

Population Reference Bureau

Preventing Trafficking in Persons Compliance Plan

March 27, 2023

Policy

It is the policy of Population Reference Bureau (PRB) to observe all relevant federal, state, and local government regulations, policies, and procedures in carrying out our work. The US government's provisions on Combatting Trafficking in Persons and other mandatory and required as applicable provisions relevant to trafficking in persons are included as part of this policy.

Background

Population Reference Bureau staff are based in the United States, Kenya, and Senegal. We receive cooperative agreements, grants, and contracts from the US government, private foundations, and bilateral donors. We carry out our work through our Washington, DC and Nairobi offices, through short term technical assistance to partners in other countries, and through engaging field-based consultants and subrecipient organizations. Our Trafficking in Persons Provision Compliance Plan is appropriate to the size and complexity of our work, as well as to the nature and scope of the activities.

Training

All PRB staff are informed at least annually about the USAID Mandatory Provision for Trafficking in Persons (April 2016) and its trafficking related prohibitions, the reporting system, and the actions that will be taken against the employee for violations. During this training PRB shares the Global Human Trafficking Hotline (1-844-888-FREE) and the e-mail address at help@befree.org with all employees. Employees are required to certify that they have attended the associated, mandatory training and understand the information conveyed.

The Global Human Trafficking Hotline (1-844-888-FREE) and the e-mail address at help@befree.org will be posted adjacent to other federally mandated postings.

Reporting

Staff are instructed to report any activity that is inconsistent with the policy preventing human trafficking to Human Resources, a member of the Senior Leadership Team, or Program Finance. Staff also have the option of using the Global Human Trafficking Hotline phone number and email address.

If PRB receives any credible information regarding a violation in sections 1-4 of the provision (see full text of the provision later in this document), PRB will immediately notify the cognizant Agreement Officer and the USAID Office of the Inspector General, and will fully cooperate with any Federal agencies responsible for audits, investigations, or corrective actions relating to trafficking in persons.

Recruitment and wage plan

PRB ensures that all wages meet host country legal requirements. We are not working with non-US recruitment companies, and PRB does not charge any recruitment fees. Recruitment and salary scales follow the legal requirements of the applicable country for its nationals.

Housing Plan

PRB does not implement projects that involve providing housing. In the event PRB implements such an award in the future, the provided housing will meet any host-country housing and safety standards.

Consultants and Sub-awardees

PRB engages consultants and partner organizations to carry out its work in the United States and many foreign countries. Every engagement with a consultant or organization that is governed by a written contract or subgrant/subaward agreement, per PRB's procurement policy guidelines, must be reviewed and signed by the consultant or organization's representative. Reference to the Trafficking in Persons Provision and the reporting process is included as a clause in PRB's contracts and subgrant/subawards.

Monitoring

PRB technical staff who are responsible for the implementation of an activity travel to the field to work with in-country organizational partners and consultants at a minimum of once per year, as able. Staff are required to report any activity that is inconsistent with the policy preventing human trafficking. Staff should notify the organizational partner's lead representative and report the suspected activity as described in the reporting section above.

Remediation

Where misconduct is uncovered, the misconduct is remedied through corrective action and preventative measures are implemented to reduce risk of reoccurrence. Contractual relationships with consultants or organizations that have engaged in any activity that is inconsistent with the policy preventing human trafficking will be immediately suspended.

Full Text of Relevant USAID Mandatory and Required as Applicable Provisions

M20. Trafficking in Persons (April 2016)

a. The recipient, subawardee, or contractor, at any tier, or their employees, labor recruiters, brokers or other agents, must not engage in:

(1) Trafficking in persons (as defined in the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime) during the period of this award;

(2) Procurement of a commercial sex act during the period of this award;

(3) Use of forced labor in the performance of this award;

(4) Acts that directly support or advance trafficking in persons, including the following acts:

i. Destroying, concealing, confiscating, or otherwise denying an employee access to that employee's identity or immigration documents;

ii. Failing to provide return transportation or pay for return transportation costs to an employee from a country outside the United States to the country from which the employee was recruited upon the end of employment if requested by the employee, unless:

a) exempted from the requirement to provide or pay for such return transportation by USAID under this award; or

b) the employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or a witness in a human trafficking enforcement action;

iii. Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment;

iv. Charging employees recruitment fees; or

v. Providing or arranging housing that fails to meet the host country housing and safety standards.

b. In the event of a violation of section (a) of this provision, USAID is authorized to terminate this award, without penalty, and is also authorized to pursue any other remedial actions authorized as stated in section 1704(c) of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112-239, enacted January 2, 2013).

c. If the estimated value of services required to be performed under the award outside the United States exceeds \$500,000, the recipient must submit to the Agreement Officer, the annual "Certification regarding Trafficking in Persons, Implementing Title XVII of the National Defense Authorization Act for Fiscal Year 2013" as required prior to this award, and must implement a compliance plan to prevent the activities described above in section (a) of this provision. The recipient must provide a copy of the compliance plan to the Agreement Officer upon request and must post the useful and relevant contents of the plan or related materials on its website (if one is maintained) and at the workplace.

d. The recipient's compliance plan must be appropriate to the size and complexity of the award and to the nature and scope of the activities, including the number of non-United States citizens expected to be employed. The plan must include, at a minimum, the following:

(1) An awareness program to inform employees about the trafficking related prohibitions included in this provision, the activities prohibited and the action that will be taken against the employee for violations.

(2) A reporting process for employees to report, without fear of retaliation, activity inconsistent with the policy prohibiting trafficking, including a means to make available to all employees the Global Human Trafficking Hotline at 1-844-888-FREE and its e-mail address at help@befree.org.

(3) A recruitment and wage plan that only permits the use of recruitment companies with trained employees, prohibits charging of recruitment fees to the employee, and ensures that wages meet applicable host-country legal requirements or explains any variance.

(4) A housing plan, if the recipient or any subawardee intends to provide or arrange housing. The housing plan is required to meet any host-country housing and safety standards.

(5) Procedures for the recipient to prevent any agents or subawardee at any tier and at any dollar value from engaging in trafficking in persons activities described in section a of this provision. The recipient must also have procedures to monitor, detect, and terminate any agents or subawardee or subawardee employees that have engaged in such activities.

e. If the Recipient receives any credible information regarding a violation listed in section a(1)-(4) of this provision, the recipient must immediately notify the cognizant Agreement Officer and the USAID Office of the Inspector General; and must fully cooperate with any Federal agencies responsible for audits, investigations, or corrective actions relating to trafficking in persons.

f. The Agreement Officer may direct the Recipient to take specific steps to abate an alleged violation or enforce the requirements of a compliance plan.

g. For purposes of this provision, “employee” means an individual who is engaged in the performance of this award as a direct employee, consultant, or volunteer of the recipient or any subrecipient.

h. The recipient must include in all subawards and contracts a provision prohibiting the conduct described in section a(1)-(4) by the subrecipient, contractor, or any of their employees, or any agents. The recipient must also include a provision authorizing the recipient to terminate the award as described in section b of this provision.

RAA17. Prohibition on the Promotion or Advocacy of the Legalization or Practice of Prostitution or Sex Trafficking (Assistance) (September 2014)

(a) The U.S. Government is opposed to prostitution and related activities, which are inherently harmful and dehumanizing, and contribute to the phenomenon of trafficking in persons. None of the funds made available under this agreement may be used to promote or advocate the legalization or practice of prostitution or sex trafficking. Nothing in the preceding sentence shall be construed to preclude the provision to individuals of palliative care, treatment, or post-exposure pharmaceutical prophylaxis, and necessary pharmaceuticals and commodities, including test kits, condoms, and, when proven effective, microbicides.

(b) (1) Except as provided in (b)(2), by accepting this award or any subaward, a non-governmental organization or public international organization awardee/subawardee agrees that it is opposed to the practices of prostitution and sex trafficking.

(b) (2) The following organizations are exempt from (b)(1):

(i) the Global Fund to Fight AIDS, Tuberculosis and Malaria; the World Health Organization; the International AIDS Vaccine Initiative; and any United Nations agency.

(ii) U.S. non-governmental organization recipients/subrecipients and contractors/subcontractors.

(iii) Non-U.S. contractors and subcontractors if the contract or subcontract is for commercial items and services as defined in FAR 2.101, such as pharmaceuticals, medical supplies, logistics support, data management, and freight forwarding.

(b) (3) Notwithstanding section (b)(2)(iii), not exempt from (b)(1) are non-U.S. recipients, subrecipients, contractors, and subcontractors that implement HIV/AIDS programs under this assistance award, any subaward, or procurement contract or subcontract by:

(i) Providing supplies or services directly to the final populations receiving such supplies or services in host countries;

(ii) Providing technical assistance and training directly to host country individuals or entities on the provision of supplies or services to the final populations receiving such supplies and services; or

(iii) Providing the types of services listed in FAR 37.203(b)(1)-(6) that involve giving advice about substantive policies of a recipient, giving advice regarding the activities referenced in (i) and (ii), or making decisions or functioning in a recipient's chain of command (e.g., providing managerial or supervisory services approving financial transactions, personnel actions).

(c) The following definitions apply for purposes of this provision:

"Commercial sex act" means any sex act on account of which anything of value is given to or received by any person.

"Prostitution" means procuring or providing any commercial sex act and the "practice of prostitution" has the same meaning.

"Sex trafficking" means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act (22 U.S.C. 7102(9)).

(d) The recipient must insert this provision, which is a standard provision, in all subawards, procurement contracts or subcontracts for HIV/AIDS activities.

(e) This provision includes express terms and conditions of the award and any violation of it shall be grounds for unilateral termination of the award by USAID prior to the end of its term.

RAA20. Statement for Implementers of Anti-Trafficking Activities on Lack of Support for Prostitution (June 2012)

By accepting this award, the recipient hereby states that it does not promote, support, or advocate the legalization or practice of prostitution. This statement may be true by virtue of the organization's lack of any policy regarding the issue.

RAA21. Eligibility of Subrecipients of Anti-Trafficking Funds (June 2012)

The recipient must not provide funds made available to carry out this award to any organization that has not stated in either a grant application, a grant agreement, or both, that it does not promote, support, or advocate the legalization or practice of prostitution. Such a statement is not required, however, if the sub-recipient organization provides services to individuals solely after they are no longer engaged in activities that resulted from such victims being trafficked. If required, the sub-recipient organization's statement may be true by virtue of the organization's lack of any policy regarding the issue.

RAA22. Prohibition on the Use of Anti-Trafficking Funds to Promote, Support, or Advocate for the Legalization or Practice of Prostitution (June 2012)

None of the funds made available under this award may be used to promote, support, or advocate the legalization or practice of prostitution. However, this prohibition does not preclude assistance designed to ameliorate the suffering of, or health risks to, victims while they are being trafficked or after they are out of the situation that resulted in such victims being trafficked. The recipient must insert this provision in all subawards under this award.