

108TH CONGRESS  
1ST SESSION

# S. 1001

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.

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## IN THE SENATE OF THE UNITED STATES

MAY 6, 2003

Mr. BIDEN (for himself, Mr. McCAIN, Mrs. FEINSTEIN, Mr. DODD, Mr. KERRY, Mrs. CLINTON, and Ms. MIKULSKI) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## 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”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 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.  
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 Sec. 103. Requirement to develop integrated strategy.  
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TITLE II—PREVENTION AND PREPAREDNESS

- Sec. 201. Findings.  
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 DISPLACED WOMEN AND CHILDREN

- Sec. 301. Findings.  
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 refugees and displaced persons.  
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 Sec. 306. Women’s economic self-sufficiency.  
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 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.

**1 SEC. 3. DEFINITIONS.**

**2 In this Act:**

**3 (1) APPROPRIATE CONGRESSIONAL COMMIT-**  
**4 TEES.**—The term “appropriate congressional com-  
**5 mittees”** means the Committee on Foreign Relations  
**6 of the Senate and the Committee on International**  
**7 Relations of the House of Representatives.**

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

3           (3) COMPLEX HUMANITARIAN EMERGENCY.—  
4 The term “complex humanitarian emergency” means  
5 a situation that—

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

8                   (i) refugees;

9                   (ii) internally displaced persons; or

10                   (iii) other civilians requiring basic hu-  
11 manitarian assistance on an urgent basis;

12                   and

13           (B) is caused by one or more situations in-  
14 cluding—

15                   (i) armed conflict;

16                   (ii) natural disaster;

17                   (iii) significant food shortage; or

18                   (iv) state-sponsored harassment or  
19 persecution.

20           (4) COORDINATOR.—The term “coordinator”  
21 means an individual designated by the Secretary  
22 under section 104(a).

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

25           (A) adult sexual activity with children;

1 (B) kidnapping or forcibly separating chil-  
2 dren from their families;

3 (C) subjecting children to the worst forms  
4 of child labor;

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

8 (E) withholding or obstructing access of  
9 children to food, shelter, medicine, and basic  
10 human services.

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

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

21 (A) rape;

22 (B) sexual assault or torture;

23 (C) sex trafficking and trafficking in per-  
24 sons;

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

3 (E) withholding or obstructing access to  
4 food, shelter, medicine, and basic human serv-  
5 ices; and

6 (F) other forms of violence based on gen-  
7 der.

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

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

16 (10) PROTECTION.—The term “protection”,  
17 with respect to an individual, a family, a group, or  
18 a community, means all appropriate measures to  
19 promote the physical and psychological security of,  
20 provide equal access to basic services for, and safe-  
21 guard the legal and human rights and dignity of, in-  
22 dividuals, families, groups, and communities.

23 (11) SECRETARY.—The term “Secretary”  
24 means the Secretary of State.

1           (12) SEX TRAFFICKING.—The term “sex traf-  
 2           ficking” has the meaning given the term in section  
 3           103 of Trafficking Victims Protection Act of 2000  
 4           (22 U.S.C. 7102).

5           (13) TRAFFICKING IN PERSONS.—The term  
 6           “trafficking in persons” has the meaning given the  
 7           term “severe forms of trafficking in persons” in sec-  
 8           tion 103 of Trafficking Victims Protection Act of  
 9           2000 (22 U.S.C. 7102).

10          (14) WORST FORMS OF CHILD LABOR.—The  
 11          term “worst forms of child labor” has the meaning  
 12          given the term in article 3 of Convention Number  
 13          182 of the International Labor Organization.

14       **TITLE I—PROGRAM AND POLICY**  
 15                               **COORDINATION**

16       **SEC. 101. FINDINGS.**

17          Congress makes the following findings:

18               (1) The nature of war has changed dramatically  
 19               in recent decades, putting women and children at  
 20               greater risk of death, disease, displacement, and ex-  
 21               ploitation.

22               (2) Civilians, particularly women and children,  
 23               account for the vast majority of those adversely af-  
 24               fected by complex humanitarian emergencies, includ-  
 25               ing as refugees and internally displaced persons, and

1 increasingly are targeted by combatants and armed  
2 elements for murder, abduction, forced military con-  
3 scription, involuntary servitude, displacement, sexual  
4 abuse and slavery, mutilation, and loss of freedom.

5 (3) Traditionally, humanitarian response has  
6 focused on providing food, medical care, and shelter  
7 needs, while placing less emphasis on the safety and  
8 security of those affected by a complex humanitarian  
9 emergency.

10 (4) Few well-coordinated efforts exist to prevent  
11 and respond to violence against women and children  
12 when they are refugees or internally displaced per-  
13 sons.

14 (5) While the United Nations High Commis-  
15 sioner for Refugees and the Department of State are  
16 charged with protecting refugees, there is no United  
17 States Government agency or international body  
18 with a clear mandate to protect internally displaced  
19 persons and those at risk of displacement as a result  
20 of a complex humanitarian emergency.

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

24 **SEC. 102. PURPOSES.**

25 The purposes of this Act are—

1           (1) to ensure that the United States Govern-  
2           ment has adequate capabilities to support programs  
3           that provide for the protection of women and chil-  
4           dren who are affected by a complex humanitarian  
5           emergency;

6           (2) to build the capacities of United States  
7           Government agencies, multilateral institutions, inter-  
8           national nongovernmental organizations, local non-  
9           governmental organizations, and local communities  
10          to prevent and respond effectively to gender-based  
11          violence and exploitation of children that occur dur-  
12          ing a complex humanitarian emergency; and

13          (3) to provide increased funding for the protec-  
14          tion of women and children affected by a complex  
15          humanitarian emergency.

16 **SEC. 103. REQUIREMENT TO DEVELOP INTEGRATED STRAT-**  
17 **EGY.**

18          (a) **REQUIREMENT.**—The Secretary shall, in con-  
19          sultation with the Administrator of the United States  
20          Agency for International Development, develop an inte-  
21          grated strategy for the protection of women and children  
22          who are internally displaced, made refugees, or otherwise  
23          affected by a complex humanitarian emergency.

24          (b) **REPORT.**—Not later than 90 days after the date  
25          of enactment of this Act, the Secretary shall submit to



1 the appropriate congressional committees a report out-  
2 lining the strategy described in subsection (a).

3 (c) CONTENT.—The report required by subsection (b)  
4 shall include—

5 (1) an assessment of the specific needs of, and  
6 particular threats to, women and children at the var-  
7 ious stages of a complex humanitarian emergency,  
8 especially at the onset of such emergency;

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

12 (3) an evaluation of the needs and threats that  
13 are being adequately addressed and funded, and  
14 those which require additional attention or re-  
15 sources;

16 (4) a set of guidelines and recommendations for  
17 improving United States and international systems  
18 for the protection of women and children during a  
19 complex humanitarian emergency; and

20 (5) a mechanism for coordinating and over-  
21 seeing United States efforts to prevent and respond  
22 to gender-based violence and exploitation of children  
23 that occurs during a complex humanitarian emer-  
24 gency.

1 **SEC. 104. DESIGNATION OF COORDINATOR.**

2 (a) IN GENERAL.—Not later than 60 days after the  
3 date of enactment of this Act, the Secretary shall des-  
4 ignate one or more senior-level officials of the Department  
5 of State or the United States Agency for International De-  
6 velopment as a coordinator or coordinators, as the case  
7 may be, to be responsible for the oversight and coordina-  
8 tion of United States Government efforts to provide pro-  
9 tection to women and children who are affected by a com-  
10 plex humanitarian emergency.

11 (b) DUTIES.—A coordinator designated under sub-  
12 section (a) shall—

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

15 (2) be responsible for the oversight and coordi-  
16 nation of United States Government efforts to pro-  
17 tect women and children who are affected by a com-  
18 plex humanitarian emergency; and

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

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

1       **TITLE II—PREVENTION AND**  
2                               **PREPAREDNESS**

3   **SEC. 201. FINDINGS.**

4       Congress makes the following findings:

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

12          (2) In the last decade alone, more than  
13      2,000,000 children have been killed during wars,  
14      while more than 4,000,000 have survived physical  
15      mutilation, and more than 1,000,000 have been or-  
16      phaned or separated from their families as a result  
17      of war.

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

22          (4) During 2003, an estimated 300,000 chil-  
23      dren have been compulsorily recruited into military  
24      operations around the world, including a large num-  
25      ber of girls who have been forced to work as combat-

1       ants, cooks, messengers, spies, or sexual slaves for  
2       soldiers.

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

6           (6) The international community has a respon-  
7       sibility pursuant to the Protocol Relating to the Sta-  
8       tus of Refugees done at New York October 4, 1967  
9       (19 UST 6223), the Convention Relating to the Sta-  
10      tus of Refugees done at Geneva July 28, 1951, and  
11      the Convention Relative to the Protection of Civilian  
12      Persons in Time of War done at Geneva August 12,  
13      1949 (6 UST 3516), to take preventive action that  
14      would improve preparedness and reduce the vulner-  
15      ability of women and children to violence and exploi-  
16      tation.

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

18       (a) PREVENTIVE ACTIONS.—Each coordinator  
19 shall—

20           (1) maintain a data base of information related  
21       to occurrences of gender-based violence or exploi-  
22       tation of children during a complex humanitarian  
23       emergency;

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

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

8                   (B) a list, that is updated regularly, of  
9                   countries or regions where there is an increased  
10                  risk of gender-based violence or exploitation of  
11                  children due to a complex humanitarian emer-  
12                  gency to enhance the preparedness of the  
13                  United States Government or organizations  
14                  funded by the United States Government to re-  
15                  spond to such an emergency;

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

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

23           (5) develop a procedure for nongovernmental  
24           organizations to report evidence of gender-based vio-  
25           lence and exploitation of children, during a complex

1 humanitarian emergency to ensure appropriate re-  
2 sponse by United States officials; and

3 (6) establish a reporting and monitoring system  
4 for United States diplomatic missions and consular  
5 posts and missions of the United States Agency for  
6 International Development to collect and submit to  
7 the coordinator standardized data on evidence that  
8 women and children are being targeted for or are at  
9 increased risk of violence or exploitation in complex  
10 humanitarian emergencies.

11 (b) REPORTING AND MONITORING.—Not later than  
12 30 days after a country or region is placed on a list main-  
13 tained under subsection (a)(1), each United States diplo-  
14 matic mission and consular post located in such country  
15 or region shall submit to the appropriate coordinator a  
16 description of the measures undertaken by such mission  
17 or post for the protection of women and children in the  
18 event of a complex humanitarian emergency.

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

1 **TITLE III—SECURITY FOR REF-**  
2 **UGEE AND INTERNALLY DIS-**  
3 **PLACED WOMEN AND CHIL-**  
4 **DREN**

5 **SEC. 301. FINDINGS.**

6 Congress makes the following findings:

7 (1) Almost one-half of the world's estimated  
8 37,500,000 refugees and internally displaced persons  
9 are children.

10 (2) Food rations in camps for refugees and in-  
11 ternally displaced persons are often limited and un-  
12 predictable, and vulnerable women rarely have legiti-  
13 mate opportunities to generate income or products  
14 to barter for additional food and other supplies.

15 (3) Refugee women and girls face particular  
16 threats because of power inequities, including being  
17 forced to exchange sex for food and humanitarian  
18 supplies, and being at increased risk of rape and  
19 gender-based violence due to poor security in refugee  
20 camps.

21 (4) An investigation into sexual exploitation of  
22 refugees by aid workers in West Africa, conducted  
23 by the United Nations Office of Internal Oversight  
24 Services, found many factors that contribute to the

1 exploitation and abuse of women and children in ref-  
2 ugee situations, including—

3 (A) few women working in key positions in  
4 refugee relief efforts;

5 (B) insufficient international staff presence  
6 in the camps;

7 (C) isolation and lack of separate and dis-  
8 tinctly placed sanitary facilities for men and  
9 women;

10 (D) incomplete rations and delayed deliv-  
11 ery of supplies to refugees; and

12 (E) lack of punishment for perpetrators,  
13 including adult refugees, of sexual crimes  
14 against children in refugee situations.

15 (5) Refugees and internally displaced persons  
16 living outside of camps experience a range of serious  
17 problems including vulnerability to harassment,  
18 abuse, and exploitation by landlords and employers  
19 with little legal recourse, and constant threat of de-  
20 tention, imprisonment, and deportation.

21 (6) Existing nongovernmental organization and  
22 international agency policies, procedures, training  
23 programs, monitoring, and accountability mecha-  
24 nisms have not protected displaced women and chil-  
25 dren from exploitation and abuse, provided adequate



1 assistance to survivors, or to disciplined offenders  
2 and achieved justice.

3 (7) The limited presence of protection officers  
4 and other trained managerial staff of the United  
5 Nations High Commissioner for Refugees in camps,  
6 especially at night, exacerbates the vulnerability of  
7 women and children to abuse by, in particular, fellow  
8 camp residents and nearby local residents.

9 (8) In some circumstances, humanitarian agen-  
10 cies have failed to make women and children aware  
11 of their rights to protection and assistance, to give  
12 them access to effective channels of redress, and to  
13 make humanitarian workers aware of their duty to  
14 respect these rights and provide adequate assistance.

15 (9) The Inter-Agency Standing Committee has  
16 identified standards of behavior applicable to all of  
17 its personnel and is implementing a plan of action  
18 related to protection from sexual exploitation and  
19 abuse to strengthen mechanisms for protecting those  
20 who depend on international aid.

21 **SEC. 302. CODES OF CONDUCT.**

22 (a) LIMITATION ON ASSISTANCE.—None of the funds  
23 made available by the Department of State through the  
24 Migration and Refugee Assistance account or the Emer-  
25 gency Refugee and Migration Assistance account or by

1 any provision of law for the purposes of the provision of  
2 assistance to refugees or internally displaced persons may  
3 be provided to an organization that has failed to adopt  
4 a code of conduct regarding the protection of beneficiaries  
5 of humanitarian assistance that incorporates the 6 core  
6 principles recommended by the Inter-Agency Standing  
7 Committee, as described in subsection (b).

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

10 (1) Sexual exploitation and abuse by humani-  
11 tarian workers constitute acts of gross misconduct  
12 and are therefore grounds for termination of employ-  
13 ment.

14 (2) Sexual activity with persons under the age  
15 of 18 years is prohibited regardless of the age of  
16 majority or age of consent locally. Mistaken belief  
17 regarding the age of a child is not a defense.

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

23 (4) Sexual relationships between the providers  
24 and beneficiaries of humanitarian assistance are  
25 strongly discouraged since they are based on inher-



1           (1) significantly increasing the number of  
2 women involved in the distribution of food and hu-  
3 manitarian supplies;

4           (2) expanding opportunities for women to gen-  
5 erate legitimate income in the camps, including  
6 through employment in the camps;

7           (3) educating providers and beneficiaries of hu-  
8 manitarian assistance about the seriousness of gen-  
9 der-based violence and exploitation of children;

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

12          (5) improving the design and logistics of camps  
13 to create a safer and more secure environment for  
14 women and children, including through consultation  
15 with female camp residents;

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

19          (7) providing training for humanitarian assist-  
20 ance workers on their obligations and responsibilities  
21 under a code of conduct;

22          (8) developing systems of accountability to  
23 deter and punish gender-based violence, exploitation  
24 of children, and other protection violations including  
25 through identification of procedures for reporting

1 and investigating allegations of abuse that protect  
2 the safety and confidentiality of the survivors; and

3 (9) ensuring that applicants for jobs in camps  
4 are screened to prevent individuals who may have  
5 been involved in protection violations from being  
6 hired by camp authorities.

7 **SEC. 304. HEALTH SERVICES FOR REFUGEES AND DIS-**  
8 **PLACED PERSONS.**

9 (a) FINDINGS.—Congress makes the following find-  
10 ings:

11 (1) Complex humanitarian emergencies result in  
12 particular risks for women and girls.

13 (2) Refugee and displaced women face height-  
14 ened risks of developing complications during preg-  
15 nancy, suffering a miscarriage, dying, being injured  
16 during childbirth, becoming infected with HIV or  
17 another sexually transmitted infection, or suffering  
18 from posttraumatic stress disorder.

19 (3) Despite the heightened risks for women  
20 during a complex humanitarian emergency, women's  
21 needs for specialized health services have often been  
22 overlooked by donors and relief organizations, which  
23 are focused on providing food, water, and shelter.

24 (4) Priority activities and emergency supplies  
25 designed to address life-threatening women's health

1 problems during a complex humanitarian emergency  
2 are often not implemented or made available in the  
3 early days and weeks of an emergency, the period  
4 when such activities and supplies are most needed  
5 and may be most effective.

6 (b) PROVISION OF HEALTH SERVICES.—

7 (1) REQUIREMENTS.—Each coordinator shall—

8 (A) ensure that organizations funded by  
9 the United States that respond to a complex  
10 humanitarian emergency have the resources  
11 necessary to address the specific health needs of  
12 women affected by the emergency; and

13 (B) identify an organization or individual  
14 to facilitate the coordination and implementa-  
15 tion of the activities needed to respond to the  
16 health needs of women as soon as practicable  
17 and not later than 30 days after the develop-  
18 ment of a complex humanitarian emergency.

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

21 (A) prevent and manage the consequences  
22 of sexual violence;

23 (B) reduce transmission of HIV;

24 (C) provide obstetric care; and

1 (D) draft a plan to integrate women's  
2 health services into the primary health care  
3 services provided during a complex humani-  
4 tarian emergency, including—

5 (i) collection of background data on  
6 maternal, infant and child mortality, and  
7 the rate of HIV infection;

8 (ii) identification of suitable sites for  
9 future delivery of women's health services  
10 by addressing security problems, accessi-  
11 bility for all potential users, privacy and  
12 confidentiality during visits, easy access to  
13 water and sanitation, appropriate space for  
14 users' waiting time, and aseptic conditions;

15 (iii) an assessment of the staff capac-  
16 ity to provide women's health services; and

17 (iv) a plan for staff training.

18 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
19 are authorized to be appropriated \$12,000,000 for fiscal  
20 year 2004, and \$14,000,000 for fiscal year 2005, to carry  
21 out subsection (b). The amounts authorized to be appro-  
22 priated in this subsection are in addition to amounts ap-  
23 propriated for such fiscal years to the Department of  
24 State for the Migration and Refugee Assistance account,

1 the Emergency Refugee and Migration Assistance ac-  
2 count, or the International Disaster Assistance account.

3 **SEC. 305. WHISTLEBLOWER SYSTEM.**

4 (a) DESIGN OF MODEL SYSTEM.—The Secretary  
5 should urge the United Nations High Commissioner for  
6 Refugees to work with nongovernmental organizations to  
7 design and implement a model “whistleblower” system  
8 under which humanitarian workers, refugees, and inter-  
9 nally displaced persons can report instances of gender-  
10 based violence or exploitation of children. Such a system  
11 should ensure that—

12 (1) reports of instances of gender-based violence  
13 or exploitation of children may be made confiden-  
14 tially and without risk of retribution;

15 (2) such reports are swiftly and thoroughly in-  
16 vestigated and adjudicated; and

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

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



1 **SEC. 306. WOMEN'S ECONOMIC SELF-SUFFICIENCY.**

2 (a) FINDINGS.—Congress makes the following find-  
3 ings:

4 (1) It is often difficult to determine when it is  
5 safe for women and children to return to a commu-  
6 nity affected by a complex humanitarian emergency,  
7 and in many instances the affected women and chil-  
8 dren remain refugees or internally displaced for con-  
9 siderable periods of time.

10 (2) To reduce vulnerability to exploitation and  
11 abuse, women who are uprooted from their commu-  
12 nities must be given legitimate opportunities to gen-  
13 erate income to support themselves and their fami-  
14 lies.

15 (3) In situations of long-term displacement, hu-  
16 manitarian and development agencies should provide  
17 legal assistance, technical and vocational training,  
18 and access to credit for women, so they can earn a  
19 safe and lawful livelihood.

20 (b) WORK PERMITS.—The Department of State  
21 should work with host governments, the United Nations  
22 High Commissioner for Refugees, and other appropriate  
23 United Nations agencies to ensure that, in situations of  
24 long-term displacement, refugees and internally displaced  
25 persons are granted work permits and other necessary

1 documentation by the host government and local authori-  
2 ties to enable them to generate legitimate income.

3 (c) AMENDMENTS TO MICROENTERPRISE ACT OF  
4 2000.—Section 102 of the Microenterprise for Self-Reli-  
5 ance Act of 2000 (22 U.S.C. 2151f note) is amended—

6 (1) in paragraph (4)—

7 (A) by redesignating subparagraphs (B),  
8 (C), and (D) and subparagraphs (C), (D), and  
9 (E), respectively; and

10 (B) by inserting after subparagraph (A)  
11 the following:

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

15 (2) in paragraph (13)—

16 (A) by redesignating subparagraph (B) as  
17 subparagraph (C); and

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

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

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

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

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

8 (B) by adding at the end the following new  
9 subsection:

10 “(g) REPORTING REQUIREMENT.—The Adminis-  
11 trator of the agency primarily responsible for admin-  
12 istering this part, as part of the annual congressional pres-  
13 entation documents of the agency, shall submit to Con-  
14 gress a report that contains—

15 “(1) an estimate of the number of women living  
16 below the national poverty line that have secured  
17 loans or received training through the programs de-  
18 scribed in this Act;

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

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

1           “(4) a discussion of the impact that such loans  
2           have had on the economic status of such women.”;  
3           and

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

5                   (A) in subsection (b)(1)(D), by inserting  
6                   before the period at the end the following: “, in-  
7                   cluding programs to eliminate legal and institu-  
8                   tional barriers to women’s ownership of assets,  
9                   access to credit, and engagement in business  
10                   activities within or outside of the home”;

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

14                   (C) in subsection (c)—

15                           (i) by redesignating paragraphs (1),  
16                           (2), (3), and (4) as subparagraphs (A),  
17                           (B), (C), and (D), respectively, and re-  
18                           aligning such subparagraphs, as so redes-  
19                           ignated, four ems from the left margin;

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

22                           “(1) ESTABLISHMENT.—In order”;

23                           (iii) in subparagraph (D), as redesign-  
24                           nated by clause (i), by striking “paragraph

1 (3)” and inserting “subparagraph (C)”;

2 and

3 (iv) by adding at the end the following

4 new paragraph:

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

8 (e) MICROFINANCE GRANTS.—

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

14 (A) to microfinance institutions for the  
15 purpose of expanding the availability of credit,  
16 savings, training, technical assistance, business  
17 development services, and other financial serv-  
18 ices to very poor entrepreneurs, as defined in  
19 section 131(b)(3) of the Foreign Assistance Act  
20 of 1961, who are refugees; and

21 (B) for policy and regulatory programs at  
22 the country level that improve the environment  
23 for microenterprise among refugee populations.

24 (2) GRANT PROVIDERS.—Assistance described  
25 in paragraph (1) shall be provided through United

1 States and indigenous private and voluntary organi-  
2 zations, credit unions, cooperatives, and other non-  
3 governmental organizations with a capacity to de-  
4 velop and implement microenterprise programs.

5 **SEC. 307. INTERNATIONAL MILITARY EDUCATION AND**  
6 **TRAINING.**

7 Section 541 of the Foreign Assistance Act of 1961  
8 (22 U.S.C. 2347) is amended—

9 (1) by striking “or (iv)” and inserting “(iv)”;  
10 and

11 (2) by striking “rights.” and inserting “rights,  
12 or (v) improve the protection of civilians, especially  
13 women and children who are affected by armed con-  
14 flict, including those who, as a result of an armed  
15 conflict, are refugees or displaced persons.”.

16 **SEC. 308. PROTECTION INITIATIVES.**

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

19 (1) the Secretary and the Administrator of the  
20 United States Agency for International Development  
21 should continue to develop protection initiatives that  
22 support nongovernmental organizations and multilat-  
23 eral institutions in identifying protection problems  
24 associated with complex humanitarian emergencies  
25 and strategies for prevention of gender-based vio-

1 lence and exploitation of children and accountability  
2 during a complex humanitarian emergency, includ-  
3 ing—

4 (A) training of field workers on identifying  
5 and responding to gender-based violence and  
6 the exploitation of children;

7 (B) support for the rapid deployment of  
8 personnel trained to identify protection needs to  
9 areas affected by complex humanitarian emer-  
10 gencies;

11 (C) support for registration initiatives  
12 which document refugees and internally dis-  
13 placed persons for purposes including the provi-  
14 sion of assistance to such persons and of family  
15 reunification; and

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

19 (i) psycho-social counseling;

20 (ii) training related to income genera-  
21 tion and employment skills; and

22 (iii) emergency health care required to  
23 respond to gender-based violence; and

24 (2) the United Nations High Commissioner for  
25 Refugees should review—

1 (A) its placement practices to ensure  
2 that—

3 (i) senior protection officials are as-  
4 signed to the posts where women and chil-  
5 dren are in the most danger of gender-  
6 based violence or exploitation;

7 (ii) experienced protection officers are  
8 present at border crossings; and

9 (iii) more female staff are present in  
10 camps for refugees or displaced persons;  
11 and

12 (B) its personnel system to facilitate the  
13 hiring of successful junior professional officers  
14 on a permanent basis following their initial  
15 tours of duty.

16 (b) REPORT.—Not later than 90 days after the date  
17 of enactment of this Act, the Secretary shall report to the  
18 appropriate congressional committees any steps taken to  
19 develop the protection initiatives described in subsection  
20 (a).

21 **SEC. 309. ACCOUNTABILITY.**

22 (a) REQUIRED ACTIONS.—Each coordinator shall—  
23 (1) report allegations of gender-based violence,  
24 exploitation of children, and other protection viola-



1 tions to the Inter-Agency Standing Committee for  
2 appropriate response; and

3 (2) request an annual report from the United  
4 Nations High Commissioner for Refugees on the ac-  
5 tions taken by the High Commissioner to prevent  
6 gender-based violence, exploitation of children, and  
7 other protection violations.

8 (b) REPORT.—Not later than 90 days after the date  
9 of enactment of this Act, and annually thereafter, the Sec-  
10 retary shall transmit to the appropriate congressional  
11 committees the report described in paragraph (2) of sub-  
12 section (a).

13 **TITLE IV—POSTCONFLICT RE-**  
14 **CONSTRUCTION AND REHA-**  
15 **BILITATION**

16 **SEC. 401. FINDINGS.**

17 Congress makes the following findings and state-  
18 ments of policy:

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

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

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

7           (4) Effective institutional arrangements de-  
8           signed to ensure the protection and full participation  
9           of women and youth in the peace process, including  
10          peacekeeping as well as peace-building, can signifi-  
11          cantly contribute to the maintenance and promotion  
12          of international peace and security.

13          (5) Rape should receive special attention by war  
14          crimes tribunals, truth and reconciliation panels, and  
15          other organs of justice.

16          (6) Assistance that is linked to peace processes  
17          should support and strengthen women's roles as eco-  
18          nomic leaders and assist women in accessing the  
19          global marketplace.

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

1 **SEC. 402. SUPPORT FOR COMMUNITIES AND FORMER COM-**  
2 **BATANTS.**

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

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

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

18 (3) EDUCATION AND TRAINING.—Education  
19 and training programs that are integrated with eco-  
20 nomic development programs to encourage the re-  
21 integration of former combatants into society and to  
22 promote post-conflict stability in affected commu-  
23 nities.

24 (4) EXTENSION OF EDUCATION AND TRAIN-  
25 ING.—Programs to extend education and training,

1 including training in business development, to  
2 women and girls.

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

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

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

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

22 (1) In many developing and postconflict coun-  
23 tries, police and military forces continue to function  
24 as instruments of repression, coercion, and central-

1        ized power, even after a transition to democracy has  
2        begun.

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

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

17           (4) Successful professionalization and demo-  
18        cratic reform of police forces requires not only ade-  
19        quate financial resources, but also concurrent  
20        strengthening of the rule of law and system of jus-  
21        tice, transparency, and cooperation with local com-  
22        munity and human rights organizations, removal of  
23        corrupt and abusive personnel, and political will for  
24        meaningful reform at the highest levels of govern-  
25        ment.

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

9 **SEC. 404. SENSE OF CONGRESS REGARDING THE IMPROVE-**  
10 **MENT OF UNITED NATIONS PEACEKEEPING**  
11 **OPERATIONS.**

12 It is the sense of Congress that the United Nations  
13 Department of Peacekeeping Operations should—

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

20 (2) provide military, police, and civilian per-  
21 sonnel deployed to areas where women and children  
22 are at risk of gender-based violence or exploitation  
23 with training materials that—

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

4 (B) were developed in consultation with  
 5 women’s organizations; and

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

13 **TITLE V—WOMEN AND CHIL-**  
 14 **DREN’S PROTECTION ASSIST-**  
 15 **ANCE**

16 **SEC. 501. WOMEN AND CHILDREN’S PROTECTION ASSIST-**  
 17 **ANCE.**

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

21 **“SEC. 135. WOMEN AND CHILDREN’S PROTECTION ASSIST-**  
 22 **ANCE.**

23 “(a) **AUTHORITY.**—Notwithstanding any other provi-  
 24 sion of law, and subject to the limitations of subsection  
 25 (b), the President is authorized to provide assistance for

1 programs, projects, and activities to promote the security  
2 of, provide equal access to basic services for, and safe-  
3 guard the human rights and dignity of civilian women and  
4 children who are refugees, displaced persons, or living in  
5 areas affected by a complex humanitarian emergency.  
6 Such assistance shall include programs—

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

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

20           “(3) to conduct protection and security assess-  
21 ments for refugees and internally displaced persons  
22 in camps or in communities, with special emphasis  
23 on the security of women and children for the pur-  
24 poses of improving the design and security of camps  
25 for refugees and internally displaced persons, includ-



1 ing provision for lights, fences, radios, and other lo-  
2 gistics and durable goods;

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

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

18 “(6) to establish registries and clearinghouses  
19 to trace relatives and begin family reunification,  
20 with a specific focus on helping children find their  
21 families;

22 “(7) to provide interim care and placement for  
23 separated children and orphans, including moni-  
24 toring and followup services;

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

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

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

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

15                         “(A) refugees;

16                         “(B) internally displaced persons; or

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

19                 “(2) is caused by one or more situations includ-  
20                 ing—

21                         “(A) armed conflict;

22                         “(B) natural disaster;

23                         “(C) significant food shortage; or

24                         “(D) state-sponsored harassment or perse-  
25                         cution.

1 “(c) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

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

23 “(4) RELATION TO EXISTING LAW.—The au-  
24 thority provided by subsection (a) shall be subject to

1 the limitations and prohibitions contained in section  
2 104(f).

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

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

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

○