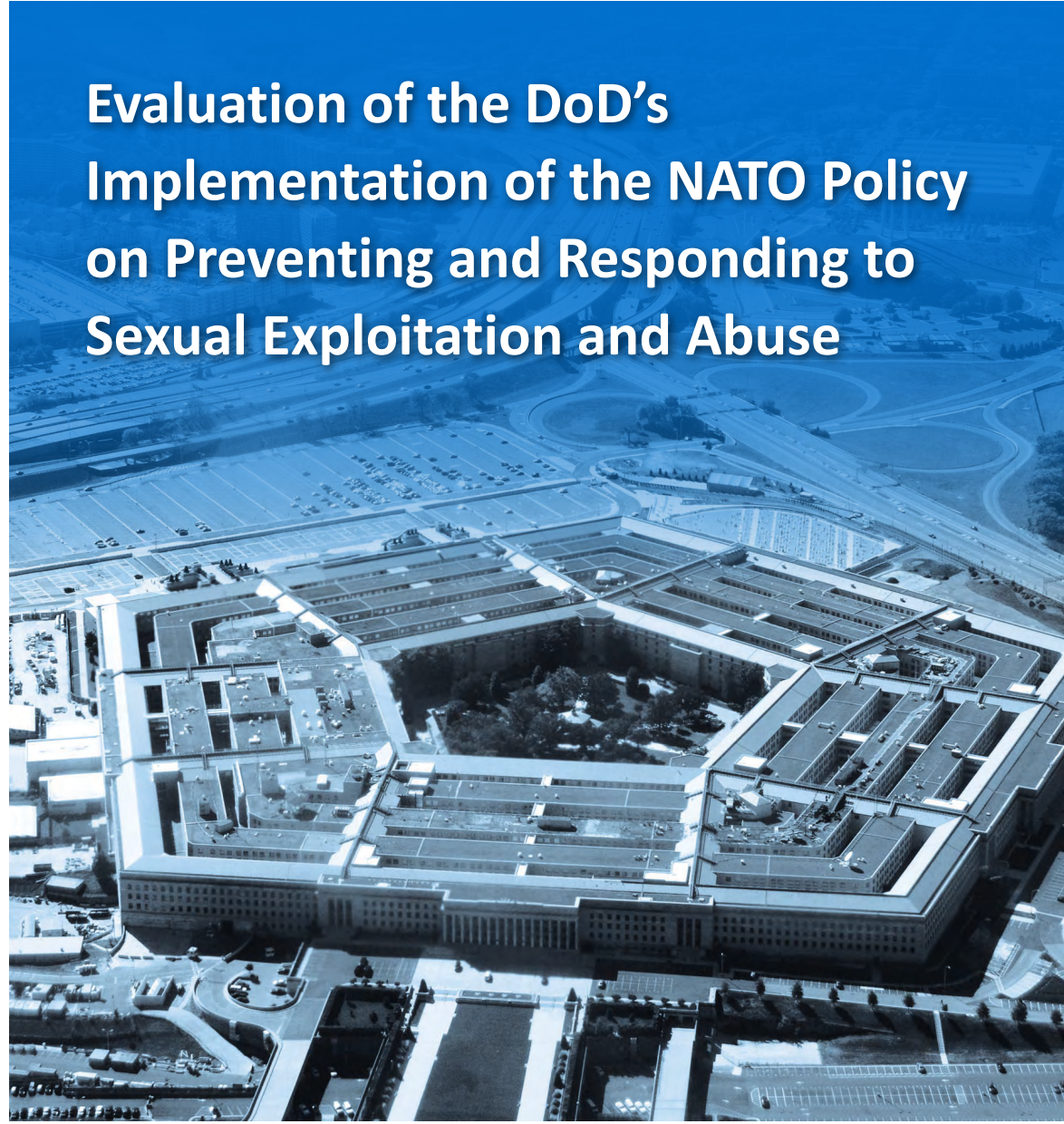




INSPECTOR GENERAL

U.S. Department of Defense

FEBRUARY 5, 2024



Evaluation of the DoD's Implementation of the NATO Policy on Preventing and Responding to Sexual Exploitation and Abuse

INTEGRITY ★ INDEPENDENCE ★ EXCELLENCE ★ TRANSPARENCY





Results in Brief

Evaluation of the DoD's Implementation of the NATO Policy on Preventing and Responding to Sexual Exploitation and Abuse

February 5, 2024

Objective

The objective of this evaluation was to determine the extent to which the DoD and the Services implemented the North Atlantic Treaty Organization (NATO) Policy on Preventing and Responding to Sexual Exploitation and Abuse (SEA) for U.S. Service members and DoD personnel serving in NATO-led organizations. This includes implementing strategies for vetting personnel, identifying risk factors, and developing mitigation strategies for those risks.

Background

On November 20, 2019, the Ministers of Foreign Affairs endorsed the first NATO policy on preventing and responding to sexual exploitation and abuse (SEA Policy). The SEA Policy is an agreement among all NATO member countries that outlines the procedures for preventing and responding to SEA. Additionally, the policy prohibits all personnel from engaging in, or facilitating, any form of SEA.

The DoD has established guidance related to sexual assault and sexual exploitation. This guidance includes DoD directives and instructions for the Sexual Assault Prevention and Response Program and combating trafficking in persons.

Finding

Although the DoD has guidance related to sexual assault and sexual exploitation, the DoD cannot demonstrate whether it monitors compliance with the SEA Policy for DoD personnel assigned to NATO-led organizations. Although there is no

Finding (cont'd)

requirement for the DoD to monitor compliance with the SEA Policy, the United States agreed to adhere to its terms. The DoD cannot demonstrate whether it monitors compliance with the terms of the SEA Policy because the DoD does not have a reconciliation outlining which DoD policies implement the SEA Policy. As a result, DoD Components might not have properly reported instances of sexual exploitation and abuse in a manner consistent with the SEA Policy. Failure to report such instances may result in a lack of trust within and beyond the DoD, discourage victims from reporting sexual exploitation and abuse, and potentially even put local civilians, military members, and other NATO personnel at a safety risk should conduct covered by the SEA Policy go unreported.

Recommendations

As a result of management comments, we redirected two recommendations to the Under Secretary of Defense for Personnel and Readiness and renumbered three recommendations to the Under Secretary of Defense for Policy. We also revised Recommendation 2.b to identify the NATO office responsible for collecting sexual exploitation and abuse cases and to clarify the actions needed to address the reporting concern.

We recommend that the Under Secretary of Defense for Personnel and Readiness determine standard definitions of "sexual exploitation" and "sexual abuse" in:

- the DoD Sexual Assault Prevention and Response Program, and
- the combating trafficking in persons general awareness training.

We recommend that the Under Secretary of Defense for Policy:

- identify DoD personnel responsible for monitoring compliance with the SEA Policy for DoD personnel assigned to NATO;
- conduct a review to determine if there is a need for designated DoD personnel to collect, assemble, and report cases of sexual exploitation and abuse committed by NATO-assigned DoD personnel to the NATO Office of Gender Affairs; and



Results in Brief

Evaluation of the DoD's Implementation of the NATO Policy on Preventing and Responding to Sexual Exploitation and Abuse

Recommendations (cont'd)

- conduct a review to determine if U.S. personnel assigned to NATO can appropriately safeguard any reported cases of SEA in NATO records management systems.

Management Comments and Our Response

The Director, NATO Policy, responding for the Under Secretary of Defense for Policy, disagreed with the recommendations, stating that there is no appropriate NATO point of contact for reporting NATO-related SEA cases and that NATO does not collect case files on DoD victims or suspects. The Director also stated that providing case information to NATO would pose a risk to DoD personnel.

The recommendations are unresolved. We have revised the recommendations in light of the comments that we received, and we request that the Under Secretary of Defense for Policy and the Under Secretary of Defense for Personnel and Readiness submit comments within 30 days in response to the final report addressing the intent of the recommendations.

Please see the Recommendations Table on the next page for the status of recommendations.

Recommendations Table

Management	Recommendations Unresolved	Recommendations Resolved	Recommendations Closed
Under Secretary of Defense for Policy	2.a, 2.b, 2.c	None	None
Under Secretary of Defense for Personnel and Readiness	1.a, 1.b	None	None

Please provide Management Comments by March 5, 2024.

Note: The following categories are used to describe agency management’s comments to individual recommendations.

- **Unresolved** – Management has not agreed to implement the recommendation or has not proposed actions that will address the recommendation.
- **Resolved** – Management agreed to implement the recommendation or has proposed actions that will address the underlying finding that generated the recommendation.
- **Closed** – DoD OIG verified that the agreed upon corrective actions were implemented.





OFFICE OF INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500

February 5, 2024

MEMORANDUM FOR UNDER SECRETARY OF DEFENSE FOR POLICY
UNDER SECRETARY OF DEFENSE FOR PERSONNEL
AND READINESS
AUDITOR GENERAL, DEPARTMENT OF THE ARMY
AUDITOR GENERAL, DEPARTMENT OF THE NAVY
AUDITOR GENERAL, DEPARTMENT OF THE AIR FORCE

SUBJECT: Evaluation of the DoD's Implementation of the NATO Policy on Preventing and Responding to Sexual Exploitation and Abuse (Report No. DODIG-2024-052)

This final report provides the results of the DoD Office of Inspector General's evaluation. We previously provided copies of the draft report and requested written comments on the recommendations. We considered management's comments on the draft report when preparing the final report. These comments are included in the report.

This report contains recommendations that are considered unresolved because the Under Secretary of Defense for Policy did not agree with three of the recommendations. Additionally, we redirected two recommendations to the Under Secretary of Defense for Personnel and Readiness.

Therefore, the recommendations remain open. We will track these recommendations until an agreement is reached on the actions that you will take to address the recommendations, and you have submitted adequate documentation showing that all agreed-upon actions are completed.

DoD Instruction 7650.03 requires that recommendations be resolved promptly. Therefore, please provide us within 30 days your response concerning specific actions in process or alternative corrective actions proposed on the recommendations. Send your response to [REDACTED]

If you have any questions, please contact [REDACTED]

FOR THE INSPECTOR GENERAL:

Dana K Johnson

Dana K. Johnson
Acting Assistant Inspector General for Evaluations
Programs, Combatant Commands, and Overseas
Contingency Operations

Contents

Introduction

Objective	1
Background	1

Finding. The DoD Cannot Demonstrate Whether It Monitors Compliance with the NATO Sexual Exploitation and Abuse Policy for DoD Personnel Assigned to NATO

The DoD Cannot Demonstrate Whether it Monitors Compliance with the NATO Sexual Exploitation and Abuse Policy	5
The DoD Does Not Require Reporting of Sexual Exploitation and Abuse Incidents Involving NATO-Assigned Personnel to NATO Points of Contact	7
The DoD Cannot Demonstrate Compliance with the Agreed-Upon NATO SEA Policy	8
Management Comments on the Finding and Our Response	9
Recommendations, Management Comments, and Our Response	11

Appendixes

Appendix A. Scope and Methodology	13
Use of Computer-Processed Data	14
Prior Coverage	14
Appendix B. NATO Policy on Preventing and Responding to Sexual Exploitation and Abuse	15

Management Comments

Under Secretary of Defense for Policy (NATO Policy)	20
DoD Sexual Assault Prevention and Response Office	25

Acronyms and Abbreviations

Introduction

Objective

The objective of this evaluation was to determine the extent to which the DoD and the Services implemented the North Atlantic Treaty Organization (NATO) Policy on Preventing and Responding to Sexual Exploitation and Abuse (SEA) for U.S. Service members and DoD personnel serving in NATO-led organizations. This includes implementing strategies for vetting personnel, identifying risk factors, and developing mitigation strategies for those risks.

Background

NATO is a political and military alliance with 31 member countries from Europe and North America, including the United States. The member countries agree to defend one another against attacks by third parties and provide effective defense and security against threats to promote common security with NATO partners worldwide.

NATO Policy on Preventing and Responding to Sexual Exploitation and Abuse

According to the NATO Policy on Preventing and Responding to Sexual Exploitation and Abuse (SEA Policy), acts of sexual exploitation and abuse do not align with “... NATO’s principles and core values”¹ Additionally, such acts “... undermine the effectiveness and credibility of the Alliance” Therefore, NATO adopted a zero tolerance approach to all acts of sexual exploitation and abuse.

On November 20, 2019, the Ministers of Foreign Affairs endorsed the first NATO Policy on Preventing and Responding to SEA. The SEA Policy prohibits civilian and military “... personnel from engaging in, or facilitating, any form of ...” SEA, and outlines procedures for preventing and responding to SEA. Specifically, the SEA Policy establishes guidance for vetting personnel, identifying risk factors and possible mitigation strategies, and requiring training of NATO personnel to increase awareness, create an environment conducive to preventing and reporting SEA, and ultimately prevent SEA across NATO countries.

The DoD Sexual Assault Prevention and Response Program

The DoD Sexual Assault Prevention and Response (SAPR) Office is responsible for oversight of the DoD SAPR Program. The SAPR Office provides recommendations to the Office of the Under Secretary of Defense for Personnel & Readiness (OUSD[P&R])

¹ The NATO Policy on Preventing and Responding to Sexual Exploitation and Abuse, November 13, 2019.

regarding prevention, response, and oversight of DoD sexual assault policy matters and advises the Secretary of Defense on recommended sexual assault prevention and response actions. The DoD SAPR Office also coordinates with the Services, the civilian community, and DoD stakeholders through “various forums, such as integrated decision teams and working groups, to collaborate . . . on new policy, implement updates to existing laws, and develop solutions to emerging issues.” This approach allows the DoD to effectively recommend and enact methods to prevent sexual assault.

DoD policies and training directives provide guidance on sexual assault prevention and response related to the NATO SEA Policy requirements. Although the SAPR Office provides overall guidance for the DoD SAPR Program, including sexual assault prevention and response procedures, the Combating Trafficking in Persons (CTIP) Program addresses NATO policy requirements specifically related to SEA through DoD policy and annually mandated training. DoD Directive 6495.01, “Sexual Assault Prevention and Response Program,” outlines the overarching DoD policy on sexual assault prevention and response.² Furthermore, it “implement[s] DoD policy and assign[s] responsibilities for the [DoD] SAPR Program on prevention, response, and oversight to sexual assault.”

DoD Instructions on Sexual Assault Prevention and Response

DoD Instruction (DoDI) 6495.02 consists of multiple volumes, each with its own purpose.³ Volume 1 details the procedures for responding to the crime of sexual assault within the military, and “delegates authority and assigns responsibilities regarding prevent[ing] and respond[ing] to sexual assault in the DoD.”⁴ It also includes requirements for victim advocacy, health care, and training standards, and establishes SAPR minimum program standards and requirements for the DoD Annual Report on Sexual Assault in the Military. Volume 2 establishes SAPR education and training requirements for Service members and DoD civilian employees.⁵ Volume 3 “[e]stablishes policy, assigns responsibilities, and prescribes procedures for the implementation, management, and oversight of the response to retaliation related to adult sexual assault cases within the SAPR Program.”⁶

² DoDD 6495.01, “Sexual Assault Prevention and Response (SAPR) Program,” January 23, 2012 (Incorporating Change 5, November 10, 2021).

³ DoDI 6495.02, “Sexual Assault Prevention and Response (SAPR) Program,” January 23, 2012 (Incorporating Change 5, November 10, 2021).

⁴ DoDI 6495.02 Volume 1, “Sexual Assault Prevention and Response: Program Procedures,” March 28, 2013 (Incorporating Change 7, September 6, 2022).

⁵ DoDI 6495.02, Volume 2, “Sexual Assault Prevention and Response: Education and Training,” April 9, 2021.

⁶ DoDI 6495.02, Volume 3, “Sexual Assault Prevention and Response: Retaliation Response for Adult Sexual Assault Cases,” June 24, 2022.

Combating Trafficking in Persons Program Management Office

The OUSD(P&R) develops overall personnel guidance for the CTIP Program and coordinates with “the DoD representative on the President’s Interagency Task Force to Monitor and Combat Trafficking in accordance with ...” applicable laws. Under the direction of the OUSD(P&R), the Director of the DoD Human Resources Activity “[e]stablishes and oversees the CTIP Program Management Office... .” In this role, the Director develops, implements, and oversees CTIP Program guidance and a CTIP awareness plan, which defines learning and training requirements. The Director also assesses DoD Components’ compliance with DoDI 2200.01, “Combating Trafficking in Persons (CTIP),” through reviews of DoD “[C]omponent[s]’ self-assessments and analys[es] on” trafficking in persons “incidents, investigations, prosecutions, and training programs.”⁷

DoDI 2200.01 “[e]stablishes policy, assigns responsibilities, and prescribes training requirements for CTIP.” DoDI 2200.01 states that it is DoD policy to oppose and deter any activities by DoD personnel and dependents related to trafficking in persons domestically and overseas. DoDI 2200.01 requires DoD personnel to complete awareness training “within their first year of initial entry with follow-on training determined by the Component head concerned.”

⁷ DoDI 2200.01, “Combating Trafficking in Persons,” June 21, 2019.

Finding

The DoD Cannot Demonstrate Whether It Monitors Compliance with the NATO Sexual Exploitation and Abuse Policy for DoD Personnel Assigned to NATO

Although the DoD has guidance related to sexual assault and sexual exploitation, the DoD cannot demonstrate whether it monitors compliance with the NATO Policy on Preventing and Responding to Sexual Exploitation and Abuse (SEA Policy) for DoD personnel assigned to NATO-led organizations. While there is no requirement for the DoD to monitor compliance with the SEA Policy, the United States agreed to the SEA Policy requirements.

The DoD cannot demonstrate whether it monitors compliance with the SEA Policy because the DoD does not have a reconciliation outlining which DoD policies implement the SEA Policy. Representatives from the Office of the Under Secretary of Defense for Policy, the DoD Sexual Assault Prevention and Response (SAPR) Office, and the Combating Trafficking in Persons Program Office identified DoD-wide policies and training courses that, in aggregate, cover the majority of the SEA Policy requirements. These policies include DoD Directive 6495.01, “Sexual Assault Prevention Program”; DoDI 6495.02, “Sexual Assault Prevention and Response,” Volumes 1–3; DoDI 2200.01, “Combating Trafficking in Persons (CTIP)”; and the required CTIP general awareness training.

However, the DoD does not clearly define “sexual exploitation” and “sexual abuse” in the sexual assault prevention and response policies or CTIP training. Additionally, although the DoD defines sexual harassment and accounts for cases involving sex trafficking and other instances of sexual assault, there is no requirement in DoD policy to report incidents of sexual exploitation and abuse by personnel assigned to NATO organizations to appropriate NATO-assigned DoD points of contact.

As a result, the DoD Components might not have properly reported to the SAPR Office representatives instances of sexual exploitation and abuse consistent with DoD policy and the SEA Policy. Failure to report such instances may result in a lack of trust within and beyond the DoD, discourage victims from reporting sexual exploitation and abuse, and potentially put local civilians, military members, and other NATO personnel at a safety risk should conduct covered by the SEA Policy go unreported.

The DoD Cannot Demonstrate Whether it Monitors Compliance with the NATO Sexual Exploitation and Abuse Policy

Although the DoD has guidance related to sexual assault and sexual exploitation, the DoD cannot demonstrate whether it monitors compliance with the SEA Policy for DoD personnel assigned to NATO-led organizations. Although there is no requirement for the DoD or any NATO country to monitor compliance with the SEA Policy, the United States and the DoD agreed to follow the requirements in the SEA Policy. Therefore, to determine if additional controls or policy revisions are necessary, the DoD should monitor compliance with the SEA Policy requirements.

NATO SEA Policy Identifies Responsibilities of Member Countries and Defines Sexual Exploitation and Abuse

The SEA Policy consists of six sections:

- (I) discussion of NATO guiding principles,
- (II) intent of the SEA Policy,
- (III) definitions of sexual exploitation and sexual abuse,
- (IV) guidance for preventing sexual exploitation and abuse,
- (V) guidance for responding to sexual exploitation and abuse, and
- (VI) implementation.

Sections IV and V of the SEA Policy contain 14 action items, of which 9 are directed to NATO member countries. (The full SEA Policy is in Appendix B.) Section III, paragraphs 5–6, define “sexual exploitation” and list examples.

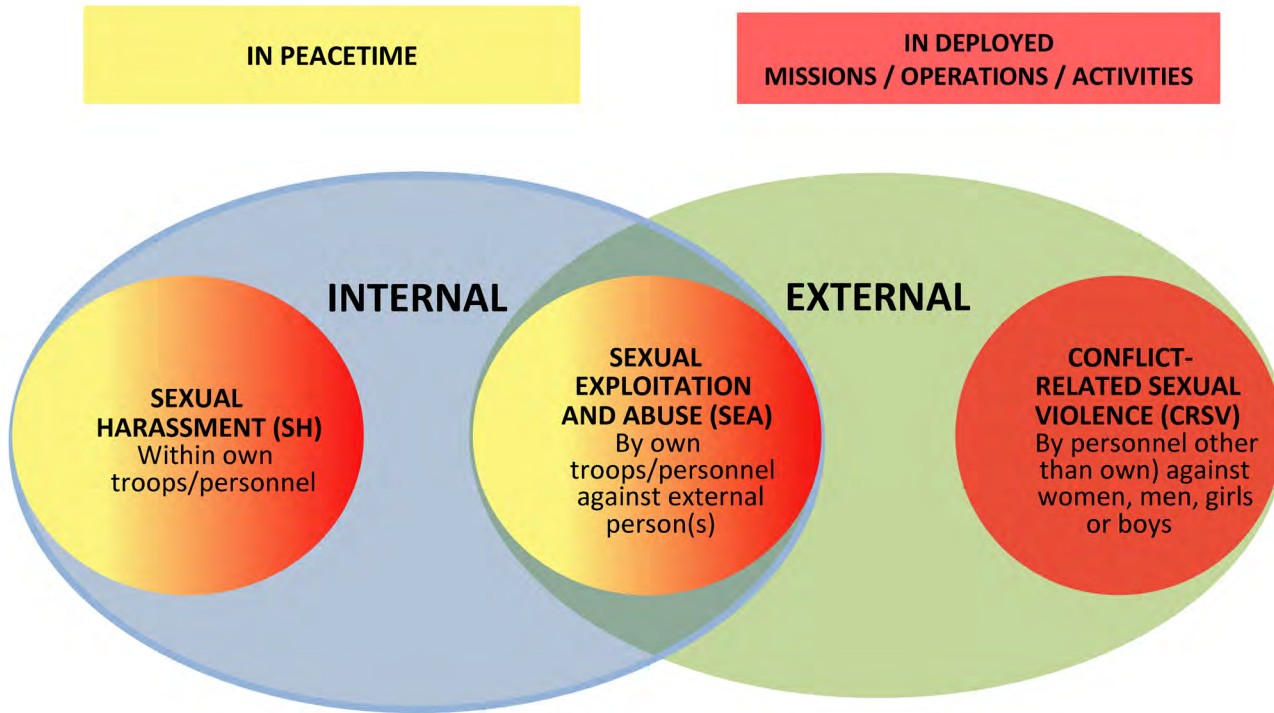
Sexual exploitation is any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Acts that constitute sexual exploitation include, but are not limited to, the exchange of money, goods or other commodities and or services, employment or any exchange of assistance that is due to the local population in exchange for sex, including sexual [favors] or other forms of humiliating, degrading or exploitative [behavior]. All such transactional sex, including the exploitation of the prostitution of others, is a form of sexual exploitation. Sexual relationships based on inherently unequal power dynamics are a form of sexual exploitation.

Section III, paragraphs 7–8, define “sexual abuse” and list examples.

Sexual abuse is any actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. Acts that constitute sexual abuse include, but are not limited to, any action or behavior of a sexual nature that coerces, threatens or forces a person to engage in a sexual activity, or any unlawful sexual activity with a person under the age of 18.

See Figure 1 for an illustration distinguishing sexual exploitation and sexual abuse from other sexual misconduct. While the figure also discusses conflict-related sexual violence (CRSV), this type of sexual misconduct was not included in our evaluation’s scope.

Figure 1. Illustration of Sexual Exploitation and Sexual Abuse Compared to Other Sexual Misconduct



Source: NATO Unclassified AC/332-N(2023)0009 (INV).

The DoD Maintains Guidance for Sexual Assault Prevention and Response

While the DoD does not have guidance specifically for sexual exploitation and abuse, the current SAPR policy is related guidance. To gain an understanding of the DoD’s current guidance, we met with the OUSD(P) Director for Europe and NATO, SAPR Office representatives, and the CTIP Program Director. These officials all identified DoD-wide policies and training courses that, in aggregate, address the

majority of the NATO policy requirements. The guidance includes DoDI 6495.02, “DoD Sexual Assault Prevention and Response Program,” Volumes 1–3; DoDI 2200.01, “Combating Trafficking in Persons (CTIP)”; and the required CTIP general awareness training.

The DoD Does Not Define Sexual Exploitation and Sexual Abuse in Policies or Training

The DoD does not have a policy or training that specifically defines “sexual exploitation” and “sexual abuse.” For example, DoD Directive 6495.01 defines sexual assault, while DoDI 6495.02, Volumes 1–3, define sexual harassment. DoDI 2200.01 does not include definitions of sexual exploitation or sexual abuse or any other definition that would meet the intent of the SEA Policy. In place of definitions, DoDI 2200.01 references the United States Code and the Federal Acquisition Regulation, requiring the reader to stop at each DoDI 2200.01 section, locate the referenced text, and understand Federal statute or regulation terminology to discern a definition. The required CTIP general awareness training material contains some definitions with examples, such as actions that result in sex and labor abuse, trafficking in persons, and child soldiering. However, these definitions and examples are limited to actions related to trafficking in persons.

The DoD Does Not Require Reporting of Sexual Exploitation and Abuse Incidents Involving NATO-Assigned Personnel to NATO Points of Contact

The DoD does not have a requirement to report incidents of SEA committed by personnel assigned to NATO to appropriate NATO-assigned DoD points of contact. Similarly, there is no specific guidance in the SEA Policy requiring SEA incidents involving NATO personnel to be reported to appropriate NATO representatives. The NATO representatives we met with stated that reporting would be beneficial for monitoring the progress and effectiveness of the SEA Policy.

Although the SEA Policy documents the importance of confidentiality, it does not detail how NATO will safeguard sensitive and personally identifiable information during the reporting process. In accordance with DoDI 6495.02, Volume 1, in cases where a victim elects restricted reporting, personnel may not disclose confidential communications to DoD law enforcement or command authorities, either within or outside the DoD, except in situations further defined in the Instruction.

DoD Policy Establishes Reporting Procedures for Sexual Assault

The DoD SAPR policy establishes reporting procedures for incidents of sexual assault. However, cases involving DoD personnel assigned to NATO organizations are handled according to the DoD policy, which does not include notification to NATO representatives. We discussed incidents of reported SEA involving DoD military and civilian personnel assigned to NATO when we met with personnel from the offices of the following NATO and DoD representatives:

- Gender Advisor at NATO Supreme Headquarters Allied Powers Europe,
- Human Resources Branch Head at NATO Allied Command Operations, and
- Deputy Assistant Secretary of Defense (European and NATO Policy).

Officials from the first two offices stated that there were zero SEA incidents reported to them. However, the Deputy Assistant Secretary stated that there were five incidents of DoD personnel violating the SEA Policy from FY 2000 through FY 2022. The lack of a DoD requirement to identify DoD personnel responsible for monitoring compliance with the SEA Policy for DoD personnel assigned to NATO could cause a lack of awareness among NATO representatives of any violations of the SEA policy.

The DoD Cannot Demonstrate Compliance with the Agreed-Upon NATO SEA Policy

Although the DoD has guidance applicable to sexual assault and sexual exploitation it cannot demonstrate whether it monitors compliance with the agreed-upon SEA Policy to prevent and respond to sexual exploitation and abuse for the DoD personnel serving NATO operations and missions. As a result, the DoD Components might not have reported all instances of SEA that violate DoD policies and the SEA policy to the appropriate DoD points of contact. Failure to report such instances may result in a lack of trust within the DoD, discourage victims from reporting sexual exploitation and abuse, and potentially even put local civilians, military members, and other NATO personnel at a safety risk should SEA Policy violations go unreported.

Management Comments on the Finding and Our Response

Under Secretary of Defense for Policy Comments

The Director, NATO Policy, responding for the Under Secretary of Defense for Policy, disagreed with the report's framing and conclusions. The Director stated that the evaluation is incomplete and that the report should include additional information. Specifically, the Director proposed providing additional details in the report, including that:

- the NATO policy is non-binding;
- each nation is responsible for conducting investigations and disciplinary actions related to allegations of sexual exploitation and abuse;
- in accordance with the SEA Policy, reporting requirements for incidents involving DoD personnel assigned to NATO-led organizations go through national channels;
- the SEA Policy has neither a requirement nor an expectation that nations will provide personally identifying information or individual case data to the International Staff or to non-U.S. officials;
- the SEA Policy does not reference the term "NATO Point of Contact" for disclosing SEA incidents;
- investigating and responding to allegations of SEA is the responsibility of the Services;
- the Office of the Deputy Assistant Secretary does not track the number of incidents of DoD personnel violating the NATO SEA policy;
- NATO is not a sovereign body and it has no investigative or enforcement mechanisms, no courts, and no equivalent to the Uniformed Code of Military Justice; and
- the NATO SEA policy was negotiated using standard NATO consensus practices, meaning that through negotiation and revisions, every ally approved the policy.

Additionally, the Director disagreed with the conclusion that the DoD does not monitor compliance with the SEA Policy, and stated that the SEA Policy complements, but is subordinate to, U.S. SEA guidance. Therefore, if Military Services follow U.S. guidelines, incidents will be captured for NATO-assigned personnel. For the full text of the Director's comments, see the Management Comments section of the report.

Our Response

We agree that the SEA Policy is non-binding. We documented during fieldwork that NATO-issued policies are agreements between the nations that make up NATO. We also agree that individual nations are responsible for conducting investigations and taking appropriate action related to SEA allegations. Additionally, we agree that there should not be a requirement or an expectation to provide personally identifiable information to NATO's International Staff or to non-U.S. officials.

However, we disagree that the evaluation is incomplete. We performed the evaluation in accordance with standards, and verified information with appropriate points of contact and supporting documentation. Additionally, the policies and training currently in place for all DoD personnel, whether NATO-assigned or not, do not specifically address all areas of the SEA Policy. Specifically, current DoD guidance and training do not explicitly define "sexual exploitation" and "sexual abuse."

We further note that the inability to provide data for the number of SEA Policy violations by DoD personnel reflects a potential internal control weakness. Accurately capturing and tracking such data can identify risk factors that can be used to update policy and protect DoD personnel in the future. We acknowledge the Director's comments on the Finding, and revised the recommendations accordingly.

Additional Comments Received

We also received comments from the Acting Director of the DoD Sexual Assault Prevention and Response Office. The Acting Director stated that DoDI 1020.04 defines sexual harassment and that current CTIP and SAPR definitions found in policy meet the intent of the NATO definitions of "sexual exploitation" and "sexual abuse." The Acting Director also stated that the definitions are found in the CTIP General Awareness training, which is required of all DoD personnel. In addition, the Acting Director stated that the recommendations need to ensure a cross-walking of definitions and training. For the full text of the Acting Director's comments, see the Management Comments section of the report.

Our Response

We acknowledge the Acting Director's comments on the Finding, but made no changes to the final report. While we agree that sexual harassment is defined in DoDI 1020.01, we disagree that meeting the intent of NATO's definitions of "sexual exploitation" and "sexual abuse" is sufficient. Current DoD policy and

guidance should specifically define “sexual exploitation” and “sexual abuse” to help ensure that each DoD member, both military and civilian, fully understand the meaning of each.

Recommendations, Management Comments, and Our Response

Redirected and Renumbered Recommendations

As a result of management comments, we redirected Recommendations 1.a and 1.b to the Under Secretary of Defense for Personnel and Readiness, who has the authority to implement the recommendations. In addition, we renumbered draft Recommendations 1.c.1, 1.c.2, and 1.d as Recommendations 2.a, 2.b, and 2.c. We also revised Recommendations 2.a and 2.b to identify the NATO office responsible for collecting sexual exploitation and abuse cases and to clarify the actions needed to address the reporting concern.

Recommendation 1

We recommend that the Under Secretary of Defense for Personnel and Readiness:

- a. Determine standard definitions of “sexual exploitation” and “sexual abuse” in the DoD Sexual Assault Prevention and Response Program for DoD personnel assigned to NATO.**
- b. Determine standard definitions of “sexual exploitation” and “sexual abuse” in the Combating Trafficking in Persons general awareness training for DoD personnel assigned to NATO.**

Management Comments Required

We request that the Under Secretary of Defense for Personnel and Readiness provide comments within 30 days in response to the final report on determining standard definitions of “sexual exploitation” and “sexual abuse” for the DoD SAPR Program and CTIP training.

Recommendation 2

We recommend that the Under Secretary of Defense for Policy:

- a. Identify DoD personnel responsible for monitoring compliance with the SEA Policy for DoD personnel assigned to NATO.**

Under Secretary of Defense for Policy

The Director, NATO Policy, responding for the Under Secretary of Defense for Policy, disagreed with the recommendation. The Director stated that existing regulations and instructions identify U.S. personnel responsible for maintaining documentation of SEA cases.

Our Response

Comments from the Director did not address the specifics of the recommendation; therefore, the recommendation is unresolved. While we acknowledge that regulations and instructions exist for maintaining sexual assault case documentation, current guidance does not specifically identify U.S. personnel responsible for NATO-related SEA cases. We request that the Director provide comments within 30 days in response to the final report to address identifying the DoD personnel responsible for maintaining documentation for NATO-related SEA cases.

- b. Conduct a review to determine if there is a need for designated DoD personnel to collect, assemble, and report cases of sexual exploitation and abuse committed by NATO-assigned DoD personnel to the NATO Office of Gender Affairs.**
- c. Conduct a review to determine if DoD personnel assigned to NATO can appropriately safeguard the confidentiality of victim and suspect data in reported cases of sexual exploitation and abuse in NATO records management systems.**

Under Secretary of Defense for Policy

The Director, NATO Policy, responding for the Under Secretary of Defense for Policy, disagreed with the recommendations. The Director stated that the DoD retains disciplinary authority over its personnel and that there is no appropriate NATO point of contact for reporting individual case data. The Director further stated that reporting such data would place DoD personnel at risk of prosecution by foreign and international organizations. In addition, the Director stated that NATO does not collect or retain case files on DoD victims or suspects.

Our Response

Comments from the Director did not address the specifics of the recommendations; therefore, the recommendations are unresolved. The intent of the recommendations is to require designated DoD personnel to manage the documentation of SEA cases; the recommendations do not suggest that a foreign country NATO representative maintain the documentation. Additionally, the recommendations emphasize appropriately safeguarding victim and suspect data. We request that the Director provide comments within 30 days in response to the final report to address properly maintaining documentation of, and ensuring appropriate internal controls over SEA case data.

Appendix A

Scope and Methodology

We conducted this evaluation from February 2023 through December 2023 in accordance with the “Quality Standards for Inspection and Evaluation,” published in December 2020 by the Council of the Inspectors General on Integrity and Efficiency. Those standards require that we adequately plan the evaluation to ensure that objectives are met and that we perform the evaluation to obtain sufficient, competent, and relevant evidence to support the findings, conclusions, and recommendations. We believe that the evidence obtained was sufficient, competent, and relevant to lead a reasonable person to sustain the findings, conclusions, and recommendations.

To accomplish the objective, we contacted representatives at the Office of the Under Secretary of Defense for Policy and the DoD Sexual Assault Prevention and Response Office to discuss existing DoD policy requirements to implement the NATO SEA Policy requirements. We analyzed the NATO SEA Policy and documented each requirement for analysis. We reconciled related DoD policies to determine whether potential gaps exist between policy and implementation requirements, specifically:

- DoD Directive 6495.01, “Sexual Assault Prevention and Response (SAPR) Program”;
- DoD Instruction 6495.02, “Sexual Assault Prevention and Response,” Volumes 1–3; and
- DoD Instruction 2200.01, “Combating Trafficking in Persons (CTIP).”

Additionally, we reviewed Service-level policies, including:

- the Army Sexual Harassment/Assault Response and Prevention (SHARP) Program,
- the Navy sexual assault prevention and response program,
- the Air Force sexual assault prevention and response strategy, and
- the Marine Corps sexual assault prevention and response program.

We also obtained the NATO SEA progress report and the U.S. response to the questionnaire, NATO’s action plan to implement the SEA policy, the NATO Code of Conduct, and the draft version of the NATO SEA complaint process.

We reviewed the DoD CTIP general awareness training to determine whether the DoD training meets the NATO SEA training requirements. We met with representatives from the DoD Sexual Assault Prevention and Response Office and the Director of the Combating Trafficking in Persons Program to confirm any potential areas identified that may not be explicitly covered in existing DoD policy.

In addition, we conducted site visits at the following NATO locations:

- Supreme Allied Commander Transformation Headquarters, Norfolk, Virginia;
- Supreme Headquarters Allied Powers Europe, Mons, Belgium;
- NATO Headquarters, Brussels, Belgium; and
- U.S. Mission to NATO, Brussels, Belgium.

During the site visits, we interviewed DoD and NATO officials to determine the extent to which the NATO SEA Policy has been implemented and the requirements described in the policy have been incorporated into pre-deployment and ongoing NATO training and operations. Specifically, we interviewed the personnel involved with establishing the requirements in the NATO SEA Policy, personnel managing the mandatory training, as well as personnel who have identified risk factors and developed mitigation strategies and awareness. Finally, we completed the online NATO SEA training.

Use of Computer-Processed Data


We did not use computer-processed data to perform this evaluation.

Prior Coverage

No prior coverage has been conducted on the NATO policy during the last 5 years.

Appendix B

NATO Policy on Preventing and Responding to Sexual Exploitation and Abuse

	NATO	INTERNATIONAL STAFF PRIVATE OFFICE OF THE SECRETARY GENERAL
	OTAN	SECRÉTARIAT INTERNATIONAL CABINET DU SECRÉTAIRE GÉNÉRAL

NATO UNCLASSIFIED
Releasable to North Macedonia

13 November 2019

DOCUMENT
PO(2019)0459 (INV)
Silence Procedure ends:
15 Nov 2019, 15:30 hrs

To : Permanent Representatives (Council)

From : Secretary General

**APPROVAL OF THE NATO POLICY ON PREVENTING AND RESPONDING TO
SEXUAL EXPLOITATION AND ABUSE (SEA)**

1. Find attached the NATO Policy on Preventing and Responding to Sexual Exploitation and Abuse (SEA), agreed by the Operations Policy Committee on 13 November.
2. I do not believe this requires further discussion in Council. Unless I hear to the contrary **by 15.30hrs on Friday 15 November 2019**, I shall take it that Council has approved the SEA Policy and that it be forwarded to Foreign Ministers for endorsement.

(Signed) Jens Stoltenberg

1 Annex

Original: English

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NATO Policy on Preventing and Responding to Sexual Exploitation and Abuse (cont'd)

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ANNEX TO
PO(2019)0459 (INV)

The NATO Policy on Preventing and Responding to Sexual Exploitation and Abuse

I. INTRODUCTION

1. NATO is committed to the principles of individual liberty, democracy, human rights and the rule of law¹. The NATO Code of Conduct requires all NATO staff to act with integrity, loyalty, accountability, impartiality and professionalism.²
2. The NATO/EAPC Women Peace and Security Policy and Action Plan³ highlights the principles of integration, inclusiveness and integrity. Through this Policy and Action Plan, the North Atlantic Council endorsed the development of a NATO Policy on Preventing and Responding to Sexual Exploitation and Abuse.
3. Sexual exploitation and abuse runs counter to NATO's principles and core values, and undermines the effectiveness and credibility of the Alliance and risk mission success. Therefore NATO has a zero tolerance approach to all acts of sexual exploitation and abuse. As all Allies are members of the United Nations; Allies reaffirm and associate themselves with the applicable UN policies on Sexual Exploitation and Abuse.

II. AIMS AND SCOPE

4. This policy aims to instil a coherent, consistent and integrated approach and a strategic level framework to preventing and responding to sexual exploitation and abuse across NATO.

III. DEFINITIONS

5. **Sexual Exploitation** is any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.
6. Acts that constitute sexual exploitation include, but are not limited to, the exchange of money, goods or other commodities and or services, employment or any exchange of assistance that is due to the local population in exchange for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour. All such

¹ Preamble, North Atlantic Treaty and Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organization, adopted by Heads of State and Government at the NATO Summit in Lisbon (2010)

² NATO Code of Conduct, Annex 2 of ON(2013)0078 (Agreed by the NAC on 2 December 2013)

³ NATO/EAPC Women, Peace and Security Action Plan 2018

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NATO UNCLASSIFIED
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ANNEX TO
PO(2019)0459 (INV)

transactional sex, including the exploitation of the prostitution of others⁴, is a form of sexual exploitation. Sexual relationships based on inherently unequal power dynamics are a form of sexual exploitation.

7. **Sexual abuse** is any actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
8. Acts that constitute sexual abuse include, but are not limited to, any action or behaviour of a sexual nature that coerces, threatens or forces a person to engage in a sexual activity, or any unlawful sexual activity with a person under the age of 18.

IV. PREVENTING SEXUAL EXPLOITATION AND ABUSE

9. All personnel are prohibited from engaging in, or facilitating, any form of sexual exploitation and abuse. All personnel must strive to prevent and respond to sexual exploitation and abuse within their sanctioned power and authority.
10. All personnel will be vetted by the appropriate national authority based on national procedures and regulations in line with this policy.
11. All personnel will receive mandatory training on preventing and responding to sexual exploitation and abuse. Nations are responsible for the provision of mandatory pre-deployment training of their personnel, in accordance with agreed NATO standards. Heads of NATO Bodies are responsible for providing training to their personnel.
12. In line with NATO standards and guidance, Commanders and Heads of NATO Bodies will be responsible for creating an environment conducive to the prevention of sexual exploitation and abuse.
13. Risk factors and possible mitigation strategies will be considered in the planning and conduct of NATO and NATO-led operations, missions and other Council approved activities. Nations deploying personnel should undertake similar exercises regarding the identification of risk factors and ensure appropriate mitigation is incorporated into the pre-deployment training they provide.
14. To raise awareness of this policy and to promote prevention, the NATO authorities will integrate communications on Sexual Exploitation and Abuse within the annual NATO Communications Strategy, Strategic Communications Frameworks and NATO communications campaigns.

⁴Consistent with NATO policy on combatting trafficking in human beings, and the associated NATO Guidelines (29 June 2014)

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NATO UNCLASSIFIED
Releasable to North Macedonia

ANNEX TO
PO(2019)0459 (INV)

V. RESPONDING TO SEXUAL EXPLOITATION AND ABUSE

15. NATO will ensure complaint mechanisms exist that enable alleged cases of Sexual Exploitation and Abuse to be duly and appropriately submitted to competent authorities by complainants, to be handled in accordance with paragraphs 16 and 17.
16. Nations are responsible for conducting investigations and pursuing appropriate administrative, disciplinary or criminal proceedings related to allegations of sexual exploitation and abuse concerning their personnel. Discipline over military and civilian personnel provided by Nations is a national responsibility.
17. For those personnel who do not fall under paragraph 16 above, appropriate NATO authorities are responsible for conducting preliminary investigations and pursuing any appropriate administrative and disciplinary proceedings related to allegations of sexual exploitation and abuse. Consistent with NATO practice, should preliminary investigations indicate further criminal investigation is warranted, preliminary findings will be handed over to appropriate national authorities.
18. Exercise of jurisdiction will be in accordance with applicable Status of Forces Agreements, Exchange of Letters, Military Technical Agreements, or other relevant arrangements concerning the status of NATO and NATO-led forces.
19. All personnel have a duty to report any instances or allegations of sexual exploitation and abuse in accordance with established reporting mechanisms. All personnel are expected to report misconduct in good faith and to cooperate with any investigation.
20. The Alliance considers any act that violates this policy may serve as grounds for appropriate investigation. Nations will repatriate their personnel where there is credible evidence of widespread or systemic sexual exploitation or abuse by those personnel⁵.
21. All complainants, victims, survivors and persons accused of sexual exploitation and abuse will be treated fairly with dignity and respect. All information regarding complainants, victims, survivors and persons accused must be treated with the utmost confidentiality. Special attention will be provided to the needs of children.
22. NATO will pursue an approach of 'do no harm': no action should be taken in implementing this policy that could worsen the situation of a complainant, victim or a survivor.

⁵See United Nations Security Council resolution 2272 (2016).

NATO Policy on Preventing and Responding to Sexual Exploitation and Abuse (cont'd)

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ANNEX TO
PO(2019)0459 (INV)

VI. IMPLEMENTATION

23. In consultation with the NATO Military Authorities, the Operations Policy Committee will develop an Action Plan to facilitate the implementation of this Policy. The Action Plan shall be forwarded to Council for approval by May 2020.
24. Implementation and progress of the Policy on Preventing and Responding to Sexual Exploitation and Abuse will fall under the oversight of relevant NATO Bodies, as required.
25. The Operations Policy Committee will periodically review and report to the Council on the implementation of this policy, and revise as needed.

Management Comments

Under Secretary of Defense for Policy (NATO Policy)



INTERNATIONAL
SECURITY AFFAIRS

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
2400 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-2400

November 27, 2023

MEMORANDUM FOR Inspector General of the Department of Defense

SUBJECT: Response to Department of Defense Inspector General (DoDIG) Project No.D2023-DEV0PF-0084.000, "Evaluation of the DoD's Implementation of the NATO Policy on Preventing and Responding to Sexual Exploitation and Abuse."

General Comments

This office supports actions taken in recent years by the United States Government and the Department of Defense to prevent and respond to sexual exploitation and abuse (SAE). We would welcome the opportunity to continue discussing the draft DoDIG report. If, however, the report is in final form, we non-concur with its framing, conclusions, and recommendations.

We call attention to the fact that during our July 2023 inbrief, this office raised serious concerns about how the evaluation was framed. While acknowledging the IG's authority to investigate compliance with DoD regulations and instructions, we questioned the advisability of investigating compliance with, or monitoring of, a multinational organization's non-binding policy. We also discussed the procedures used to negotiate the NATO policy and the safeguards built into the final product. We asked for redress and requested an opportunity to talk to IG leadership before the evaluation went forward. Redress was not granted and DoDIG did not schedule additional discussion with leadership.

While investigating whether DoD is implementing, monitoring, or complying with a multinational organization's non-binding policy may be of interest, we believe the more relevant question for U.S. Government agencies and citizens is whether DoD has processes and procedures to prevent, investigate, and respond to incidents of SAE, regardless of where they occur. On that account, this office, after consulting with colleagues in the Under Secretary of Defense for Personnel and Readiness (OUSDP&R)), would offer that the answer is yes and conclude that U.S. and NATO policies and procedures are complementary and achieve the desired end state.

To make an accurate determination of DoD's overarching implementation of SEA-related policies, and to fully understand U.S. and NATO objectives, we recommend the report address why NATO developed an SEA policy, what process was used to negotiate the policy, and what U.S. policy guidelines were followed during the negotiation.

As written, we believe the evaluation is incomplete, its objectives are incorrectly framed, and it draws the wrong conclusions.

In our opinion, the DoDIG recommendations introduce dangerous precedents that run counter to U.S. policy and regulations. As suggested by the IG report, providing Personally



Under Secretary of Defense for Policy (NATO Policy) (cont'd)

Identifiable Information (PII) and individual case data to foreign officials and/or a multinational organization upends long-held U.S. policy. Taken one step further, the recommendations could result in foreign officials having the authority and responsibility to conduct investigations and pursue administrative, disciplinary, or criminal proceedings of U.S. personnel contrary to longstanding protections under the NATO Status of Forces Agreement and other bilateral agreements and arrangements.

Proposed Rework

- The report should state that the NATO policy is non-binding. It should also state clearly that DoD regulations and instructions are not superseded by a multinational organization's non-binding policies.
 - Using words like "compliance" and "agreed-to" in a report describing actions taken under a non-binding policy is both inaccurate and inappropriate. This policy imposes no legally binding obligations upon NATO members.
- The report should recall that paragraph 16 of the NATO Policy clearly states "Nations [not NATO authorities] are responsible for conducting investigations and pursuing appropriate administrative, disciplinary or criminal proceedings related to allegations of sexual exploitation and abuse concerning their personnel. Discipline over military and civilian personnel provided by Nations is a national responsibility."
- The report should highlight that per paragraphs 16 and 19, reporting requirements for incidents involving DoD personnel assigned to NATO-led organizations go through national channels. The NATO policy has neither a requirement nor an expectation that nations will provide PII or individual case data to the International Staff or to non-U.S. commanders or officials.
- The report should recall that paragraph 18 of the NATO policy notes states, "Exercise of jurisdiction will be in accordance with applicable Status of Forces Agreements...or other relevant agreements concerning the status of NATO and NATO-led forces."
- The report should not use or introduce new terms.
 - The DoDIG report introduces the term "NATO Point of Contact." This term is not in the NATO Policy. The only reference to "appropriate NATO authorities" is found in paragraph 17 which address groups of individuals other than DoD personnel and is therefore not applicable to the IG's evaluation.
- The report should note that the United States had SEA-related guidelines and procedures before Allies decided to write an SEA policy. It should also note that in cases where national policy conflicts with NATO policy, national policy takes precedence.
- The report should note that under existing U.S. guidelines, investigating and responding to allegations of SEA, taking care of victims, and reporting related to SEA is the responsibility of the Services and Combatant Commands.
 - This office cannot confirm if the standard reporting forms include a data field asking

Under Secretary of Defense for Policy (NATO Policy) (cont'd)

if an incident happened during a "NATO Operation." Regardless of where an incident happens, the appropriate Service and/or Combatant Command handles investigation, response, and enters data into DoD systems.

- It is possible that an incident involving U.S. personnel deployed to NATO's KFOR mission in Kosovo might be reported under U.S. Operation Joint Guardian. Incidents in Afghanistan may have been reported under U.S. Operation Enduring Freedom as opposed to NATO ISAF or Resolute Support.
- The assertion that "the Deputy Assistant Secretary stated there were five incidents of DoD personnel violating the NATO SEA Policy from FY 2000 through FY 2022" is misleading. This office does not track such data. Upon DoDIG insistence that we attempt to find examples, we tasked military officers in USEUCOM and at USNATO/USDELMC to review and cross reference existing data. The fact that those officers were able to find examples proves that data is being captured but perhaps not automatically coded as NATO-related.
- Should it be determined that sub-categorizing incidents as "NATO-related" is practically, militarily, and politically relevant, OSD P&R and the Services could determine the best way to add a new data field to standard reporting forms.
- The report should note that NATO is not a sovereign body. It has no investigative or enforcement mechanisms, no courts, and no equivalent to the Uniformed Code of Military Justice. Member nations retain their sovereignty and independence in all matters. All Allies determined that "sending nations" are responsible for investigating and taking criminal or administrative actions against their national Service Members or civilians serving in NATO formations. No Ally delegates that responsibility or provides PII to a "NATO POC."
- The report should highlight that the NATO SEA policy was negotiated using standard NATO consensus practices. Every Ally had an equal voice and negotiations on multiple revisions lasted for several months. Every Ally had to approve every word of the policy.
- The report should state that the multinational organization set up to administer the North Atlantic Treaty – the "O" in NATO – exists to serve the Allies. Allies do not work for or answer to the NATO International Staff.
 - The report should note that the primary reason the NATO International Staff collects SEA and other Human Security data is so the Staff can provide aggregated reports to the North Atlantic Council. The NATO Staff does not check Allies' work or critique national investigations. The Staff simply rolls up data provided by Allies and presents aggregated data to the Council.
 - The report should note that the United States provides the appropriate NATO International Staff sections with all U.S. annual reports related to NATO's Human Security agenda.

Under Secretary of Defense for Policy (NATO Policy) (cont'd)

Background

When negotiating the NATO SEA Policy, U.S. negotiators developed and proceeded with a few guiding principles:

- Ensure a NATO Policy was consistent and coherent with existing U.S. laws, regulations and instructions and did not include elements that go beyond U.S. policy.
- Ensure that the United States retained authority to investigate and take criminal or administrative actions against U.S. citizens committing SEA and to care for U.S. victims.
- Ensure that a NATO policy did not enable or make it easier for foreign powers to prosecute U.S. citizens or to refer them to international courts.

Washington colleagues then spent several months providing guidance to the U.S. negotiating team in Brussels. The Office of the General Counsel, Joint Staff, and the Under Secretary of Defense for Personnel and Readiness were consulted on each revision of the NATO policy and certain compromises were made to finalize the document.

Specific Remarks “Results in Brief”

Objective: Conducting an evaluation to “determine the extent to which the DoD and Services implemented [a NATO Policy]” specifically negotiated and written to complement U.S. SEA guidelines and help bring Allies in line with our best practices seems unnecessary and unhelpful.

Finding: This office disagrees that with the conclusion that DoD does not monitor compliance with the NATO policy.

- For all practical purposes, the NATO SEA policy complements, but is subordinate to, U.S. SEA guidance. So long as U.S. Combatant Commands and Services follow U.S. guidelines, incidents occurring during NATO operations or to U.S. personnel serving at NATO HQs will be captured.
- Elevating the NATO policy above U.S. guidance introduces non-agreed definitions, allows foreign nations to dictate U.S. policy, and exposes DoD personnel to investigation and potential prosecution by foreign governments.
- The concerns associated with the “Failure to report” comment are hypothetical and assume, without facts, that incidents are not reported via U.S. procedures.

Recommendations:

- Point 1: Determining standard definitions for SEA is not a competency of the Under Secretary of Defense for Policy. Such definitions are the purview of the Under Secretary of Defense for Personnel and Readiness.
- Point 2: If this recommendation is directing DoD to report individual case data, the recommendation violates paras 16 – 18 of the NATO policy. It also runs counter to

Under Secretary of Defense for Policy (NATO Policy) (cont'd)

the guideline of not introducing additional reporting requirements beyond what is required by U.S. statute or instruction. "Appropriate NATO personnel" is not a defined term and NATO has no enforcement authority. If the intent is to ensure the DoD provides aggregated data without PII, the DoD provides a copy of all DoD annual reports to the NATO International Staff.

- o Point 3: NATO personnel do not collect or maintain records containing PII. Per paragraphs 16-18 and 22 of the NATO policy, nations are responsible for conducting investigations and pursuing appropriate administrative, disciplinary or criminal proceedings."

Management Comments: Detailing steps planned or taken to address a competency of the Under Secretariat for Personnel and Readiness is not a role for the Under Secretary for Policy.

Specific Remarks - Response to the Report's Recommendations

1a and 1b: Non-concur. Determining standard definitions of sexual exploitation and sexual abuse in DoD Sexual Assault Prevention and Response Program and determining standard definitions for Combating Trafficking in Persons general awareness training is not a competency of the Under Secretary of Defense for Policy. Such definitions are the purview of the Under Secretary of Defense for Personnel and Readiness.

1c1: Non-concur. Existing regulations and instructions identify U.S. personnel responsible for maintaining documentation for cases of SEA.

1c2: Non-concur. The extent of this recommendation is unclear and therefore needs to be re-characterized, especially in light of the fact that sending States retain disciplinary authority over their personnel and criminal and civilian jurisdictional issues are resolved in accordance with the NATO Status of Forces Agreement and other bilateral agreements between affected nations. Further, this recommendation is inconsistent to paragraphs 16-18 of the NATO SEA policy, which states cases of SEA are investigated, reported, and adjudicated through national channels. As stated above, there is no appropriate NATO point of contact to report individual case data to. Finally, if taken to its extreme, this recommendation could also place DoD personnel at risk of prosecution by foreign governments or international organizations, contrary to DoD policy to retain maximum jurisdiction over U.S. personnel.

1d: Non-concur. NATO does not collect or retain individual case files on individual DoD victims or suspects.



Mark W. Jones
Director, NATO Policy

DoD Sexual Assault Prevention and Response Office

SELECT A CLASSIFICATION
DoD ISSUANCE COORDINATION RESPONSE

COMPONENT COORDINATOR RESPONSE

November 20, 2023

SUBJECT: Proposed Choose an item. Project No. D2023-DEV0PF-0084.000, "Evaluation of the DoD's Implementation of the NATO Policy on Preventing and Responding to Sexual Exploitation and Abuse"

On behalf of my Component, my formal response to this issuance is: Nonconcur. Below are comments that detail my Component's objections to this issuance.

My point of contact for this action is [REDACTED]



Coordinating Official's Name: Nathan W Galbreath, Ph.D.
Coordinating Official's Position Title: Director (Acting)
Coordinating Official's Component: DoD Sexual Assault Prevention and Response Office

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DoD Sexual Assault Prevention and Response Office (cont'd)

SELECT A CLASSIFICATION						
DoD ISSUANCE COORDINATION RESPONSE: Issuance Type and Number, "Title"						
CLASS	#	PAGE	PARA	BASIS FOR NON-CONCURRENCE?	COMMENTS, JUSTIFICATION, AND ORIGINATOR JUSTIFICATION FOR RESOLUTION	COMPONENT AND POC NAME, PHONE, AND E-MAIL
U	1	8	DoD Does not Define Sexual Exploitation	<input type="checkbox"/>	<p>Coordinator Comment and Justification: DoDI6495.02 Vol.1-3 doesn't define sexual harassment.</p> <p>Coordinator Recommended Change: DoDI 1020.04 defines sexual harassment</p> <p>Originator Response: Choose an item.</p> <p>Originator Reasoning:</p>	DoD SAPRO, [REDACTED]
U	3	9		<input checked="" type="checkbox"/>	<p>Coordinator Comment and Justification: Recommendations should address the actual gap. Current recommendations are too general and high level and do not reflect the need to ensure cross-walking of definitions and training. Furthermore, the recommendations overstep the authority and limit of how much DoD can engage action from NATO.</p> <p>Coordinator Recommended Change:</p> <p>Originator Response: Choose an item.</p> <p>Originator Reasoning:</p>	DoD SAPRO, [REDACTED] [REDACTED]
U	4	8	3	<input type="checkbox"/>	<p>Coordinator Comment and Justification: The report states: "Although the NATO SEA Policy documents the importance of confidentiality, it does not detail how NATO will safeguard sensitive and personally identifiable</p>	DoD SAPRO; [REDACTED] [REDACTED]

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DoD Sexual Assault Prevention and Response Office (cont'd)

SELECT A CLASSIFICATION						
DoD ISSUANCE COORDINATION RESPONSE: Issuance Type and Number, "Title"						
CLASS	#	PAGE	PARA	BASIS FOR NON-CONCURRENCE?	COMMENTS, JUSTIFICATION, AND ORIGINATOR JUSTIFICATION FOR RESOLUTION	COMPONENT AND POC NAME, PHONE, AND E-MAIL
					<p>information during the reporting process. In accordance with DoDI 6495.02, Volume 1, in cases where a victim elects Restricted Reporting, personnel may not disclose confidential communications to DoD law enforcement or command authorities, either within or outside the DoD, except in situations further defined in the instruction."</p> <p>However, the DoD's concern regarding the safeguarding of sensitive information and PII is not limited to those making a restricted report.</p> <p>Coordinator Recommended Change: It's not completely clear what this paragraph is trying to communicate. However, the change should include a reference to the importance of safeguarding sensitive and personally identifiable information associated with all reports.</p> <p>Originator Response: Choose an item.</p> <p>Originator Reasoning:</p>	[REDACTED]
U	3	9		<input checked="" type="checkbox"/>	<p>Coordinator Comment and Justification: The current CTIP/SAPR definitions found in policy meet the intent of the NATO definitions for sexual exploitation and sexual abuse. Furthermore, these definitions are found in the Combating Trafficking in Persons (CTIP) General awareness training, and that the CTIP General Awareness training is a required training for all DoD personnel.</p> <p>Coordinator Recommended Change:</p>	DoD SAPRO, [REDACTED]

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DoD Sexual Assault Prevention and Response Office (cont'd)

SELECT A CLASSIFICATION						
DoD ISSUANCE COORDINATION RESPONSE: Issuance Type and Number, "Title"						
CLASS	#	PAGE	PARA	BASIS FOR NON-CONCURRENCE?	COMMENTS, JUSTIFICATION, AND ORIGINATOR JUSTIFICATION FOR RESOLUTION	COMPONENT AND POC NAME, PHONE, AND E-MAIL
					Originator Response: Choose an item. Originator Reasoning:	

DoD Sexual Assault Prevention and Response Office (cont'd)

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DoD ISSUANCE COORDINATION RESPONSE: Issuance Type and Number, "Title"

HOW TO FILL OUT THE DD 818 MATRIX

GENERAL GUIDANCE:

- **To sort table** by page/paragraph number, hover your mouse over the top of the first cell in the "page" column until a downward arrow appears; click and drag to the right to select both page and para columns. Under Paragraph on the Home ribbon, select A-Z button, set to sort by Column 3 and then Column 4, and select "OK." **To add new rows**, copy and paste a blank row to keep consistent formatting. **To add automatic numbering to column 2**, select entire column and click on the Numbering button under Paragraph on the Home ribbon.

COORDINATING OSD AND DOD COMPONENTS:

- Do not use the DD Form 818-1.
- Fill in the memo indicating your Component's position on the issuance. Fill in the authorized coordinator's name, position, and Component. The authorized coordinator (digitally) signs the response after the comment matrix has been completed. **Making additional changes after filling in a digital signature invalidates and removes the signature.**
- Use the comment matrix to provide comments to the OSD Component that created the issuance. Complete the header and footer and Columns 1 -7:
 - COLUMN 1* Enter the classification of the comment. If any material is **classified**, follow DoDM 5200.01 guidance for marking the document. If all comments are unclassified, mark the header and footer and ignore the column.
 - COLUMN 2* Order comments by the pages/paragraphs that they apply to in Columns 3 and 4.
 - COLUMNS 3&4* Cite the page on which the paragraph appears; cite the paragraph number as it appears in the text, e.g. 2.1.a..
 - COLUMNS 5* Only mark this box if you non-concur with the issuance and the comment in the applicable row is part of the basis for that non-concur. A nonconcur is typically used only when an issuance contains: (a) a violation of the law or contradiction of Executive Branch policy or of existing policy in a DoDD, DoDI, or other instrument approved by the Secretary or Deputy Secretary of Defense; or (b) an unnecessary risk to safety, life, limb, or DoD materiel; waste or abuse of DoD appropriations; or unreasonable burden on a DoD Component's resources.
 - COLUMN 6* Place only one comment per row. Enter your comment, justification, and recommended changes in the first two areas provided. If any material is **classified** or **controlled unclassified information**, follow DoDM 5200.01 or DoDI 5200.48 guidance for marking the document.
 - COLUMN 7* As stated.
- **Review** the comments, **resolve** any conflicting views, and **confirm** that the completed matrix accurately represents your Component's position. Upload the form to the DoD Directives Program Portal in **Microsoft Word format (.docx)**, with the signed memo representing your Component's position.

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Acronyms and Abbreviations

CTIP	Combating Trafficking in Persons
NATO	North Atlantic Treaty Organization
SAPR	Sexual Assault Prevention and Response
SEA	Sexual Exploitation and Abuse
SEA POLICY	NATO Policy on Preventing and Responding to Sexual Exploitation and Abuse

Whistleblower Protection

U.S. DEPARTMENT OF DEFENSE

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For more information about DoD OIG reports or activities, please contact us:

Congressional Liaison

703.604.8324

Media Contact

public.affairs@dodig.mil; 703.604.8324

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DEPARTMENT OF DEFENSE | OFFICE OF INSPECTOR GENERAL

4800 Mark Center Drive
Alexandria, Virginia 22350-1500
www.dodig.mil
DoD Hotline 1.800.424.9098

