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# PREVENTING AND ADDRESSING GENDER- BASED VIOLENCE THROUGH A VICTIM- CENTERED APPROACH

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## I. Purpose

This Directive establishes the Department of Homeland Security (DHS) policy on efforts to prevent and address gender-based violence (GBV). DHS's GBV policy formalizes victim<sup>1</sup>-centered, trauma-informed, and culturally sensitive approaches to GBV and highlights the importance of these approaches for the people that DHS serves.

GBV is an umbrella term for any threat or harmful act directed at an individual or group based on actual or perceived biological sex, gender identity, gender expression, sexual orientation, or difference from social norms around masculinity and femininity, in both private and public realms of life.<sup>2</sup> GBV encompasses a broad spectrum of exploitation and abuse and can include – among other forms of violence – sexual, physical, psychological, and emotional abuse; sexual harassment; early/child marriage; forced marriage; domestic violence; dating violence; and female genital mutilation/cutting (FGM/C). Depending on the circumstances, exploitation such as human trafficking and forms of online harassment or abuse may constitute a form of GBV. An individual's various, intersecting identities – such as gender, sexual orientation, age, religion, culture, socioeconomic status, and many other characteristics – may influence the type of GBV they experience, how they experience it, and their ability to access support services. This policy acknowledges the long-term impacts that GBV can have on an individual's physical and mental health.

Recognizing that many DHS Components and Headquarters Offices may encounter victims of GBV or develop policy that impacts such individuals, DHS has identified victim-centered, trauma-informed, and culturally-sensitive approaches to address, prevent, and more

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<sup>1</sup> Individuals who have experienced GBV may choose to refer to themselves as "victims," "survivors," or by other designations. As many laws use the term "victim," as does federal law enforcement, this Directive will primarily use "victim." Additionally, Components and Offices should consider how an individual's intersecting identities may relate to the type of trauma or victimization they experienced and its ongoing impact.

<sup>2</sup> Additional information about GBV is available in the [DHS GBV brochure](#).

effectively respond to GBV. This Directive defines these approaches and broadly sets forth the corresponding responsibilities and requirements to implement them. Through this Directive, DHS reinforces its commitment to Departmental engagement with, and support of, individuals who have experienced or are experiencing GBV.

## **II. Scope**

- A. This Directive applies to DHS employees who:
  - 1. Directly interact with members of the public<sup>3</sup> as a regular part of their duties.
  - 2. Review requests from or provide services to the public.
  - 3. Make determinations on immigration benefit requests.
  - 4. Develop policies or procedures that directly impact members of the public.
- B. This Directive also applies to the supervisors and managers of DHS employees described above.
- C. Additionally, this Directive applies to DHS contractors who:
  - 1. Directly interact with members of the public as a regular part of their duties.
  - 2. Assist in reviewing requests from or providing services to the public.
  - 3. Make recommendations on eligibility for immigration benefits.
  - 4. Make recommendations related to policies or procedures that directly impact members of the public.

## **III. Authorities**

- A. Secretary Mayorkas' October 2021 Memorandum, Institutionalizing the Victim-Centered Approach
- B. Delegation 19003, Delegation to the Office for Civil Rights and Civil

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<sup>3</sup> A person who has experienced or is experiencing GBV may not display indicators of victimization, or may not identify as a victim. As such, any DHS employee or contractor whose works impacts the public may inherently have an impact on GBV victims, whether or not that victimization is known to the employee or contractor. Such personnel are thus within the scope of this Directive and its requirements.

Liberties for Matters Involving Civil Rights and Civil Liberties, including Equal Employment Opportunity and Workplace Diversity

- C. DHS Directive 002-01, Rev. 01.1, Council on Combating Gender-Based Violence
- D. DHS Instruction 002-01-001, Rev 01, Council on Combating Gender-Based Violence
- E. DHS Directive 256-01, Anti-Harassment Program
- F. Violence Against Women Reauthorization Act of 2022 (VAWA 2022), [Pub. L. 117-103](#), 136 STAT. 49 (Mar. 15, 2022)
- G. Victims of Trafficking and Violence Protection Act of 2000 and Battered Immigrant Women Protection Act of 2000, [Pub. L. 106-386](#), 114 Stat. 1464, 1518 (Oct. 28, 2000)
- H. Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018, [Pub. L. 115-425](#) (Jan. 8, 2019)
- I. Prison Rape Elimination Act of 2003, [Pub. L. 108-79](#) (Sept. 4, 2003)
- J. [White House National Action Plan to Combat Human Trafficking](#) (Dec. 2021)
- K. U.S. National Plan to End Gender-Based Violence: Strategies for Action (May 2023)
- L. [U.S. Strategy to Prevent and Respond to Gender-Based Violence Globally](#) (2022)

## IV. Definitions

A. **Cultural Sensitivity:** The ability of an individual or organization to interact effectively with people of different cultures. This includes drawing on knowledge of and respect for culturally-based values, customs, language, faith or religious traditions, and behavior to plan, implement, and evaluate DHS interactions with the public.

B. **Gender-Based Violence:** An umbrella term for any harmful threat or act directed at an individual or group based on actual or perceived biological sex, gender identity or expression, sexual orientation, or lack of adherence to varying socially constructed norms around masculinity and femininity, in both private and public realms of life. GBV can include, among other forms of violence, sexual,

physical, psychological, and emotional abuse; sexual harassment; early/child marriage; forced marriage; domestic violence; female genital mutilation/cutting; and human trafficking.

C. **Survivor**: As relevant to this Directive, an individual who has experienced GBV-related exploitation or abuse. This term recognizes the strength it takes to continue their journey toward healing after a traumatic experience.

D. **Trauma**: The result of an event or circumstance that is experienced by an individual as physically, psychologically, or emotionally harmful or life threatening and that has lasting adverse effects on the individual's functioning and mental, physical, social, emotional, or spiritual well-being. Although many individuals experience trauma as the result of a single specific traumatic event, others have been exposed to multiple, reoccurring, co-occurring, or chronic traumatic events.

E. **Trauma-Informed Approach**: Actions and services undertaken with an understanding of trauma and an awareness of the impact trauma can have across settings, services, and populations. This includes viewing trauma through a multi-faceted lens, and recognizing that context, including cultural factors, plays a significant role in how individuals perceive and process traumatic events, whether acute or chronic. The trauma-informed approach promotes vigilance in anticipating and avoiding institutional processes and individual practices that are likely to cause trauma or retraumatize individuals. This approach also upholds the importance of victim participation in the development, delivery, and evaluation of resources and services.

E. **Victim**: As relevant to this Directive, an individual who is experiencing or has experienced gender-based violence.<sup>4</sup>

F. **Victim-Centered Approach (VCA)**: Equally values the identification and stabilization of victims, and the detection, investigation, and prosecution of perpetrators of abuse, exploitation, or violence. The VCA prioritizes culturally sensitive and trauma-informed actions by the Department. Further, the VCA requires that Components and Offices guard against policies and practices that may inadvertently re-traumatize victims and promotes consideration of victims' perspectives when developing and implementing policy and procedures.

G. **Victim-Centered Approach Implementation Plans**: These plans include Component and Office assessments of their current VCA-related policies, procedures, training, and outreach. They also include an analysis of any areas for improvement, and commitments to effectively address those areas in the

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<sup>4</sup> Beyond this Directive, any DHS component with federal criminal investigatory authority has certain statutory obligations to individuals who meet the definition of "victim" as the term is defined under the Victims' Rights and Restitution Act (VRRRA), 34 U.S.C. § 20141, and the Crime Victims' Rights Act (CVRA), 18 U.S.C. § 3771.

future. These plans were originally developed in fulfillment of the Secretary's October 2021 memorandum, "Institutionalizing the Victim-Centered Approach," and may be updated as needed.

## V. Responsibilities

A. **Component and Office Heads**, or their designees, develop, oversee, and implement their GBV policies and programs, including but not limited to VCA Implementation Plans. Component and Office Heads also execute all applicable policies and procedures set forth in this Directive and will develop any necessary implementing instructions or other policy guidance to the extent permitted by and consistent with their authorities and any restrictions imposed by law or policy.

B. **The Council on Combating Gender-Based Violence (CCGBV)** supports the development and implementation of policies and programs to combat gender-based violence, as well as related victim-centered, culturally-sensitive, and trauma-informed approaches. The CCGBV Co-Chairs consist of the Officer for Civil Rights and Civil Liberties (CRCL) and up to two other executives appointed by the Secretary of Homeland Security.

C. **General Counsel** provides guidance on legal compliance and has final authority and responsibility for legal determinations within the Department.

D. **The Officer for Civil Rights and Civil Liberties** directs and oversees the implementation of the integration of civil rights and civil liberties across the Department and provides DHS-wide guidance on policy development and implementation of policies and programs related to gender-based violence, including the incorporation of victim-centered, culturally sensitive, and trauma-informed approaches.

## VI. Policy and Requirements

A. **General Policy:**

1. The CCGBV and the Component and Office Heads work to advance the following victim-centered goals and objectives within the scope of this Directive:

a. Prioritize the identification of individuals who are experiencing or who have experienced GBV;

b. Seek to minimize harm and additional trauma during interactions with DHS employees or contractors;

- c. Use best efforts to advance individuals' safety, and support their autonomy to make decisions that directly affect them, to the extent possible;
- d. Consider cultural context (including ensuring language accessibility and translation services) and respect religious traditions;
- e. Maintain victim/survivor confidentiality and privacy, including protecting information within DHS systems and records, consistent with applicable confidentiality and privacy laws;
- f. Consistent with existing law and policy, avoid inappropriately penalizing known victims for unlawful acts that they were compelled to commit as a direct result of being victimized;<sup>5</sup>
- g. Reduce barriers and improve access to protections for victims and survivors, including access to immigration protections, to the extent permitted by law and policy;
- h. Expand support services and outreach to victims on their rights and available services, and facilitate referrals for victim assistance, as appropriate;
- i. Support DHS employees who may have experienced or be experiencing GBV, or who may experience secondary (vicarious) trauma, by ensuring access to critical resources and support, as necessary; and
- j. Treat victims with fairness and with respect for dignity and privacy.

2. DHS GBV-related policies and programs include, but are not limited to, as appropriate by Component, screening protocols and other victim-identification efforts; guidelines governing interviewing, adjudication of immigration benefit requests, and confidentiality practices; victim assistance; and public awareness and outreach efforts. It is important to recognize that DHS personnel may encounter victims of GBV in any setting in which the Department interacts with the public, not only as part of victim-specific programming.

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<sup>5</sup> Per Secretary Mayorkas' October 2021 memorandum on *Institutionalizing the Victim-Centered Approach*, DHS should "mitigate undue penalization" and "avoid penalizing victims for unlawful acts committed as a direct result of being trafficked." This principle is applicable to victims of GBV more broadly, and is therefore included in this Directive.

3. Components and Offices must continue to follow all statutory and regulatory requirements, such as those related to federal crime victims and mandatory reporting of child abuse and neglect.

**B. Requirements**

1. Component and Office Heads will provide periodic updates on their progress in implementing their VCA implementation plans as requested by the Secretary or their designee.

2. Component and Office Heads will support the CCGBV in providing ongoing coordination and consensus-building to implement the Department's GBV policy.

## VII. Questions

Address any questions or concerns regarding this Directive to CRCL.

**RANDOLPH D  
ALLES**

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R.D. Alles

Deputy Under Secretary for Management

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Date