

InterAction Comments on USAID's 2020 Gender Equality and Women's Empowerment Policy

InterAction welcomes the opportunity to comment on the revised draft policy, "2020 Gender Equality and Women's Empowerment Policy," released on August 19, 2020, for comment.

We also greatly appreciate USAID's openness to the NGO community's input and its willingness to speak to the community directly at a briefing and Q&A session on the policy on Monday, August 24, 2020. We sincerely hope that this consultative dialogue will continue as the policy goes through further revisions and is eventually finalized.

In general, we recommend that the process for the NGO community's consultation on revised agency policies such as this one be comprehensive, realistic, substantive, and considered. This is particularly critical when the policy has been significantly revised and is intended to supersede an existing policy, rather than simply updated with new information. In this case, neither the initial comment period of four (4) business days, nor the extended comment period of six (6) business days, is an adequate amount of time for feedback from the broader community, particularly with little advance notice and during a time of the year when many staff are out of the office on vacation. As such, **we recommend additional extension of this public comment period and that all future external consultation periods on draft policies be a minimum of ten (10) business days to allow for comprehensive review by InterAction members and other key stakeholders.** We urge that all comments submitted by the NGO community during the comment period for this policy be fully considered and that there be additional opportunity to consult on further versions of this draft policy before it is finalized as changes based on these comments are folded into it.

We are appreciative of USAID's continued commitment to gender equality and empowering women and girls and mainstreaming these goals throughout its programming. However, we are concerned about the degree of changes to the revised 2020 policy and the subsequent impact on progress to date. In previous meetings with USAID staff, we understood that the changes were intended to be updates and augments rather than alterations to the content of the 2012 policy, but this does not seem to be the case. In fact, side-by-side analysis reveals a wholesale shift in the scope and focus of policy content.

Gender has been a development priority for decades, and best practices have evolved to be more inclusive and integrated over that time. As such, the policy should acknowledge and accelerate transformative progress towards global gender equality and related outcomes. We appreciate the emphasis on equality, but this should not stop with women's equal access; it should extend into transforming systems and institutions that become more inclusive and favorable to developing societies.

In updating the policy, it is critical to consider cross-cutting secondary impacts of the COVID-19 pandemic on gender equality and female empowerment. COVID-19 has worsened already existing inequalities, and it has had an amplified effect on marginalized communities. This will be an important factor in USAID's gender programming for years to come. Therefore, USAID should consider how to mainstream gender into all COVID-19 response and recovery efforts and ensure that the final gender policy is aligned with USAID's Over the Horizon policy efforts.

Updating USAID Gender Equality and Female Empowerment Policy provides a prime opportunity to build upon the 2012 policy with new data, best practices, and align it with new strategies and pieces of legislation. Yet, the current draft of the policy does not fully achieve these goals and undermines its core premise of gender equality by pursuing it as a means to achieve economic prosperity and security, rather than a goal in itself. The draft policy threatens to take a step back from key progress made as a result of the 2012 Gender Equality and Female Empowerment Policy, as it is out of touch with current global best practices, emphasizes a political over a technical focus, and it contains inaccurate and problematic elements. With the current version of the draft policy, we are concerned with the potential negative impact on USAID's programming and the overall effectiveness of the policy.

Below, please find specific comments in response to the questions posed by USAID. These comments are broad and may not fully reflect the diverse opinions of all of InterAction's membership given the short comment period.

Are there major gaps or important material that has been omitted? Please be as specific as you can.

- **An inclusive and intersectional approach to development is critical, but references in the policy are a step back from the 2012 policy and are not sufficient.** The draft policy includes a vital operating principle in section 3 (p. 15) committing to an inclusive and integrated approach to development. However, the brief paragraph and other references to inclusivity are not explicit and provide insufficient guidance to ensure that approach is pursued. Additionally, the draft policy makes no reference to sexual orientation, gender identity and gender expression, other excluded and marginalized groups, or to the importance of addressing the discriminatory attitudes, norms, beliefs, laws, and policies that they face. Moreover, by constantly reinforcing only a binary frame, 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. The policy should make specific mention of excluded groups including but not limited to women and girls, persons with disabilities, displaced persons, migrants, indigenous people, children, youth and the elderly, people in lower castes, people of diverse economic classes, LGBTQI+ people, etc. to ensure an inclusive and intersectional approach to gender equality and female empowerment.
- **Gender equality as a core development goal is absent and must be at the center of the policy.** Nowhere in the policy does it simply state that gender equality is a goal and a right in and of itself, and discussion of transforming social and gender norms to achieve gender equality is absent from the policy. The policy references outdated concepts that gender equality and women's empowerment are valued because they support national security, the economy, communities/nations, families, etc. rather than affirming women's, girls' and gender-diverse peoples' human rights, agency and gender equality as goals in and of themselves. Further, achieving gender equality requires consistent work and involves changing laws, policies, systems and institutions, social norms, power imbalances, and behaviors that perpetuate inequality. This point is not centralized in the draft policy and offers conclusions (e.g. on p. 5, "women and girls must have equitable and safe access to resources ...") without offering a power analysis or outlining any strategy, mechanism, or approach to achieve that goal.

- **There should be an emphasis on girls and youth throughout the policy.** The draft policy revision shifts from talking about “female empowerment” – which includes both women and girls – to “women’s empowerment,” which does not include 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 as 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.
- **Discussion of agency requirements or architecture to implement gender policy are weaker than the previous policy.** Reporting and USAID gender architecture is significantly undermined in the revised policy and should be reinforced in order to successfully fulfill the goals of the policy.
 - A report every 5 years is a longer time horizon than previous practice, which had shared implementation progress and challenges roughly every two years. In contrast, we recommend that external reporting be done at least once a year and should be disaggregated by age and sex.
 - The draft generally fails to identify key mechanisms, standards, or personnel/roles that would improve holding USAID stakeholders accountable for implementing this policy. For example, 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.
 - The draft indicates that gender technical specialists do not need to have the same standard of training as the previous policy, which is a step backward and undermines the global recognition of the robustness of USAID’s gender equality internal architecture. USAID gender advisors should be fully qualified at time of hire or within 180 days and full-time positions focused fully on these duties.
- **There is no reference to a number of policies developed under previous Administrations that are still in effect.**
 - 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. However, despite this, the draft policy only references new policies that have been adopted since 2017. This omission risks creating confusion for staff about how to implement this draft of the revised gender equality and women’s empowerment policy. The following US Government strategies and policies should be appropriately referenced in the text box “Key Policy and Strategy Priorities” (p. 7) 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)
- We appreciate the new addition of a number of cross-cutting sectors in the “Global Snapshots by Sector” section (p. 16) and have identified a few areas that should be revised and/or expanded upon.
 - **Agriculture and Food Security.** The policy downplays the importance of USAID’s experience with Feed the Future as a vehicle for the empowerment of women and girls. Additionally, the section focuses on men and women, and it does not include the gendered aspects of food insecurity for boys and girls.
 - **Climate Change.** There is no reference to climate change, and it should be added. USAID’s inclusion of “natural disasters” and “environmental degradation” does not fully explain or describe the challenges faced by women and girls as a result of increasing climate disruption. USAID should add reference to support for women and girls in climate adaptation and resilience building, as well as support for country governments so that long term, gender equitable and community driven solutions are found to the climate crisis.
 - **Conflict and Insecurity. (p. 17)** - Within the conflict and security section, references to potential perpetrators of GBV, CEFM, trafficking, is limited to “violent extremist organizations”, which ignores all other known potential perpetrators of violence, such as government actors, community members, families, tribal factions, peacekeepers, paramilitaries, gangs, rebel forces, etc. who would not fall under this category of “VEO.”
 - **Global Health.**
 - **Maternal and Child Health and Family Planning. (p. 29)** The revised USAID Gender Policy offers a very narrow view of reproductive health, that includes only maternal health and family planning. The policy unnecessarily politicizes sexual and reproductive health, including by defining 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 reference 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.
 - **Nutrition. (p. 30)** Though the draft text does a good job of highlighting the ways in which empowering women helps improve their nutrition, it does not mention any of the many ways that improved nutrition is key to empowering women. Ultimately, since nutrition interventions are so fundamental to empowering women, we recommend expanding the existing section on nutrition to clarify the role that nutrition plays in achieving women and girls’ empowerment. It is also

important to add specific mention of adolescents and gender non-conforming people, as such marginalized groups are at high risk of malnutrition.

- **Land and Property Rights.** Expand the importance of secure land tenure to include access to housing and improved financing. Secure land rights are a central factor in ensuring adequate, stable housing for women and their families. In much of the developing world, women's rights to adequate housing will be under permanent threat until governments appropriately enact and enforce gender sensitive laws providing tenure security, whether formal or informal. Additionally, embracing women's collective efforts and savings schemes as well as creating linkages with the private sector through credit and loan provision are a powerful mechanism to empower and capacitate women. Access to credit helps women invest in and improve their homes and businesses.
- **Technology.** The role of gender in USAID's evaluation strategy, in its digital strategy and in the use of innovative financial tools should also be highlighted since these are important areas in which gender dimensions can help and hinder progress.
- **WASH.** While the policy alludes to the impact of poor WASH and how poor menstrual hygiene impacts women's participation in educational and economic activities, it fails to explicitly connect the dots to WASH, gender inequality, menstrual rights, and safety risks like gender-based violence (GBV). Additionally, additional language should be included on the health impacts of inadequate WASH on women and girls in both the WASH-specific and Global Health sections. Finally, the linkages with WASH and water security should be acknowledged in other sectors outlined in this report such as economic growth, conflict and insecurity, GBV, agriculture and food security, and humanitarian assistance, not just education and natural resource management.

Are there areas where clarification is needed on policy positions or terminology? Please provide a clear rationale for your position and a recommendation.

Generally speaking, many of the terms in the draft policy are inconsistent throughout the document, and they are not aligned with current U.S. government policy and legislation. This could create confusion and misinterpretation when implementing USAID programs.

- **The delineation between “unalienable rights,” “legal rights,” and/or “basic rights” is unclear, and these terms are undefined.** The revised policy reduces and qualifies rights by repeatedly referring to rights for women and girls as “unalienable rights,” “legal rights,” or “basic rights.” This departs from internationally recognized human rights standards, in favor of terms that do not hold intrinsic meaning. This not only perpetuates a false understanding of human rights (there is no such thing as an agreed-upon “unalienable right” in national or international law), it also reduces important issues to an imperfect legal framework, rather than through a framework that broadly recognizes fundamental human rights. We strongly recommend that any references to rights in the document simply be referred to as “human rights.”
- **Gender equality is not effectively defined.** The term gender refers not to a person's sex (male or female), but to the socially defined roles that guide how individuals 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. Proposed definition should be replaced with the following: “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.”

- **Gender-based violence is not comprehensively defined.** The definition in the policy should reflect the definition in the 2016 U.S. Strategy to Prevent and Respond to GBV Globally: “Gender-based Violence (GBV) is an umbrella term for any harmful threat or act directed at an individual or group based on actual or perceived biological sex, gender identity and/or expression, sexual orientation, and/or lack of adherence to varying socially constructed norms around masculinity and femininity. It is rooted in structural gender inequalities, patriarchy, and power imbalances. GBV is typically characterized by the use or threat of physical, psychological, sexual, economic, legal, political, social and other forms of control and/or abuse. GBV impacts individuals across the life course and has direct and indirect costs to families, communities, economies, global public health, and development.”
- **Gender identity, gender expression, and intersectionality are not referenced or defined.** Related to the issue outlined above regarding taking an inclusive and integrated approach in the policy, these terms should be included and defined in the policy as follows:
 - 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.”
 - Gender expression: “Gender expression is the way in which a person expresses their gender identity, typically through their appearance, dress, and behavior.
 - Intersectionality: “The interconnected nature of social categorizations such as race, class, and gender as they apply to a given individual or group, regarded as creating overlapping and interdependent systems of discrimination or disadvantage. The belief that oppressions and inequalities are interlinked and cannot be solved alone.”
- **The role of men and boys in advancing gender equality should be effectively characterized.** The draft policy pays important attention to the role of men and boys in gender equality. More often than not, they are 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 and 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.
- **Partnerships with local and women- and girl- led organizations should be emphasized to a greater degree.** The draft policy mentions partnerships with a wide range of sectors, including a specific mention of partnerships with civil society, governments, the private sector, faith-based, and local groups. While these mentions are appreciated, a wide range of partnerships, with a particular focus on inclusive, local, and women- and girl-led organizations, should be fundamental to USAID’s



development approach, and the full range of partners and stakeholders that play roles in advancing gender equality should be more fully recognized in the policy.

Comments submitted by InterAction via USAID website and email on August 27, 2020. Please contact Kelsey Harris (kharris@interaction.org) with questions.