As part of WHO’s intensified efforts to strengthen the Organization’s work on the prevention of and response to sexual exploitation and abuse, and sexual harassment, the Task Team on Prevention and Response to Sexual Exploitation and Abuse and Sexual Harassment (PRSEAH) is currently reviewing WHO’s existing policies with the aim to develop a revised and comprehensive policy framework. While that work is under way, ad interim, this Policy Directive on Protection from SEA clarifies our policy, reiterates our existing standards, aligned with the United Nations Secretary-General’s Bulletin on “Special measures for protection from sexual exploitation and sexual abuse”, and ensures alignment with the requirements under the Harmonized Donor clause on SEA/SH that WHO has adopted for all WHO funding agreements. To this end the WHO Sexual Exploitation and Abuse Prevention and Response (2017 PSEA Policy) has been placed in abeyance.

WHO has zero tolerance for SEA and inaction against SEA. As part of the UN system, for the purpose of preventing and addressing cases of sexual exploitation and sexual abuse, and taking into consideration EB148(4), WHO aligns itself in essence with the considerations and criteria set out in the UNSG Bulletin 2003/13. WHO has also adopted the UN protocol on assistance to victims of SEA, the UN protocol on implementing partners related to SEA and the IASC core principles and minimum operating standards.

In this context, the term “sexual exploitation” means 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. Similarly, the term “sexual abuse” means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Prohibition of sexual exploitation and sexual abuse (SEA)

Sexual exploitation and sexual abuse violate universally recognized international legal norms and standards and have always been unacceptable behaviour and prohibited conduct for WHO staff. Such conduct is prohibited by the WHO Staff Regulations and Staff Rules.

The following specific standards which align with existing general obligations under the WHO Staff Regulations and Staff Rules, apply to all WHO personnel and partners:

a) Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal, or for termination of contract;

b) Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence;

c) Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited. This includes any exchange of assistance that is due to beneficiaries of assistance;

d) Sexual relationships between WHO personnel and beneficiaries of assistance[1], since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of WHO and the United Nations and are strongly discouraged;

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[1] Where WHO has a mandate to serve the population at large, “beneficiaries of assistance” should be broadly interpreted to cover the local population. Only an individual investigation may conclude whether, in a specific case, a relationship is sexually exploitative, sexually abusive and/or there is sexual misconduct arising from an imbalance of power.
e) Where a WHO staff member, contractor or partner develops concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker, whether in the same agency or not and whether or not within the United Nations system, he or she must report such concerns via established reporting mechanisms, which include the WHO Integrity Hotline;

f) WHO staff are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse. Managers at all levels have a particular responsibility to support and develop systems that maintain this environment.

The standards set out above are not intended to be an exhaustive list. Other types of sexually exploitive or sexually abusive behaviour may be grounds for administrative action or disciplinary measures, including summary dismissal or termination of contract, pursuant to the WHO Staff Regulations and Staff Rules or WHO terms of contract as the case may be.

**Duties of Heads of Offices, Departments and Emergency Response or other Missions**

The Head of Office, Department, Emergency Response or other Mission, as appropriate, shall be responsible for creating and maintaining an environment that prevents sexual exploitation and sexual abuse, and shall take appropriate measures for this purpose. In particular, the Head of Office, Department, Emergency Response or other Mission shall inform his or her staff and personnel of the standards of conduct expected by WHO (including the provisions set out above) and ascertain that each member of personnel takes the mandatory training for preventing and addressing sexual exploitation and abuse.

The Head of Office, Department, Emergency Response or other Mission shall be responsible for taking appropriate action in cases where there is reason to believe that any of the standards listed above may have been violated or any behaviour referred to above has occurred. This action shall be taken in accordance with established rules and procedures and/or contractual terms and include reporting suspicions of inappropriate behaviour to the WHO Internal Oversight Services (IOS) without delay for review and investigation where warranted.

The Head of Office, Department, Emergency Response or other Mission shall appoint an official, at a sufficiently high level, to serve as a focal point for receiving reports on cases of sexual exploitation and sexual abuse. With respect to Emergency Response or other Missions, the workforce of the Emergency Response or other Mission and the local population shall be properly informed of the existence and role of the focal point and of how to contact him or her. All reports of sexual exploitation and sexual abuse shall be handled in a confidential manner in order to protect the rights of all involved and referred to IOS without delay (see above).

**Referral to national authorities**

If the review by IOS concludes that there is evidence to support allegations of sexual exploitation or sexual abuse, these cases may, upon consultation, be referred to national authorities for criminal prosecution by the WHO Office of the Legal Counsel (LEG).

**Cooperative arrangements with non-United Nations entities or individuals**

When entering into cooperative arrangements with non-United Nations entities or individuals, relevant WHO officials shall inform those entities or individuals of the standards of conduct expected from them, including the standards set out above, and shall receive a written undertaking from those entities or individuals that they accept these standards.

The failure of those entities or individuals to take preventive measures against sexual exploitation or sexual abuse, to investigate allegations thereof, or to take corrective action when sexual exploitation or sexual abuse has occurred, shall constitute grounds for termination of any cooperative arrangement with WHO.

These changes are effective on 3 December 2021.

La version française de cette note d’information sera publiée au plus tôt.

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