

Who we are

Medair is a Swiss-based international humanitarian organization dedicated to relieving human suffering in some of the world's most remote and devastated places. We reach people in underserved communities that have been damaged by natural disasters, conflicts and other crises. In doing so, we help people recover with dignity and develop skills to build a better future.

Who must follow this policy

The Medair Policy on Preventing Sexual Exploitation and Abuse applies to all Medair employees, trustees, board members, consultants, contractors, volunteers, interns, individuals or organisations under short or long term contractual obligations such as third parties, suppliers, agents, and implementing partners, and any other persons acting on behalf of Medair ("representatives"). Representatives are expected to read, understand and comply with all aspects of this policy.

This policy also applies to, and covers, vulnerable adults who by reason of disability, age or illness are, or may be, unable to take care of themselves and protect themselves against significant harm or exploitation. For purposes of this policy, "vulnerable adult" means any person aged 18 or over, who:

- a) has particular care, support or special needs and as a result is at risk for being mistreated, neglected or harmed by another person who holds a position of trust or power; and/or
- b) is dependent on others for the provision of basic services (including but not limited to safety, shelter, water, food) and is potentially vulnerable to exploitation or abuse as a result of their dependency; and/or
- c) is in an employment or social relationship or is in contact with, another adult who seeks to misuse their position of authority or trust to control, coerce, manipulate or dominate them.

Medair policy statement on sexual exploitation and abuse

Medair operates in countries plagued by crisis and conflict. Such conditions expose vulnerable populations, in particular women and children, to risks of sexual exploitation and abuse. Medair's mission is to relieve human suffering. Guided by our values of integrity, compassion and dignity, we are committed to protecting beneficiaries from any form of sexual exploitation or abuse. We are also committed to furthering gender equality and fostering a professional environment free from sexual harassment and all forms of sexual misconduct.

Representatives are prohibited from engaging in or facilitating any form of sexual exploitation, abuse or sexual harassment, in particular such behaviour directed at beneficiaries. This policy also sets out the specific elements that country programmes should implement to protect vulnerable communities from sexual exploitation and abuse.

Definitions

Sexual exploitation is defined in the [United Nations Glossary on Sexual Exploitation and Abuse \[Second Edition 2017\]](#) as "[a]ny actual or attempted abuse of a position of vulnerability,

Medair Policy on Preventing Sexual Exploitation and Abuse

differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.” It may involve sexual acts that are performed in return for goods and services, shelter, money or food. Given their often greater degree of vulnerability, children and women are particularly at risk.

Sexual abuse is defined in the [United Nations Glossary on Sexual Exploitation and Abuse \[Second Edition 2017\]](#) as “Actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.”

Gender-based violence, according to the [United Nations Glossary on Sexual Exploitation and Abuse \[Second Edition 2017\]](#), is an umbrella term “primarily used to underscore the fact that structural, gender-based power differentials around the world place women and girls at risk for multiple forms of violence.” It is defined as “violence directed toward or disproportionately affecting someone because of their actual or perceived gender identity ... [t]his includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty, whether occurring in public or in private life. While women and girls suffer disproportionately from GBV, men and boys can also be targeted.”

Sexual Harassment is defined by the [United Nations Glossary on Sexual Exploitation and Abuse \[Second Edition 2017\]](#) as “... any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment.”

Principles and Policy

Medair seeks to uphold the [six core principles of the United Nations' Inter-Agency Standing Committee \(IASC\) Task Force](#) on Protection from Sexual Exploitation and Abuse in Humanitarian Crises:

- Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.
- 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 regarding the age of a child is not a defence.
- 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 the exchange of assistance that is due to beneficiaries.
- Sexual relationships between humanitarian workers (including all Medair representatives) and beneficiaries are prohibited¹ since they are based on inherently

¹ IASC Task Force on PSEA in Humanitarian Crises' principle here states: “strongly discouraged”.

Medair Policy on Preventing Sexual Exploitation and Abuse

unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work.

- Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms.
- Humanitarian workers are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct (Medair's Code of Ethics). Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.

Medair also adheres to the following additional principles:

- When planning a humanitarian response, Medair will, as much as is feasible, take into account the gender- and age-specific needs and vulnerabilities of beneficiaries as outlined in the [IASC Guidelines on Gender-Based Violence Interventions in Humanitarian Settings](#).
- Beneficiaries should be informed how they can report and complain about instances of sexual exploitation and abuse.
- Complaints of sexual exploitation and abuse will be duly investigated and handled with great care to protect the complainant and victims.
- Threats, humiliation or retaliation of any kind against those that report instances of sexual exploitation or abuse will not be tolerated, and will result in disciplinary measures up to and including termination of employment or partnership.
- Basic emergency assistance and support will be provided to complainants who report instances of sexual exploitation or abuse.

Medair representatives who interact with women, children and other vulnerable groups **must always**:

- Create and foster a climate where complacency toward sexual exploitation and abuse is not tolerated and every representative is held to account.
- Ensure that a culture of openness exists to enable any risks or concerns to be raised, discussed and mitigated.
- Ensure that a sense of accountability exists between staff so that poor practice or potentially abusive behaviour does not go unchallenged.
- Report concerns about the protection of women and children in accordance with this policy.
- Observe confidentiality concerning actual or suspected instances of sexual exploitation and abuse except in accordance with this policy.

In implementing this policy, Medair country programmes' management must ensure that representatives are made aware of, and trained on, the above principles and prohibitions. Each country programme should designate a person who will serve as the focal point for this policy. Each country programme should also ensure that beneficiaries are, as appropriate, made aware of these principles and prohibitions.

Reporting and responding

Any allegations of sexual exploitation or abuse, or other violations of this policy, must be promptly reported and followed up on in accordance with the reporting process outlined in Appendices 1-3 (**Complaint and Response Process**). All representatives have the responsibility to respond and act swiftly on any suspicions or allegations of abuse in a manner that ensures confidentiality and the safety of those making the claim. Referrals of behaviour that violate this policy should be made, in accordance with the Complaint and Response Process, to the relevant social welfare and law enforcement agencies.

Organisation Safeguarding Task Team

Chair: Quality & Innovation Director

Field: Country Director

HR: Human Resources Director
Human Resources Manager

Legal: Legal Director

Communications/Media: Press Relations Officer

Security: Security Advisor

The responsibilities of the Safeguarding Task Team are as follows:

- Review and prioritise actions concerning all safeguarding activities already in place and those which are planned (e.g., CHS initiatives).
- Be vigilant and responsible for identifying any gaps in Medair's ability to implement PSEA measures. The team will state and regularly communicate what action will be taken to address the gaps, by whom, and when.
- Ensure that all stakeholders have full confidence Medair is fully implementing a high-bar PSEA policy and procedures.

Appendix 1 – Medair Field Programme Toolkit - Protection from Sexual Exploitation & Abuse

All Medair field staff should refer to the Medair Field Programme Toolkit on PSEA. This toolkit offers practical guidance on behaviour standards to adopt in country, ways of communicating and creating awareness on the PSEA policy in field, identified needs of partners regarding PSEA, and inclusion of the PSEA component in the HR interview process. <https://medair.app.box.com/file/305507904082>

Appendix 2 - Programmes Feedback Guidelines and Procedures

All Medair field staff should refer to the Medair Programmes Feedback Guidelines and Procedures. This document outlines the process that each country programme should follow in setting up a feedback and complaints mechanisms. <https://medair.app.box.com/file/305507841092>

Appendix 3 – Complaint and Response Process

1. If a staff member becomes aware of a possible violation of this policy, the staff member should file a complaint by completing the Medair Incident Report Form and forwarding it to the appropriate line manager. The Incident Report form can be found at: <https://intranet.medair.org/#Global/E-library/item/887660>.
2. In the event that the staff member does not feel comfortable reporting their complaint to their line manager, they may lodge the complaint directly with the Legal Director at Medair's Global Support Office (GSO) using the email address: notify@medair.org
3. The Legal Director at Medair GSO must be informed of all complaints and/or concerns and be involved in their assessment.
4. Once the line manager (or the Legal Director) receives an Incident Report Form alleging a violation of this policy, it should be submitted to an assessment team established by the Legal Director, Country Director and the Head of Country Programme, which will evaluate the allegations.
5. The investigation team should include a manager of the investigation, and two investigators, preferably one female and one male, and interpreters if necessary. Investigators must be professional, responsible, qualified and independent. The strictest confidentiality will be maintained by the investigation team. *For more information on roles and responsibilities please refer to the CHS guideline for investigations².*
6. The assessment team should conduct a prompt, thorough and appropriate investigation into the matter (in coordination with Medair GSO as appropriate). An investigation plan should be created which includes a description of the alleged breach, identification and response to immediate safety risks, securing evidence, an evaluation of whether local authorities (medical, police, and/or social welfare) should be informed/involved, and who should be interviewed. *A template is available in the CHS guideline for investigations².*
7. The investigation team will prepare a report based on information gathered and interviews.
8. The manager of investigation will take the next steps and shares the report with relevant stakeholders for decision making.

² The CHS Guidelines for Investigations is available online - <https://www.chsalliance.org/news/latest-news/resource-revised-guidelines-for-investigations-now-available-in-english-french-and-spanish>

Medair Policy on Preventing Sexual Exploitation and Abuse

9. If the matter involves someone who is not a Medair staff member, the assessment team should refer the matter to specialist social welfare or law enforcement agencies. If the incident involves a minor, any referral must be done in consultation with the parent or guardian.
10. If the matter involves a staff member and is not a criminal matter, Human Resources should apply standard disciplinary procedures. In all cases, GSO Human Resources must review and agree to any proposed actions.
11. If a staff member is involved and the evidence indicates that it is a serious welfare and/or criminal matter, the matter must be referred to the appropriate specialist social welfare or law enforcement agency. The Legal Director and GSO Human Resources must be informed and involved in the handling of all criminal matters before any referral.
12. Apart from referrals to social welfare and law enforcement agencies, no details regarding the complainants or witnesses should be passed on to other individuals or organisations without the express permission of the complainants, or in the case of minors, their parents/guardians.
13. The distribution of pornographic images of children is illegal under international law, and in some cases under domestic law. Therefore, where abuse involves the distribution of such images, even as part of the reporting process they **must not** be forwarded directly to law enforcement, or to other Medair employees, including executive management. Instead, law enforcement should be contacted and asked how the evidence should be provided.
14. Each country office should maintain a briefing note that includes information about specialised social welfare and law enforcement agencies and the appropriate mechanism under national law for reporting concerns, so that this information is readily available.
15. All decisions and actions should be documented in secure locations with restricted access only to the decision makers and investigation team. The outcome of corrective action related to disciplinary procedure will need to be documented in a personnel file.