



Policy on Preventing Sexual Exploitation and Gender-Based Violence

Purpose

This policy is based on Section 9 of the Medair Code of Ethics, which sets out Medair's commitment to gender protection and the prevention of sexual exploitation. It prohibits Medair staff and representatives from engaging in or facilitating any form of inappropriate relations, sexual harassment and sexual exploitation, in particular involving beneficiaries. It also sets out the specific elements that country programmes should implement in the area of gender protection and the prevention of sexual exploitation.

Scope

The scope of this policy is broad and inclusive; it applies to all Medair staff, trustees, consultants, volunteers, contractors, and individuals or organisations under short- or long-term contracts and any other persons acting on behalf of Medair ("**Representatives**"). The policy applies to all Representatives regardless of their location.

Context

Medair is an emergency relief and recovery organisation. Its field programmes operate in countries plagued by crisis and conflict. These extreme conditions expose their vulnerable populations, in particular women and children, to risks of harassment, sexual exploitation and abuse. Medair recognises its duty of care and is firmly committed to protecting all its beneficiaries from any form of sexual exploitation and abuse. Medair is also committed to furthering gender protection in its activities and programmes and to preventing gender-based violence.

In implementing the Code of Ethics and this policy, Medair seeks to uphold the six core principles of the 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 and beneficiaries are prohibited.

- 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.
- Medair staff are obliged to create and maintain an environment that prevents sexual exploitation and abuse and promotes the implementation of the Medair Code of Ethics. Managers at all levels have particular responsibilities to support and develop systems that maintain this environment.

Definitions

Sexual Exploitation is defined in the United Nations Secretary General’s Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse (“**Bulletin**”) as *“the 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.”*¹ It may involve various forms of 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 Bulletin as: *“the actual or threatened physical intrusion of a sexual nature, including inappropriate touching whether by force or under unequal or coercive conditions.”*

Gender-Based Violence (GBV) is described by the IASC as: *“any harmful act that is perpetrated against a person’s will and that is based on socially ascribed (gender) differences between males and females.”*² GBV generally affects women and girls more often, but men and boys may also be affected. Some common forms of GBV include sexual violence, forced prostitution, honour killing, child marriage and female genital mutilation.

Principles

Medair’s Policy on Preventing Sexual Exploitation and Gender-Based Violence is based on the following principles:

- Any form of sexual exploitation or abuse or gender-based violence will not be tolerated;
- Medair proactively endeavours to prevent sexual abuse and gender-based violence from occurring when it is carrying out its activities, in its programmes and throughout the entire organisation;
- When planning a humanitarian response, Medair will, as much as is possible and feasible, take fully 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 to the extent possible of how they can report and complain about instances of sexual exploitation and abuse;

¹ United Nations Secretary General Bulletin ST/SGB/2003/13 of 9 October 2003.

² IASC Guidelines for Gender-based Violence Interventions in Humanitarian Settings, 2005, p 7.

- Medair Representatives must promptly report any suspicions or concerns they may have about possible cases of sexual exploitation, abuse or gender-based violence;
- Complaints of sexual exploitation and abuse as well as gender-based violence will be duly investigated and handled with great care to protect the complainant and victims; and
- Basic emergency assistance and support will be provided to complainants.

Preventative Actions and Standards of Behaviour

Medair is committed to sustaining and improving its processes and systems that establish layers of obstacles to perpetrators. Accountability is a core value of Medair, and as a founding and active member of the Humanitarian Accountability Partnership, “beneficiary accountability” good practice is fundamental to all Medair projects and operations.

Medair Representatives **must never**:

- Engage in sexual activities or relationships with beneficiaries of Medair assistance;
- Require or request sex or other sexual favours or other types of exploitative behaviour from beneficiaries in exchange for food, shelter, medication, protection or other aid;
- Abuse, humiliate or exploit beneficiaries in any way;
- Discriminate against or show differential treatment based on the gender of a beneficiary; or
- Threaten, humiliate or belittle complainants that come forward about instances of sexual exploitation or gender-based violence.

Medair Representatives in contact with women and children must **always**:

- Create and foster a climate where complacency is not tolerated and every Medair Representative, no matter how trusted, is held to account;
- Be aware of situations that may present risks and try to manage them;
- Ensure that a culture of openness exists to enable any issues or concerns to be raised and discussed;
- Ensure that a sense of accountability exists between staff so that poor practice or potentially abusive behaviour do not go unchallenged;
- Report any concerns about the protection of women and children in accordance with this policy; and
- Observe confidentiality and not talk about any situations of actual or suspected abuse except in accordance with this policy.

In implementing this policy, Medair country programmes’ management must ensure that Medair staff 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.

Reporting and Responding

Any allegations of abuse or violations of this policy must be promptly reported and followed up in accordance with the reporting process outlined in Appendix 1 (**the Complaint and Response Process**). All staff members have a 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. Any allegations of abuse should be reported internally in accordance with the Complaint and Response Process and the following principles:

- All complaints and concerns of abusive behaviour or gender-based violence must be addressed and duly investigated;
- Referrals of behaviour that contravenes this policy should be made in accordance with the Complaint and Response Process to the relevant social welfare and law enforcement agencies;
- The assessment team (**see Complaint and Response Process in Appendix 1**) will be the focal point of contact when dealing with social welfare and law enforcement agencies;
- All personal and sensitive data must be kept strictly confidential; and,
- Any malicious unfounded claims against Medair Representatives will be taken seriously and disciplinary action will be taken against those making the false complaint.

Appendix 1 – Complaint and Response Process

1. Any allegation/staff concern/complaint regarding a violation of this policy should be communicated to his/her line manager by completing the Medair Incident Report form, which can be found at:

<https://intranet.medair.org/#Global/E-library/item/600410>
2. Once the Incident Report form is completed, it should be submitted to an assessment team established by the Country Director and the Head of Country Programme, who will evaluate the allegations.
3. The Executive Office Director at Medair HQ must be informed of all complaints and/or concerns and be involved in their assessment.
4. The assessment team should conduct a prompt and appropriate investigation into the matter (in coordination with Medair HQ as appropriate), including an evaluation of whether local authorities (medical, police, and/or social welfare) should be informed/involved.
5. If the evidence is sufficient to indicate there has been improper conduct, the next steps will depend on whether the conduct involves a staff member.
6. If the matter involves a staff member and is not a criminal matter, Human Resources should apply the standard disciplinary procedures (in all cases HQ Human Resources must review and agree to proposed actions). If it involves a staff member and is a criminal matter, the Executive Office Director should be informed and involved in the handling of the matter.
7. If the matter involves someone who is not a Medair staff member, the assessment team should refer the matter to specialist agencies (social welfare or law enforcement) in consultation with the parent or guardian if the incident involves a minor.
8. Referrals must be made to a specialist social welfare and law enforcement agency when sufficient evidence exists that an allegation or concern is a serious welfare and/or criminal matter. Apart from referrals to social welfare and law enforcement agencies, no details regarding the circumstances of the complainants and witnesses should be passed to other individuals or organisations without the express permission of the complainants and their parents/guardians in the case of minors.
9. Where abuse involves material sent or received via the internet or other technologies (such as child pornography images), even if this is received in the form of 'Spam' or passed on to Medair from another organisation, the images **must not** be sent via the internet to law enforcement agencies or to any other person working for Medair, including executive management. Instead, law enforcement should be contacted and asked to advise how to send the information. This is because the distribution of child abuse images (i.e., child

pornography) is illegal under international (and in some cases domestic) law. Links to websites can be sent to law enforcement agencies by email.

10. Each country office should maintain a briefing note that includes information about the specialised social welfare and law enforcement agencies and the appropriate mechanism under the national law for reporting concerns, so that this information is readily available.
11. All decisions and actions should be documented, including any corrective actions taken.