents;

1 (6) keeping formal and detailed records, includ-
2 ing photographs, of locally hired staff, and ensuring
3 that they are adequately paid and trained;

4 (7) providing training for humanitarian assist-
5 ance workers on their obligations and responsibilities
6 under a code of conduct;

7 (8) developing systems of accountability to
8 deter and punish gender-based violence, exploitation
9 of children, and other protection violations including
10 through identification of procedures for reporting
11 and investigating allegations of abuse that protect
12 the safety and confidentiality of the survivors; and

13 (9) ensuring that applicants for jobs in camps
14 are screened to prevent individuals who may have
15 been involved in protection violations from being
16 hired by camp authorities.

17 **SEC. 304. HEALTH SERVICES FOR REFUGEES AND DIS-**
18 **PLACED PERSONS.**

19 (a) FINDINGS.—Congress makes the following find-
20 ings:

21 (1) Complex humanitarian emergencies result in
22 particular risks for women and girls.

23 (2) Refugee and displaced women face height-
24 ened risks of developing complications during preg-
25 nancy, suffering a miscarriage, dying, being injured

1 during childbirth, becoming infected with HIV or
2 another sexually transmitted infection, or suffering
3 from posttraumatic stress disorder.

4 (3) Despite the heightened risks for women
5 during a complex humanitarian emergency, women's
6 needs for specialized health services have often been
7 overlooked by donors and relief organizations, which
8 are focused on providing food, water, and shelter.

9 (4) Priority activities and emergency supplies
10 designed to address life-threatening women's health
11 problems during a complex humanitarian emergency
12 are often not implemented or made available in the
13 early days and weeks of an emergency, the period
14 when such activities and supplies are most needed
15 and may be most effective.

16 (b) PROVISION OF HEALTH SERVICES.—

17 (1) REQUIREMENTS.—Each coordinator shall—

18 (A) ensure that organizations funded by
19 the United States that respond to a complex
20 humanitarian emergency have the resources
21 necessary to address the specific health needs of
22 women affected by the emergency; and

23 (B) identify an organization or individual
24 to facilitate the coordination and implementa-
25 tion of the activities needed to respond to the

1 health needs of women as soon as practicable
2 and not later than 30 days after the develop-
3 ment of a complex humanitarian emergency.

4 (2) ACTIVITIES DEFINED.—The activities re-
5 ferred to in paragraph (1)(B) include activities to—

6 (A) prevent and manage the consequences
7 of sexual violence;

8 (B) reduce transmission of HIV;

9 (C) provide obstetric care; and

10 (D) draft a plan to integrate women’s
11 health services into the primary health care
12 services provided during a complex humani-
13 tarian emergency, including—

14 (i) collection of background data on
15 maternal, infant and child mortality, and
16 the rate of HIV infection;

17 (ii) identification of suitable sites for
18 future delivery of women’s health services
19 by addressing security problems, accessi-
20 bility for all potential users, privacy and
21 confidentiality during visits, easy access to
22 water and sanitation, appropriate space for
23 users’ waiting time, and aseptic conditions;

24 (iii) an assessment of the staff capac-
25 ity to provide women’s health services; and

1 (iv) a plan for staff training.

2 (c) AUTHORIZATION OF APPROPRIATIONS.—There
3 are authorized to be appropriated \$12,000,000 for fiscal
4 year 2004, and \$14,000,000 for fiscal year 2005, to carry
5 out subsection (b). The amounts authorized to be appro-
6 priated in this subsection are in addition to amounts ap-
7 propriated for such fiscal years to the Department of
8 State for the Migration and Refugee Assistance account,
9 the Emergency Refugee and Migration Assistance ac-
10 count, or the International Disaster Assistance account.

11 **SEC. 305. WHISTLEBLOWER SYSTEM.**

12 (a) DESIGN OF MODEL SYSTEM.—The Secretary
13 should urge the United Nations High Commissioner for
14 Refugees to work with nongovernmental organizations to
15 design and implement a model “whistleblower” system
16 under which humanitarian workers, refugees, and inter-
17 nally displaced persons can report instances of gender-
18 based violence or exploitation of children. Such a system
19 should ensure that—

20 (1) reports of instances of gender-based violence
21 or exploitation of children may be made confiden-
22 tially and without risk of retribution;

23 (2) such reports are swiftly and thoroughly in-
24 vestigated and adjudicated; and

1 (3) appropriate disciplinary action is taken
2 against a person found to have committed an act of
3 gender-based violence or exploited a child.

4 (b) REPORT.—Not later than 180 days after the date
5 of enactment of this Act, the Secretary shall submit a re-
6 port to the appropriate congressional committees on
7 progress that has been made toward designing and imple-
8 menting the model whistleblower system described in sub-
9 section (a).

10 **SEC. 306. WOMEN’S ECONOMIC SELF-SUFFICIENCY.**

11 (a) FINDINGS.—Congress makes the following find-
12 ings:

13 (1) It is often difficult to determine when it is
14 safe for women and children to return to a commu-
15 nity affected by a complex humanitarian emergency,
16 and in many instances the affected women and chil-
17 dren remain refugees or internally displaced for con-
18 siderable periods of time.

19 (2) To reduce vulnerability to exploitation and
20 abuse, women who are uprooted from their commu-
21 nities must be given legitimate opportunities to gen-
22 erate income to support themselves and their fami-
23 lies.

24 (3) In situations of long-term displacement, hu-
25 manitarian and development agencies should provide

1 legal assistance, technical and vocational training,
2 and access to credit for women, so they can earn a
3 safe and lawful livelihood.

4 (b) WORK PERMITS.—The Department of State
5 should work with host governments, the United Nations
6 High Commissioner for Refugees, and other appropriate
7 United Nations agencies to ensure that, in situations of
8 long-term displacement, refugees and internally displaced
9 persons are granted work permits and other necessary
10 documentation by the host government and local authori-
11 ties to enable them to generate legitimate income.

12 (c) AMENDMENTS TO MICROENTERPRISE ACT OF
13 2000.—Section 102 of the Microenterprise for Self-Reli-
14 ance Act of 2000 (22 U.S.C. 2151f note) is amended—

15 (1) in paragraph (4)—

16 (A) by redesignating subparagraphs (B),
17 (C), and (D) and subparagraphs (C), (D), and
18 (E), respectively; and

19 (B) by inserting after subparagraph (A)
20 the following:

21 “(B) Women displaced by armed conflict are
22 particularly at risk, lacking access to traditional live-
23 lihoods and means for generating income.”; and

24 (2) in paragraph (13)—

1 (A) by redesignating subparagraph (B) as
2 subparagraph (C); and

3 (B) by inserting after subparagraph (A)
4 the following:

5 “(B) Particular efforts should be made to ex-
6 pand the availability of microcredit programs to in-
7 ternally displaced persons, who historically have not
8 had access to such programs.”.

9 (d) AMENDMENTS TO THE FOREIGN ASSISTANCE
10 ACT.—Chapter 1 of part I of the Foreign Assistance Act
11 of 1961 (22 U.S.C. 2151 et seq.) is amended—

12 (1) in section 108 (22 U.S.C. 2151f)—

13 (A) in subsection (b)(3), by inserting after
14 “microentrepreneurs” the following: “, with an
15 emphasis on women microentrepreneurs,”; and

16 (B) by adding at the end the following new
17 subsection:

18 “(g) REPORTING REQUIREMENT.—The Adminis-
19 trator of the agency primarily responsible for admin-
20 istering this part, as part of the annual congressional pres-
21 entation documents of the agency, shall submit to Con-
22 gress a report that contains—

23 “(1) an estimate of the number of women living
24 below the national poverty line that have secured

1 loans or received training through the programs de-
2 scribed in this Act;

3 “(2) the percentage of women borrowers in pro-
4 grams funded by the agency under this Act;

5 “(3) the percentage of the total loan funds dis-
6 bursed by the agency under this Act that were made
7 available to women borrowers; and

8 “(4) a discussion of the impact that such loans
9 have had on the economic status of such women.”;
10 and

11 (2) in section 131 (22 U.S.C. 2151a)—

12 (A) in subsection (b)(1)(D), by inserting
13 before the period at the end the following: “, in-
14 cluding programs to eliminate legal and institu-
15 tional barriers to women’s ownership of assets,
16 access to credit, and engagement in business
17 activities within or outside of the home”;

18 (B) in subsection (b)(2)(C), by inserting
19 before the period at the end the following: “, in-
20 cluding women’s organizations”; and

21 (C) in subsection (c)—

22 (i) by redesignating paragraphs (1),
23 (2), (3), and (4) as subparagraphs (A),
24 (B), (C), and (D), respectively, and re-

1 aligning such subparagraphs, as so redesi-
2 gnated, four ems from the left margin;

3 (ii) by striking “In order” and insert-
4 ing the following:

5 “(1) ESTABLISHMENT.—In order”;

6 (iii) in subparagraph (D), as redesign-
7 nated by clause (i), by striking “paragraph
8 (3)” and inserting “subparagraph (C)”;
9 and

10 (iv) by adding at the end the following
11 new paragraph:

12 “(2) DISAGGREGATION.—All goals, indicators,
13 analyses, and recommendations required by this sec-
14 tion shall be disaggregated by sex.”.

15 (e) MICROFINANCE GRANTS.—

16 (1) IN GENERAL.—Of the funds made available
17 for the Department of State under section 135(b)(2)
18 of the Foreign Assistance Act of 1961 (as added by
19 section 501 of this Act), \$1,500,000 may be made
20 available to provide grant assistance—

21 (A) to microfinance institutions for the
22 purpose of expanding the availability of credit,
23 savings, training, technical assistance, business
24 development services, and other financial serv-
25 ices to very poor entrepreneurs, as defined in

1 section 131(b)(3) of the Foreign Assistance Act
2 of 1961, who are refugees; and

3 (B) for policy and regulatory programs at
4 the country level that improve the environment
5 for microenterprise among refugee populations.

6 (2) GRANT PROVIDERS.—Assistance described
7 in paragraph (1) shall be provided through United
8 States and indigenous private and voluntary organi-
9 zations, credit unions, cooperatives, and other non-
10 governmental organizations with a capacity to de-
11 velop and implement microenterprise programs.

12 **SEC. 307. INTERNATIONAL MILITARY EDUCATION AND**
13 **TRAINING.**

14 Section 541 of the Foreign Assistance Act of 1961
15 (22 U.S.C. 2347) is amended—

16 (1) by striking “or (iv)” and inserting “(iv)”;
17 and

18 (2) by striking “rights.” and inserting “rights,
19 or (v) improve the protection of civilians, especially
20 women and children who are affected by armed con-
21 flict, including those who, as a result of an armed
22 conflict, are refugees or displaced persons.”.

23 **SEC. 308. PROTECTION INITIATIVES.**

24 (a) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that—

1 (1) the Secretary and the Administrator of the
2 United States Agency for International Development
3 should continue to develop protection initiatives that
4 support nongovernmental organizations and multilat-
5 eral institutions in identifying protection problems
6 associated with complex humanitarian emergencies
7 and strategies for prevention of gender-based vio-
8 lence and exploitation of children and accountability
9 during a complex humanitarian emergency, includ-
10 ing—

11 (A) training of field workers on identifying
12 and responding to gender-based violence and
13 the exploitation of children;

14 (B) support for the rapid deployment of
15 personnel trained to identify protection needs to
16 areas affected by complex humanitarian emer-
17 gencies;

18 (C) support for registration initiatives
19 which document refugees and internally dis-
20 placed persons for purposes including the provi-
21 sion of assistance to such persons and of family
22 reunification; and

23 (D) support for programs that provide as-
24 sistance to women who were displaced due to a
25 complex humanitarian emergency, including—

- 1 (i) psycho-social counseling;
- 2 (ii) training related to income genera-
- 3 tion and employment skills; and
- 4 (iii) emergency health care required to
- 5 respond to gender-based violence; and

6 (2) the United Nations High Commissioner for
7 Refugees should review—

- 8 (A) its placement practices to ensure
- 9 that—

- 10 (i) senior protection officials are as-
- 11 signed to the posts where women and chil-
- 12 dren are in the most danger of gender-
- 13 based violence or exploitation;

- 14 (ii) experienced protection officers are
- 15 present at border crossings; and

- 16 (iii) more female staff are present in
- 17 camps for refugees or displaced persons;
- 18 and

- 19 (B) its personnel system to facilitate the
- 20 hiring of successful junior professional officers
- 21 on a permanent basis following their initial
- 22 tours of duty.

23 (b) REPORT.—Not later than 90 days after the date
24 of enactment of this Act, the Secretary shall report to the
25 appropriate congressional committees any steps taken to

1 develop the protection initiatives described in subsection
2 (a).

3 **SEC. 309. ACCOUNTABILITY.**

4 (a) **REQUIRED ACTIONS.**—Each coordinator shall—

5 (1) report allegations of gender-based violence,
6 exploitation of children, and other protection viola-
7 tions to the Inter-Agency Standing Committee for
8 appropriate response; and

9 (2) request an annual report from the United
10 Nations High Commissioner for Refugees on the ac-
11 tions taken by the High Commissioner to prevent
12 gender-based violence, exploitation of children, and
13 other protection violations.

14 (b) **REPORT.**—Not later than 90 days after the date
15 of enactment of this Act, and annually thereafter, the Sec-
16 retary shall transmit to the appropriate congressional
17 committees the report described in paragraph (2) of sub-
18 section (a).

19 **TITLE IV—POSTCONFLICT RE-**
20 **CONSTRUCTION AND REHA-**
21 **BILITATION**

22 **SEC. 401. FINDINGS.**

23 Congress makes the following findings and state-
24 ments of policy:

1 (1) The United Nations Security Council Reso-
2 lution 1325 of October 31, 2000, called on all actors
3 involved in the negotiation and implementation of
4 peace agreements to address the specific needs of
5 women and girls during and after armed conflicts.

6 (2) Women and children can play an important
7 role in the prevention and resolution of armed con-
8 flicts and in peace-building.

9 (3) Despite positive roles of women in fostering
10 peace, they are excluded from most peace negotia-
11 tions at the diplomatic and operational level.

12 (4) Effective institutional arrangements de-
13 signed to ensure the protection and full participation
14 of women and youth in the peace process, including
15 peacekeeping as well as peace-building, can signifi-
16 cantly contribute to the maintenance and promotion
17 of international peace and security.

18 (5) Rape should receive special attention by war
19 crimes tribunals, truth and reconciliation panels, and
20 other organs of justice.

21 (6) Assistance that is linked to peace processes
22 should support and strengthen women's roles as eco-
23 nomic leaders and assist women in accessing the
24 global marketplace.

1 (7) Women must be afforded an equal role in
2 decisionmaking to ensure that their interests are
3 represented at all levels of government.

4 **SEC. 402. SUPPORT FOR COMMUNITIES AND FORMER COM-**
5 **BATANTS.**

6 (a) **REQUIREMENT FOR PROGRAMS.**—The Secretary,
7 in conjunction with the Administrator for the United
8 States Agency for International Development, shall de-
9 velop and implement specific programs to provide assist-
10 ance to communities that have been affected by a complex
11 humanitarian emergency and to former combatants, in-
12 cluding:

13 (1) **ECONOMIC DEVELOPMENT.**—Multi-year eco-
14 nomic development programs that are intended to
15 provide gender-balanced benefits and to assist fe-
16 male heads of households.

17 (2) **PRODUCTIVE ASSETS.**—Programs to in-
18 crease access to or ownership of productive assets
19 such as land, agricultural equipment, and credit by
20 women.

21 (3) **EDUCATION AND TRAINING.**—Education
22 and training programs that are integrated with eco-
23 nomic development programs to encourage the re-
24 integration of former combatants into society and to

1 promote post-conflict stability in affected commu-
2 nities.

3 (4) EXTENSION OF EDUCATION AND TRAIN-
4 ING.—Programs to extend education and training,
5 including training in business development, to
6 women and girls.

7 (5) POLITICAL EMPOWERMENT.—Programs to
8 politically empower women, including training to as-
9 sist women and women’s organizations in under-
10 standing legal systems, electoral processes, legisla-
11 tion advocacy, and the role of the media, public af-
12 fairs and information technology in politics, and in
13 obtaining leadership positions.

14 (b) PROGRAMS OF THE INTERNATIONAL BANK FOR
15 RECONSTRUCTION AND DEVELOPMENT.—The United
16 States Executive Director of the International Bank for
17 Reconstruction and Development shall work to ensure that
18 disarmament, demobilization, and reintegration programs
19 developed and funded by the International Bank for Re-
20 construction and Development provide benefits to former
21 combatants that are comparable to the benefits provided
22 by such programs to other individuals.

23 **SEC. 403. POLICE REFORM AND ACCOUNTABILITY.**

24 (a) FINDINGS.—Congress makes the following find-
25 ings:

1 (1) In many developing and postconflict coun-
2 tries, police and military forces continue to function
3 as instruments of repression, coercion, and central-
4 ized power, even after a transition to democracy has
5 begun.

6 (2) In order for a transitional, postconflict soci-
7 ety to become stable and democratic, it is necessary
8 for the government of such society to make a clear
9 separation between police and military functions,
10 and clearly define the military forces that are sub-
11 ject to civilian, democratic control, and the point at
12 which police forces become accountable, representa-
13 tive service-providers to local communities.

14 (3) Police officers in developing and postconflict
15 countries are often paid minimal salaries and receive
16 little or improper training, resulting in widespread
17 police corruption and citizens viewing the police as
18 an obstacle to justice rather than the enforcer of
19 justice.

20 (4) Successful professionalization and demo-
21 cratic reform of police forces requires not only ade-
22 quate financial resources, but also concurrent
23 strengthening of the rule of law and system of jus-
24 tice, transparency, and cooperation with local com-
25 munity and human rights organizations, removal of

1 corrupt and abusive personnel, and political will for
2 meaningful reform at the highest levels of govern-
3 ment.

4 (b) REPORT.—Not later than 90 days after the date
5 of enactment of this Act, the Secretary shall submit a re-
6 port to the appropriate congressional committees on all
7 current programs to assist nations to reconstitute civilian
8 police authority and capability following a complex human-
9 itarian emergency, including ensuring the enforcement of
10 laws that are designed to protect women and children and
11 improve accountability for gender-based violence.

12 **SEC. 404. SENSE OF CONGRESS REGARDING THE IMPROVE-**
13 **MENT OF UNITED NATIONS PEACEKEEPING**
14 **OPERATIONS.**

15 It is the sense of Congress that the United Nations
16 Department of Peacekeeping Operations should—

17 (1) ensure that gender issues are mainstreamed
18 into its peacekeeping missions, including by estab-
19 lishing a senior gender advisor post within the De-
20 partment of Peacekeeping Operations which reports
21 directly to the Under Secretary General for Peace-
22 keeping Operations;

23 (2) provide military, police, and civilian per-
24 sonnel deployed to areas where women and children

1 are at risk of gender-based violence or exploitation
2 with training materials that—

3 (A) assist such personnel with protecting
4 and addressing the particular needs of women
5 and children; and

6 (B) were developed in consultation with
7 women’s organizations; and

8 (3) ensure that the Special Representative of
9 the Secretary General of the peacekeeping mission
10 has direct contact with local women leaders or wom-
11 en’s organizations in the area in which the peace-
12 keepers are deployed for the purpose of obtaining in-
13 formation regarding gender-based violence or exploi-
14 tation of children.

15 **TITLE V—WOMEN AND CHILD-**
16 **DREN’S PROTECTION ASSIST-**
17 **ANCE**

18 **SEC. 501. WOMEN AND CHILDREN’S PROTECTION ASSIST-**
19 **ANCE.**

20 Chapter 1 of part I of the Foreign Assistance Act
21 of 1961 (22 U.S.C. 2151 et seq.) is amended by adding
22 at the end the following new section:

1 **“SEC. 135. WOMEN AND CHILDREN’S PROTECTION ASSIST-**
2 **ANCE.**

3 “(a) **AUTHORITY.**—Notwithstanding any other provi-
4 sion of law, and subject to the limitations of subsection
5 (b), the President is authorized to provide assistance for
6 programs, projects, and activities to promote the security
7 of, provide equal access to basic services for, and safe-
8 guard the human rights and dignity of civilian women and
9 children who are refugees, displaced persons, or living in
10 areas affected by a complex humanitarian emergency.
11 Such assistance shall include programs—

12 “(1) to build the capacity of nongovernmental
13 organizations to protect women and children during
14 a complex humanitarian emergency, by training
15 staff, incorporating cross-sectored initiatives that
16 promote child protection, collecting and analyzing
17 data, developing curricula, designing field programs,
18 and building local partnerships;

19 “(2) to support local and international non-
20 governmental initiatives to prevent, detect, and re-
21 port exploitation of children and gender-based vio-
22 lence, including through the provision of training hu-
23 manitarian protection monitors for refugees and in-
24 ternally displaced persons;

25 “(3) to conduct protection and security assess-
26 ments for refugees and internally displaced persons

1 in camps or in communities, with special emphasis
2 on the security of women and children for the pur-
3 poses of improving the design and security of camps
4 for refugees and internally displaced persons, includ-
5 ing provision for lights, fences, radios, and other lo-
6 gistics and durable goods;

7 “(4) to provide, when practicable, education
8 during a complex humanitarian emergency, including
9 primary, secondary, remedial, and accelerated edu-
10 cation, vocational and technical training, health and
11 safety awareness, and other structured activities
12 that create safe spaces for children and adolescents,
13 especially for girls;

14 “(5) to reintegrate and rehabilitate former com-
15 batants and survivors of gender-based violence, in-
16 cluding through remedial and accelerated education,
17 technical, and vocational training, psychosocial as-
18 sistance and trauma counseling, family and commu-
19 nity reinsertion, medical assistance, and strength-
20 ening community systems to support sustained re-
21 integration;

22 “(6) to establish registries and clearinghouses
23 to trace relatives and begin family reunification,
24 with a specific focus on helping children find their
25 families;

1 “(7) to provide interim care and placement for
2 separated children and orphans, including moni-
3 toring and followup services;

4 “(8) to provide legal services for survivors of
5 rape, torture, and other forms of gender-based vio-
6 lence, including the collection of evidence for war
7 crimes tribunals and advocacy for legal reform; and

8 “(9) to provide training in human rights and
9 humanitarian law, particularly as they relate to the
10 protection of women and children, to local law en-
11 forcement personnel in areas of high concentration
12 of refugees and internally displaced persons.

13 “(b) COMPLEX HUMANITARIAN EMERGENCY DE-
14 FINED.—In this section, the term ‘complex humanitarian
15 emergency’ means a situation that—

16 “(1) occurs outside the United States and re-
17 sults in a significant number of—

18 “(A) refugees;

19 “(B) internally displaced persons; or

20 “(C) other civilians requiring basic human-
21 itarian assistance on an urgent basis; and

22 “(2) is caused by one or more situations includ-
23 ing—

24 “(A) armed conflict;

25 “(B) natural disaster;

1 “(C) significant food shortage; or

2 “(D) state-sponsored harassment or perse-
3 cution.

4 “(c) AUTHORIZATION OF APPROPRIATIONS.—

5 “(1) IN GENERAL.—There is authorized to be
6 appropriated to the President \$45,000,000 for each
7 of fiscal years 2004 and 2005 to carry out this sec-
8 tion.

9 “(2) ALLOCATION OF FUNDS.—Of the amounts
10 authorized to be appropriated under paragraph (1),
11 in each fiscal year, \$25,000,000 shall be adminis-
12 tered by the United States Agency for International
13 Development and \$20,000,000 shall be administered
14 by the Department of State.

15 “(3) LIMITATION.—Of the amounts authorized
16 to be appropriated under paragraph (1)—

17 “(A) not more than \$2,000,000 shall be
18 made available in a fiscal year for the programs
19 described in subsection (a)(5); and

20 “(B) not more than \$2,000,000 may be
21 transferred in each fiscal year to the Depart-
22 ment of Justice to provide training for foreign
23 law enforcement personnel in the investigation
24 and prosecution of gender-based violence and
25 exploitation of children.

1 “(4) RELATION TO EXISTING LAW.—The au-
2 thority provided by subsection (a) shall be subject to
3 the limitations and prohibitions contained in section
4 104(f).

5 “(5) ADDITIONAL FUNDS.—Amounts authorized
6 to be appropriated by this section shall be made
7 available, in addition to funds otherwise made avail-
8 able under this part, to the Department of State for
9 the Migration and Refugee Assistance account or the
10 Emergency Refugee and Migration Assistance ac-
11 count, or to the United States Agency for Inter-
12 national Development for the International Disaster
13 Assistance account.

14 “(6) COMPETITIVE GRANTS.—Amounts author-
15 ized to be appropriated by this section shall be made
16 available in the form of grants and cooperative
17 agreements that are issued on an open and competi-
18 tive basis.

19 “(7) AVAILABILITY OF FUNDS.—Amounts ap-
20 propriated pursuant to this section are authorized to
21 remain available until expended.”.

○