



WHO Sexual Exploitation and Abuse Prevention and Response

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WHO Sexual Exploitation and Abuse Prevention and Response

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Sexual Exploitation and Abuse Prevention and Response

1 Glossary

Different from sexual harassment which addresses behavior of WHO staff and collaborators internally towards one another and is documented in the Code of Ethics and Professional Conduct, and the policy on prevention of harassment, sexual exploitation and abuse relates to the behavior of WHO staff and collaborators towards third parties, referred to as “beneficiary” populations.

Sexual exploitation - any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, threatening or profiting monetarily, socially or politically from the sexual exploitation of another.

Sexual abuse - the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Sexual exploitation and abuse also includes sexual relations with a child, in any context, defined as:

Child - a “human being below the age of eighteen years”¹.

Examples of acts of sexual exploitation and abuse

Sexual exploitation and abuse

- Sexual assault (defined as “any unwanted or forced sexual act committed without consent”) or threat thereof. Sexual assault can occur either against a person’s will, by force or coercion, or when a person is incapable of giving consent, such as when they are under duress, under the influence of drugs or alcohol. Force includes:
 - actual physical aggression, including but not limited to: rape, forcible sodomy, forcible oral copulation, sexual assault with an object, sexual battery, forcible fondling (e.g., unwanted touching or kissing);
 - threats of physical aggression;
 - emotional coercion; and/or
 - psychological blackmailing.
- Unwanted touching of a sexual nature
- Demanding sex in any context
- Making sex a condition for assistance
- Forcing sex, forcing someone to have sex with anyone
- Forcing a person to engage in prostitution or pornography
- Refusing to use safe sex practices
- Videotaping or photographing sexual acts and posting it without permission
- Alleging or threatening to allege that anyone already has a history of prostitution on legal papers

¹ [Convention on the Rights of the Child](#) (General Assembly resolution 44/25 of 20 November 1989). This excludes situations where a WHO staff member is legally married to someone under the age of 18 but over the age of majority or consent in both the WHO staff member and spouse’s country of citizenship.

- Name-calling with sexual epithets
- Insisting on anything sexual, including jokes that may be uncomfortable, frightening or hurtful
- Telling someone that they or anyone else are obliged to have sex as a condition for anything

Background Checks - as part of WHO's pre-recruitment practices for both potential staff and non-staff members, candidates are required to disclose any history of criminal verdicts including, as relevant, of disciplinary sanctions imposed by existing or former employers, and, where relevant, by disciplinary boards of professional organizations to which the candidate is or has been subject. In addition, specific questions on SEA are systematically included in the questionnaires sent out to referees.

Beneficiary population - refers to the people WHO works with and/or serves or seeks to assist across the world, who are typically in situations of vulnerability and dependence vis à vis WHO staff. Beneficiaries are individuals who are direct or indirect recipients of humanitarian/emergency or other WHO action in any duty station. Among such individuals, women and children are particularly at risk of sexual exploitation and abuse (SEA).

Collaborators - individuals who work for WHO as non-staff members including consultants, holders of Agreements for Performance of Work (APW), Special Service Agreements (SSA) or letters of agreement, Temporary Advisers, Interns, and Volunteers, as well as third party entities such as vendors, contractors or technical partners who have a contractual relationship with WHO.

Integrity Hotline - a telephone number, email, or web tool providing a safe and independent mechanism to report any concerns about issues involving WHO or other partners.

Partner – an organization, through its personnel and collaborators, executing a project or undertaking any other work in the name of, under contract with, or for the benefit of WHO.

Victim – the person who is, or has been, sexually exploited or abused.

Policy on Whistleblowing and Protection Against Retaliation – Issued in 2015, WHO's policy aims to encourage staff members as well as the wider public to report concerns or suspicions of misconduct involving WHO, and defines protection against retaliation.

2 Summary

WHO's fundamental principles of integrity, accountability, independence, impartiality, respect and professional commitment are documented in the Code of Ethics and Professional Conduct. WHO has no tolerance for physical violence and sexual harassment² and has clear guidelines and recourses for its staff and collaborators to make available reporting and protection mechanisms³ and address any acts of physical violence and sexual harassment. The objective of this policy is to address the behavior of WHO staff and collaborators towards third parties and to protect vulnerable populations

² Policy on the Prevention of Harassment at WHO, 2010

³ [Policy on Whistleblowing and Protection against Retaliation](#), [Integrity hotline](#)

in the countries that WHO serves from sexual exploitation and abuse at the hands of WHO staff and collaborators in order to ensure the integrity of WHO's activities.

To this end:

- WHO prohibits sexual exploitation and abuse and considers such acts as serious misconduct, which may constitute grounds for disciplinary sanctions, including summary dismissal, and criminal proceedings.
- WHO prohibits any acts of sexual abuse or sexual assault as illustrated in the examples shown in the figure in the glossary and forbids the exchange of money, employment, goods, assistance or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour towards the beneficiary populations in the countries WHO serves.
- WHO strictly forbids sexual activity with children (persons under the age of 18), regardless of the local age of consent or majority. Mistaken belief regarding the age of a child is not a defense⁴.
- Staff who deliver professional health services directly to beneficiaries have a duty not only to abstain from having sexual relationships with the people who receive their services, but also to report any instance where they may suspect or detect signs of SEA by virtue of the nature of their function.
- Any suspicion of sexual exploitation and abuse must be reported immediately to WHO through the Integrity Hotline⁵ (details are available at <http://www.who.int/about/ethics/en/#integrity>) or through the Office of Compliance, Risk Management and Ethics (CRE) at ethicsoffice@who.int.
- WHO is committed to informing and educating partners about the Sexual Exploitation and Abuse Prevention and Response Policy and holding them to UN and WHO standards.
- The issue of sexual exploitation and abuse will systematically be integrated into information campaigns, trainings and meetings with beneficiary populations vulnerable to SEA.

The principles of this policy shall also apply to individuals and entities collaborating with WHO (“collaborators”).

3 Introduction

1. WHO prohibits sexual exploitation and abuse (SEA). SEA violates universally recognized international legal norms and standards, and WHO considers such acts as serious misconduct, which may constitute grounds for disciplinary measures, including summary dismissal and criminal prosecution.

⁴This prohibition shall not apply if the WHO staff member is legally married to someone under the age of 18 but over the age of majority or consent in both the WHO staff member and spouse's country of citizenship.

⁵ The Integrity hotline provides an anonymous and confidential reporting mechanism. CRE provides confidential guidance, and will address any report of SEA as a priority.

3.1 Background

3.1.1 The Inter-Agency Standing Committee Task Team

2. The United Nations Secretary General's Bulletin "Special measures for protection from sexual exploitation and sexual abuse" ([ST/SGB/2003/13](#)) entered into force on 15 October 2003 in the United Nations (UN). The objective of these special measures is to end SEA by staff of the UN and its programmes. They were developed in response to incidents of SEA involving humanitarian workers.
3. Alongside other UN agencies, civil society organizations, and the Red Cross and Red Crescent Societies, WHO has been an active participant in the Inter-Agency Standing Committee (IASC) Task Team on Accountability to Affected Populations and Policy on SEA, established in 2014. The Task Team supports the development of complaint mechanisms, and the institutionalizing of minimum operating standards for policies on SEA.

3.1.2 The humanitarian, emergency and development context

4. Upholding and promoting policies on SEA is critical in all WHO operations in all countries. It is of particular relevance in the context of emergency operations, where recruitment needs to be processed fast and where decisions are taken quickly in order to perform life-saving humanitarian operations. It is in such environments that staff members, and specifically managers who have a particular responsibility, should be the most vigilant to create and implement policies on SEA. As the relationship between humanitarian workers and beneficiaries is inherently unequal in terms of power and level of authority, staff must be vigilant and rigorously refrain from any action that may suggest or imply that a sexual act may be demanded as a condition for protection, material assistance or service.
5. While women and children are particularly vulnerable to SEA, all beneficiary populations, including young men, are concerned. There have been instances in the past of SEA committed by aid workers who could provide or withhold food, shelter, education or medical care. There have also been cases of abuse by officials in positions of authority. The aim of policies on SEA is to ensure that mechanisms are in place from the outset to prevent and sanction SEA at any point.

3.2 Scope of the policy

6. The objective of this policy is to:
 - Define SEA and the expected code of conduct of WHO staff with regard to sexual relations with beneficiaries;
 - Determine action to prevent SEA from happening;
 - Define clear mechanisms to report SEA; and
 - Define mechanisms for WHO to respond to SEA-related issues effectively.

3.3 Application

7. This Policy applies to all WHO staff, independent of their location, grade, type or duration of appointment, and including Temporary Appointment holders, and Secondees⁶.
8. In its spirit and principles, this policy also applies to all WHO collaborators, notwithstanding their contractual or remuneration status: i.e. individuals who have a contractual relationship with WHO, such as temporary advisers, Special Service Agreement (SSA) holders, Agreement for Performance of Work (APW) holders, consultants and interns, as well as third party entities such as vendors, contractors or technical partners. Further details on how this policy will be applicable to WHO collaborators are provided in [Section 6.2.3](#).
9. The policy will be made public (published on WHO's Internet Website). Related internal policies, procedures, and contractual documents will be amended to reflect established protection mechanisms, including the Code of Ethics and Professional Conduct, the [Policy on Whistleblowing and Protection against Retaliation](#), and the Policy on the Prevention of Harassment.

4 Principles and obligations

4.1 Basic principles

10. As set forth in WHO's Code of Ethics and Professional Conduct, WHO staff shall work and behave in a manner that respects and fosters the rights of the people they serve. For this reason, and because there is often an inherent and important power differential in the interactions between WHO staff and the most vulnerable populations in beneficiary countries, particularly so in emergency settings:
 - WHO staff have a duty to behave ethically and to report suspicions of SEA which they may become aware of.
 - WHO is committed to supporting its staff to speak out, to facilitating the reporting of misconduct, giving priority to SEA, to ensuring prompt and effective response to SEA reports, not retaliating and defending/protecting staff who come forward.
 - WHO is committed to acting on preventing SEA from occurring in the first place through communication and raising awareness.

⁶ Junior Professional Officers and individuals on loan from other entities are also bound by WHO's ethical principles.

4.2 Obligations

4.2.1 Obligations of WHO staff

4.2.1.1 *Duty to behave ethically*

11. WHO's Code of Ethics and Professional Conduct states that "WHO staff must uphold the highest standards of professional and personal conduct and act with integrity and discretion. In addition, sexual exploitation and abuse by WHO staff damages the image and reputation of WHO and erodes confidence and trust in the Organization. As such, WHO staff must not use their position to sexually abuse or exploit those who are beneficiaries of assistance provided by or channeled through WHO. This prohibition includes exchange of money, employment, goods, or services for sex. Staff, especially those working in humanitarian settings, should work together and maintain an environment, which prevents such behaviour".
12. Accordingly, and further to the WHO Staff Rules and Regulations, in particular Staff Regulation Article I, Duties, Obligations and Privileges, WHO staff members are expected to demonstrate the highest standard of conduct both in their professional and personal dealings and act with integrity and discretion.
13. Not only do they have a duty to abstain from engaging in any acts that could be perceived as SEA, but they are also expected to create and maintain an environment that prevents SEA. This is particularly valid for WHO managers and supervisors who have the responsibility to set the tone and behave in an exemplary manner. The failure of WHO staff members to report claims of SEA, may be reflected in the staff members' performance appraisal and constitute grounds for disciplinary measures.
14. The figure in the glossary provides a non-exhaustive list of acts which, along with other types of sexually exploitive or sexually abusive behavior, constitute serious misconduct, and constitute grounds for disciplinary measures pursuant to WHO Staff Regulations and Rules, including summary dismissal. They can also trigger criminal proceedings under the applicable domestic law.
15. To this end, WHO:

- (a) Directs staff to abstain from any sexual activity with the beneficiary populations who receive WHO's assistance, as such relationships are marked by inherently unequal power dynamics, and undermine the credibility and integrity of the work of the Organization;
- (b) Prohibits sexual activity with children (persons under the age of 18), regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defense. This prohibition shall not apply if the WHO staff member is legally married to someone who is under the age of 18, but over the age of majority or consent in both the WHO staff member and spouse's country of citizenship;
- (c) Prohibits the exchange of money, employment, goods, assistance or services for sex, including sexual favours or other forms of humiliating, degrading, threatening or exploitative behaviour of the people who receive WHO's services; and

(d) Reminds staff who deliver professional health services directly to beneficiaries of their duty not only to abstain from having sexual relationships with the people who receive their services, but also to report any instance where they may suspect or detect signs of SEA by virtue of the nature of their function.

4.2.1.2 Duty to report SEA

16. WHO staff who witness or become aware of acts of SEA by fellow staff or collaborators working for WHO, personnel or employees of non-WHO entities with whom WHO has entered into collaborative agreements, have a duty to report to WHO through the [Integrity Hotline](#). Individuals working for and with WHO and who report wrongdoing by a WHO staff or collaborator will be entitled to protection against retaliation in accordance with the provisions of the policy on whistleblowing and protection against retaliation⁷.
17. WHO staff, who by the nature of their function may be in close contact with beneficiary populations, and in particular, when involved in the direct delivery of health services, may find themselves in a position where they suspect or detect signs of SEA. They have a duty to report suspicions of such acts.
18. Failure to report known acts of SEA may result in disciplinary sanctions.
19. Malicious reports of SEA made with the intention to harm the reputation of an individual or the Organization, or to take undue advantage of SEA mechanisms for personal benefit are considered misconduct.

4.2.2 Organizational obligations of WHO

20. In line with the UN Charter, the international frameworks of human rights (Universal Declaration of Human Rights and international covenants as well as the relevant Treaties), the UN Framework for protracted Emergencies, and the Inter Agency Standing Committee protection policy⁸, WHO is committed to supporting its staff to speak out about serious and large scale violations of human rights either through relevant supervisory channels, through inter-agency fora/[Human Rights Up Front Initiative](#) mechanisms or through the WHO [Integrity Hotline](#).
21. WHO makes available channels to facilitate the reporting of such violations, giving priority to SEA, and is committed to ensuring prompt and effective response to SEA reports (i.e. investigate and sanction as appropriate), not retaliating and defending/protecting staff who come forward. In addition, WHO is committed to acting to prevent SEA from occurring in the first place by putting in place a communication and raising awareness plan, and monitoring/tracking information concerning SEA.

⁷ <http://www.who.int/about/ethics/WHOwhistleblowerpolicy.pdf?ua=1>

⁸ <https://interagencystandingcommittee.org/protection-priority-global-protection-cluster>

5 Prevention, monitoring and data tracking

5.1 Raising Awareness, communication and dissemination of information

22. WHO will prepare a communication strategy to support the dissemination and implementation of this policy and to raise awareness across WHO of the issue of SEA and its potential ramifications. The plan will include:

- Availability of this policy on WHO's Internet websites at all levels of the Organization.
- Communication material for staff across the Organization and raising awareness/training programme on SEA .
- Communication material to inform WHO collaborators and partner organizations of this policy, including measures such as introducing a specific clause relating to SEA and the external Integrity Hotline in standard contractual agreements
- Communication campaign to inform WHO beneficiaries in WHO country and field offices, and in WHO programmes and direct delivery mechanism managed by, operating in the name of, or funded by WHO.

5.2 Background checks

23. No offer of appointment is made by WHO before the background check of an applicant has been completed. All applicants are required to truthfully answer standard questions concerning any existing history of criminal verdicts, questions about disciplinary measures or sanctions imposed by any existing or former employer of the applicant, and, where relevant, existing history of disciplinary sanctions imposed by disciplinary boards of professional organizations to which the applicant is or has been subject.

24. All applicants are required to disclose any criminal record or, if relevant, record of disciplinary sanctions he or she may have, with the exception of minor traffic offences. While employment will not be granted to candidates who fail to disclose this information, WHO treats the disclosure of inaccurate or incomplete information with regards to any acts of SEA as misconduct. WHO reserves the right to withdraw any offer of employment or to terminate any contractual engagement if the applicant is found to have provided untruthful information concerning any condemnation regarding acts of SEA.

25. WHO will maintain a record of staff members found to have been convicted for acts of SEA or who have received a disciplinary measure or sanction imposed by any existing or former employer, or by disciplinary boards of professional organizations to which the applicant is or has been subject. WHO reserves the right to disclose information about acts of SEA on record concerning an individual staff member if so requested by another UN agency or other third party in a selection process.

5.3 Training

26. As part of prevention of SEA, and in order to raise awareness, staff will be required to undertake and successfully complete the SEA training module. Introduction to SEA issues

will form part of the overall Ethics Training, and specific modules will be included in the WHO pre-deployment training, the WHO Surge training, Emergency Medical teams training, the Global Outbreak Alert and Response Network (GOARN) training and the Health Cluster Coordination training.

27. These training, will serve staff to be aware of the ethical values referred to in the current policy, specifically with respect to vulnerable situations. Also, staff will become aware of suspicious situations, as well as recognize the signs of SEA, and provide practical information on how to assist victims of SEA, if signs of SEA are identified or if a victim approaches them to complain about SEA.

6 Reporting and responding to SEA

6.1 Reporting mechanisms

6.1.1 Integrity Hotline

28. WHO makes available immediate and confidential mechanisms to report SEA for WHO staff members and WHO collaborators or any other person who may have been a victim of SEA or may have witnessed or otherwise been informed of a case of SEA involving WHO.

29. All staff members at all levels organization-wide, who have reason to believe a SEA situation may have occurred, by a WHO staff or collaborator, or another UN international civil servant, must inform CRE either by contacting ethicsoffice@who.int or through the [Integrity Hotline](#), where they will receive confidential advice.

30. Beneficiaries who suspect wrongdoing or are themselves subject to SEA, WHO collaborators and members of the public who may have been informed of a SEA situation, should report it to WHO's [Integrity Hotline](#).

31. WHO's [Integrity Hotline](#) facilitates the reporting of wrongdoing across the Organization. It is an independent service which takes in reports in confidence and, where warranted, **anonymously**. A [web intake form](#), an email address (ethicsoffice@who.int), and [free telephone lines](#) are available across the world in WHO's official languages.

32. SEA reports will be dealt with as a priority, and WHO's relevant Regional Directors and the Director-General will be informed immediately upon receipt of such a report.

6.1.2 Confidentiality

33. The identity of individuals contacting CRE either directly or through the [Integrity Hotline](#) will be protected. Confidentiality will only be waived with the express consent of the individual, unless CRE deems it a case of clear and imminent danger to the individual in question or another person. Their name will not be revealed to the person(s) potentially implicated in the alleged wrongdoing or to any other person, unless the individual personally authorizes the disclosure of their identity. This may become a requirement in subsequent investigative processes.

6.1.3 Retaliation

34. Any person reporting a case of SEA, in good faith or has cooperated with an investigation into a report of SEA, will be protected by the policy on [Whistleblowing and Protection against Retaliation](#).

6.2 WHO mechanisms to respond to a report of SEA

35. WHO has established mechanisms to treat reports of SEA as a priority.

6.2.1 Investigation

36. WHO will initiate its own fact-finding investigation into reports of SEA as a priority. Based on the gravity of the situation and the evidence available, WHO will refer the matter to national authorities for criminal proceedings as appropriate, and will collaborate with national authorities, including by waiving immunity⁹.
37. Upon conclusion of the investigation, the Director-General will make a decision on the appropriate course of action in WHO. This will be without prejudice to criminal proceedings at the national level.

6.2.2 Disciplinary measures against WHO staff members

38. Based on the gravity of proven cases of SEA involving WHO staff members, and in addition to any criminal verdict that may result from legal proceeding for cases that are referred to national authorities for criminal prosecution, or other measures taken against the staff member concerned, WHO will apply disciplinary measures pursuant to Section 11 of the Staff Rules, including as applicable summary dismissal.
39. Disciplinary sanctions will also apply to staff members who are proven to have failed to report SEA or to have encouraged or condoned SEA to happen.
40. Malicious reporting of SEA without evidence or reasonable suspicions with the intention of harming another person's integrity or reputation amounts to misconduct and is subject to disciplinary action. This is distinct from reports of suspected wrongdoing made in good faith based on the judgment and information available at the time of the report, which may not be confirmed by an investigation.

6.2.3 Measures in case of violation of this Policy by WHO collaborators

6.2.3.1 Measures in case of violation of this Policy by individual collaborators

41. In the case of SEA involving individual collaborators, WHO will take measures on a case-

⁹ WHO has the right and duty to waive the immunity of staff (and experts on mission), without prejudice to the interests of WHO, in instances where it is determined that, the immunity would impede the course of justice, and waive such immunity without prejudice to the interests of WHO.

by-case basis to respond to SEA. Where SEA is found to have occurred, WHO shall be entitled to take the following measures:

- Immediate termination of contractual relationship (non staff or other collaboration agreement);
- Note in WHO records with a view to excluding individuals found to have engaged in, encouraged or condoned acts of SEA from participating in future tenders and entering into future contractual relationships with WHO;

42. WHO reserves the right to share information concerning the measures taken as a result of acts of SEA committed by individual collaborators with other UN agencies.

6.2.3.2 Measures in case of violation of this Policy by employees or other persons engaged by third party entities collaborating with WHO

43. WHO's relevant standard contracts and Request for Proposals (RFP) templates will be amended to include a clause requiring WHO's contractors to take all appropriate measures to prevent and respond to sexual exploitation or abuse by its employees or any other persons engaged by the contractor to perform any services under the contract. Any breach of the provision by a contractor shall entitle WHO to terminate the contract with immediate effect.