

# United States Senate

WASHINGTON, DC 20510

August 31, 2020

Mr. John Barsa  
Acting Administrator  
U.S. Agency for International Development  
Ronald Reagan Building  
1300 Pennsylvania Avenue N.W.  
Washington, D.C. 20523

Dear Acting Administrator Barsa,

We write with deep concern regarding USAID's recently released draft 2020 Gender Equality and Women's Empowerment Policy, and to urge USAID to withhold from finalizing the policy pending further consultation, comment, and revision.

This policy, which supplants USAID's 2012 gender policy in its entirety, is riddled with shortcomings and problematic characterizations of fundamental rights. It is a stark demonstration that politics have overtaken principle at USAID under this Administration and compromised the Agency's mission.

The Agency's new 2020 Gender Equality and Women's Empowerment Policy should reflect evidence-based approaches and identify appropriate Agency roles and resources to effectively leverage U.S. foreign assistance funds. Such a policy should be the product of technical expertise with minimal political interference, reflecting the latest data and best practices to ensure that USAID lives up to its stated commitment to advance gender equality and women's and girls' empowerment.

Far from advancing gender equality, this draft policy reads like a political document and reflects priorities that will undermine gender equality. The Agency has walked back its prior commitments by removing critical language affirming inclusivity of all people, the definition of "gender identity," the definition of gender-based violence, and all references to LGBTQI individuals. The draft similarly fails to give due emphasis to intersectionality – meaning the variety of factors such as age, disability, religion, race, ethnicity, and migration status – that impact women and girls layered on top of their gender. Understanding these issues is integral to designing effective, inclusive approaches that advance gender equality; ignoring them not only weakens our development strategies going forward, but also threatens to set back progress already made.

In addition, the draft policy reduces and qualifies rights for women and girls as "unalienable," "basic," and "legal," all of which perpetuate a false understanding of fundamental human rights and allude to a controversial hierarchy of rights as outlined by the State Department's Commission on Unalienable Rights. Remarkably, nowhere in the document does it state that gender equality is in and of itself a fundamental right. Furthermore, the draft policy offers a

narrow and incomplete perspective on reproductive health, never mentioning contraceptives and ignoring the fact that access to comprehensive reproductive health services is essential to achieve equality and empowerment. If, as has been suggested, the term “family planning” on the draft policy is intended to include access to contraceptives, that should be explicitly stated.

The draft policy similarly fails to integrate already-existing gender-related strategies that inform USAID’s work, such as those focused on addressing gender-based violence and empowering adolescent girls that the Agency has adopted or updated since the 2012 gender policy. This omission is both shortsighted and seems to be politically motivated, given that only new policy and legislation under the current Administration are referenced in the draft policy.

Along with its deeply troubling contents, we are also concerned that the drafting process deviated from USAID’s standard practice, and that USAID has arbitrarily accelerated the timeline for public comment. According to information we have received, the draft was rushed through an internal clearance process which may have violated the Agency’s own rules pertaining to new policy development, largely circumventing the usual Agency-wide consultative process to ensure it would be guided and informed by technical experts. Furthermore, while the Agency took more than one year to draft the policy, it is providing the public and Congress little more than one week during the August recess to offer comments. This, again, suggests that this process is being driven by political, not policy considerations.

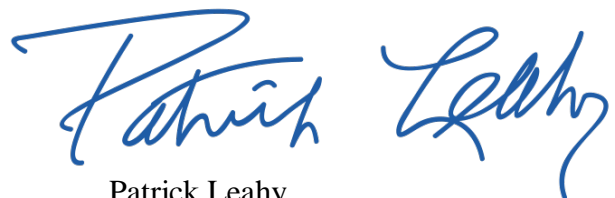
Given the extraordinary challenges facing women and girls globally, including an alarming rise of sexual abuse and gender-based violence due to the COVID-19 pandemic, the Agency’s new policy should reflect evidence-based approaches that help advance gender equality and women’s empowerment. Instead the draft policy suffers from multiple fundamental flaws. With these concerns in mind, we urge USAID to withhold from finalizing the draft policy until these concerns have been substantively addressed in a participatory and thorough manner.

Thank you for your consideration. We look forward to your response.

Sincerely,



Robert Menendez  
United States Senator



Patrick Leahy  
United States Senator



Christopher A. Coons  
United States Senator



Benjamin L. Cardin  
United States Senator



Kirsten Gillibrand  
United States Senator



Jack Reed  
United States Senator



Edward J. Markey  
United States Senator



Patty Murray  
United States Senator



Elizabeth Warren  
United States Senator



Tammy Baldwin  
United States Senator



Jeanne Shaheen  
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Jacky Rosen  
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Sherrod Brown  
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Jeffrey A. Merkley  
United States Senator