



Anti-Trafficking Compliance Plan for USAID Contract No. 72047220C00001-NGO Advancing Good Governance Activity

Context

Counterpart International and the US Government have a zero-tolerance policy regarding any of its employees and recipient personnel and their subrecipients or agents engaging in any severe form of trafficking in persons, which is defined to mean the recruitment, harboring, transportation, provision or obtaining of a person for labor or services, using force, fraud, or coercion for the purpose of exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices like slavery, servitude or the removal of organs.

Purpose

The purpose of this Plan is to demonstrate Counterpart International's compliance with the Combating Trafficking in Persons requirements outlined in *FAR 52.222-50 Combatting Trafficking in Persons*, and FAR 52.222-56 Certification Regarding Trafficking in Persons Compliance Plan and to frame Counterpart's procedures and approach to prevent any prohibited activities under these Anti-Trafficking provisions. Counterpart International is opposed to human trafficking and forced labor in any form. It is committed to working to mitigate the risk of human trafficking and forced labor in all aspects of our operations.

Applicability

Counterpart must implement its Anti-Trafficking Compliance Plan in each instance under a Federally funded award where the estimated value of services required to be performed outside of the United States exceeds \$550,000. In March 2020, Counterpart was awarded USAID Contract number 72047220C00001- NGO Advancing Good Governance Activity a firm fixed price and cost reimbursable hybrid contract with a total estimated cost of \$9,556,747.

Risk Assessment

Per the U.S. Department of State July 2022 Trafficking in Persons report for Timor Leste¹, the nation has been classified as Tier 2. A country with this classification is considered to be one whose government does not fully comply with all of Victims of Trafficking and Violence Protection Act of 2000 (TVPA) minimum standards but is making significant effort to bring themselves into compliance with those standards. The three types of Trafficking in Persons that are most prevalent in Timor Leste are outward trafficking, inward trafficking, and internal trafficking. Related to the scope and activities of the USAID/Timor-Leste NGO Advocacy for Good Governance the risk for human trafficking would be present amongst:

- **Expatriate and TCN travel to Timor Leste or local staff travel domestically or internationally.** Through May 2023, Counterpart had one expatriate Chief of Party and her dependents residing in Timor Leste. After June 2023, the project team will consist of approximately sixteen local national staff. Counterpart occasionally sends consultants and staff on short term assignments on

¹ [Timor-Leste - United States Department of State](#)

an ad hoc basis when needed to support activities in the annual work plan, these trips vary in frequency and duration. In general, there are 2-3 trips per year conducted by consultants and or expatriate that staff which last approximately 1-2 weeks in duration.

- **Grantees' activities.** Grantees' activities occasionally occur in remote regions of Timor-Leste and involve participants from high risk, vulnerable groups. These activities under the USAID/Timor-Leste NGO Advocacy for Good Governance Activity are viewed as low risk in nature due to being mainly conducted at the local level and do not often include transporting participants from one location to another.
- **Subcontractors.** Subcontractors of this project are considered low risk related to trafficking in persons in that many of the services provided by subcontractors for this activity do not involve direct contact with groups having increased vulnerability to trafficking and/or involve the movement of participants from one location to another.

Employee Awareness Program

Counterpart's awareness program is intended to inform its employees about trafficking-related prohibitions, the activities prohibited, and corrective actions that Counterpart may take in response to violations.

Counterpart provides training and awareness to its employees through the following:

- ❖ All Counterpart staff are required to read and acknowledge Counterpart's Global Code of Conduct at the initiation of employment as well as annually not later than September 30th each year. Counterpart's Global Code of Conduct is found on the footer of Counterpart's website www.counterpart.org. Counterpart's Global Code of Conduct includes the Code of Conduct for Protection from Sexual Exploitation and Abuse (PSEA) and Counterpart's Trafficking in Persons (TIP) Policy. All Counterpart staff worldwide, regardless of country of origin, are bound by the PSEA Code of Conduct and the TIP Policy. In addition, the Global Code of Conduct flows down to all staff members of subcontractors or subgrantees working with Counterpart on U.S. Government-funded programs through language included in their subcontracts and subgrants;
- ❖ Periodic training on Counterpart's Trafficking in Persons (TIP) Policy and the requirements of *FAR Subpart 22.17 and 52.222-50(h)*.; and
- ❖ Periodic communication to all Counterpart staff, sent via email, reminding them of the process to report violations.
- ❖ Counterpart has posted its Trafficking in Persons Compliance Plan on its website, Intranet and in the project office.

Additional awareness information about trafficking in persons may be found at the U.S. Department of State's Office to Monitor and Combat Trafficking in Persons website at <http://www.state.gov/j/tip>.

Reporting Process

Counterpart's reporting process allows employees, consultants, subcontractors and grantees to report, in good faith and without fear of retaliation, activity inconsistent with its policy prohibiting trafficking.

It is the responsibility of staff, consultants, subcontractors and grantees to report any violation that they or others have been subjected to (this person is known as "the Complainant"). The Complainant may be but does not need to be a victim or a witness to the alleged violation. The Complainant should

inform his/her Chief of Party or go directly to the Washington, DC-based Human Resources staff or Compliance staff (both serving as PSEA “Focal Points”). If none of these options are acceptable to the Complainant, the Complainant may use the Counterpart Hotline (currently EthicsPoint) to make an anonymous or non-anonymous report.

While it is the responsibility of any Counterpart staff, consultants, subcontractors and grantees to report suspected violations of the Anti-Trafficking Policy, it is not the Complainant’s responsibility to determine whether the complaint is true. The Complainant will immediately be advised of the requirements of confidentiality during and following the investigation, and of any continuing role they will play in the complaint process. Counterpart will investigate all reports of violation of its Anti-Trafficking Policy, take appropriate action, and notify the required government agencies

Reporting Contact Information

- ❖ Counterpart’s web-based whistleblower [hotline EthicsPoint](https://www.ethicspoint.com), which can be accessed at www.ethicspoint.com. Counterpart 24-hour Hotline: (USA) 1-888-475-2533 ,or
- ❖ via email to whistleblower@counterpart.org, or
- ❖ Anyone in Human Resources or Grants, Contracts and Compliance

In addition to Counterpart’s reporting mechanisms, employees may contact the Global Human Trafficking Hotline at 1-844-888-FREE or via its email address at help@befree.org.

Recruitment and Wage Plan

In situations when Counterpart uses recruitment companies, the following requirements apply:

- ❖ Counterpart may only use recruitment companies with trained employees;
- ❖ No recruitment fees may be charged to the candidates or employee; and
- ❖ All wages must meet applicable host-country legal requirements or explain any variance. Local national staff salaries and wages are set by the Chief of Party in each project office, with the review and oversight of the Senior Director of the Washington, DC based Program Management Unit, and either meet or exceed local labor law.
- ❖ All employees are presented with a written employment agreement or contract in English and in the official language of that country as needed.
- ❖ Counterpart will provide or pay the cost of return transportation at the end of employment for any employee who is not a national of the country where the work took place and was brought into that country by Counterpart for purposes of working on a covered US Government contract or award. Until June 2023, the USAID/TIMOR-LESTE NGO Advocacy for Good Governance Activity has had only one expatriate staff member residing in Timor Leste, the Chief of Party. As of June 2023, the USAID/TIMOR-LESTE NGO Advocacy for Good Governance Activity will no longer have any expatriate staff members living in Timor Leste.

Housing Plan

In situations that Counterpart provides or arranges housing for its employees, the housing plan must meet any host-country housing and safety standards. During the period in which the USAID/TIMOR-LESTE NGO Advocacy for Good Governance Activity provided housing to expatriate staff, secure housing was obtained which included a security wall with a manned-gate to monitor entering and exiting. As of June 2023, the USAID/TIMOR-LESTE NGO Advocacy for Good Governance Activity will no longer provide

or arrange housing for long-term staff. The project will continue to provide secure lodging that meets the established safety standards for all staff and consultants that travel to Timor Leste for short-term assignments.

Lower-tier compliance procedures

All Counterpart agreements with subrecipients, vendors, suppliers, contractors and consultants (collectively referred to as “lower tier”) include flow down of all applicable clauses through language included in contract and grant agreements as required in *Trafficking in Person and FAR Subpart 22.17 and 52.222-50(h)*.

Moreover, the language included in Counterpart’s lower-tier agreements requires the contractual party to confirm its understanding of and acknowledge that Counterpart shall have the right to terminate the agreement, without penalty, if the lower-tier party or its employees, or any of its lower-tier’s employees, engage in any of the following conduct during the period of the agreement: (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); (2) Procurement of a commercial sex act; or (3) Use of forced labor in the performance of the agreement. If any lower-tier entity fails to comply with the requirements outlined in the agreement issued by Counterpart, Counterpart will take corrective action. Counterpart will determine whether to terminate, apply corrective measures or debar the violator from further funding from Counterpart.

For lower-tier agreements and contracts required to be performed under the award in which the value exceeds \$550,000 and is performed outside of the United States, Counterpart requires the lower-tier awardee to implement a compliance plan to prevent trafficking in persons, as well as submit annually a certification of that plan.

Counterpart retains the right to unilaterally terminate any lower-tier agreement or contract for violations of trafficking prohibitions.

Monitor and Detection

Counterpart will make reasonable efforts to monitor and detect non-compliance with this plan through its awareness program. Monitoring and detection for our nine NGO partners/grantees is included as a required component of pre-award vetting and post-award sub-recipient monitoring plans in Timor Leste.

The USAID/TIMOR-LESTE NGO Advocacy for Good Governance Activity also utilizes Descartes Visual Compliance screening prior to engaging in vendor contracts and service agreements to detect and prevent any possible transactions from occurring with parties that have been identified as previous human rights transgressors.

Investigation and Notification

In the event of the receipt of credible information alleging the occurrence of prohibited human trafficking-related activity, Counterpart will:

- Conduct an investigation;
- Notify USAID, this notification will include the Contracting Officer (CO) as well as the USAID Office of Inspector General (OIG); and

- Pending the final determination of the investigation Counterpart will take appropriate corrective and preventative actions, up to and including the dismissal of Counterpart employees and termination of lower-tier agreements and contracts.
- A final report will be shared with the USAID CO and OIG to convey the final determination and actions taken.