

## Chapter III Human Resources

## Sub-Chapter III.11 Conduct and Disciplinary Measures

**III.11.1c Sexual Exploitation and Abuse****Preventing Sexual Exploitation & Abuse**

10. Objective of Policy: As an international public health agency, the Pan American Health Organization (PAHO) is focused on improving the health of the people of the Americas. In carrying out the Organization's work, PAHO personnel have frequent interactions with people in the communities we serve, including during immunization campaigns, efforts to help contain disease outbreaks, and when providing emergency humanitarian assistance during natural disasters. Civilians in these situations are often vulnerable, and PAHO personnel must always adhere to the highest professional standards and never take advantage of anyone for personal gain or satisfaction, including exchanging goods or services for sexual purposes.
20. PAHO has zero tolerance for sexual exploitation and abuse (SEA), will robustly investigate any allegation that someone working in or associated with PAHO has engaged in SEA, and will hold perpetrators accountable to the fullest extent possible under the Organization's rules and policies.
30. The objective of this policy is to make it clear that PAHO personnel must behave at all times in an ethical and respectful manner when interacting with the people we serve, protect these people from any type of exploitation or abuse, and uphold the integrity of PAHO's programs, services, and reputation.
40. Policy Statement: Under this policy, PAHO:
  - 40.1 Prohibits its personnel from engaging, or attempting to engage, in any type of sexual conduct with people who depend on PAHO's services or assistance and considers such acts to be misconduct, which constitutes grounds for disciplinary sanctions and possible criminal prosecution.
  - 40.2 Forbids the exchange of money, employment, goods, assistance, or services for sex, including sexual favors or other forms of humiliating, degrading, offensive, or exploitative behavior towards the beneficiary populations in the countries PAHO serves.

- 40.3 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 defense.
- 40.4 Requires any suspicion of SEA to be reported immediately. Failure to do so will result in the imposition of disciplinary or other appropriate measures.
50. Application: This policy applies to all PAHO personnel who work in a PAHO/WHO workplace, regardless of the type of contract held or the duration of appointment. In this context, *workplace* means anywhere PAHO/WHO's work takes place or where people meet at the direction or invitation of the Organization.
60. The principles of this policy also apply to individuals and entities collaborating with PAHO outside the workplace and third parties such as vendors, contractors, or partners that have a contractual relationship with PAHO ("collaborators").
70. Sexual Exploitation and Abuse: Sexual exploitation and abuse relate to the behavior of personnel and collaborators towards people who directly or indirectly depend on services provided by PAHO, referred to as "beneficiary populations". Among these individuals, women and children are particularly at risk of SEA. Examples of beneficiary populations include people who receive humanitarian or emergency assistance during natural disasters, obtain medical treatment or other services during disease outbreaks, or receive vaccinations during immunization campaigns.
- 70.1 Sexual exploitation: occurs when a person takes, or attempts to take, advantage of their position or level of authority or trust, to engage in sexual conduct with someone who is in a vulnerable situation, such as a person depending on food rations, shelter, or other goods and services. This includes profiting monetarily, socially, or politically from the sexual exploitation of another person.
- 70.2 Sexual abuse: is a type of sexual assault, or attempt at sexual assault, involving unwanted or forced sexual acts committed without consent or by threats of physical aggression. Sexual abuse can occur against a person's will, by force or coercion, or when a person is incapable of giving consent due to disability, duress, the influence of drugs or alcohol, or other factors.
- 70.3 Examples of acts of sexual exploitation and abuse include but are not limited to:
- Demanding sex in exchange for a good or service, such as a job, medicine, vaccine, food ration, shelter, or any other benefit;
  - Forcing someone to engage in prostitution or pornography;
  - Videotaping or photographing sexual acts and/or posting videos or pictures of a sexual nature;

- Using social media to post sexually explicit comments or make advances of a sexual nature;
- Sexual voyeurism, such as watching a person undressing, using the bathroom, or engaging in sexual acts;
- Administering alcohol or drugs (such as “date rape” drugs) to another person in an attempt to engage in sexual activity;
- Exposing one’s genitals;
- Touching or kissing; and/or
- Making gestures, comments, or suggestions of a sexual nature or innuendo.

70.4 Sexual exploitation and abuse include all types of sexual relations or sexual behavior with a child under the age of 18 years, even if consent was provided.

## 80. Obligations:

### 80.1 Obligations of PAHO Personnel:

**80.1.1 Duty to behave ethically:** PAHO personnel must work and behave in a manner that serves the ideals of health for all, economic and social progress, international cooperation, and respect for human rights. They are expected to demonstrate the highest standard of conduct, both in their professional and personal relationships, and act with integrity and compassion at all times. PAHO personnel are strictly prohibited from engaging in any act(s) that amount to or could be perceived as SEA, and are also expected to create and maintain an environment that prevents SEA. Managers and supervisors have an even higher level of responsibility to set the tone and behave in an exemplary manner.

**80.1.2 Duty to report SEA:** PAHO personnel who witness or become aware of acts of SEA have a duty to report it immediately to their manager or supervisor or to the Investigations Office at [investigations@paho.org](mailto:investigations@paho.org). Allegations of SEA may also be reported anonymously through the Helpline at [www.pahohelpline.org](http://www.pahohelpline.org) or to any member of PAHO’s Integrity and Conflict Management System.

80.1.3 Protection Against Retaliation: Reporting possible SEA is always the right thing to do, and PAHO personnel must be able to freely report their concerns without fear of reprisals. To this end, PAHO assures that anyone who reports suspected SEA in good faith will be fully protected against retaliation in accordance with the Protection Against Retaliation Policy.

80.1.4 Training: PAHO personnel are required to undertake and successfully complete the United Nations online course on the *Prevention of Harassment, Sexual Harassment, and Abuse of Authority in the Workplace*. SEA issues will also form part of ongoing training carried out by the Ethics Office.

90. PAHO's Commitments: Any sexual exploitation and abuse of the people who depend on PAHO's services and assistance, especially in vulnerable situations, is abhorrent. PAHO commits to treat all claims of SEA seriously, with proper discretion and in a timely and robust manner.
100. PAHO also commits to preventing SEA from occurring in the first place by raising awareness among beneficiary populations, providing the mechanisms to report suspected SEA, and demonstrating that PAHO is an ethical organization that has no tolerance for any type of misconduct by its personnel or anyone associated with the Organization.
110. People Outside of PAHO: Anyone outside the Organization who is the victim of SEA, or who witnesses or becomes aware of an incident of SEA, should immediately report it to the Investigations Office at [investigations@paho.org](mailto:investigations@paho.org) or via the Helpline at [www.pahohelpline.org](http://www.pahohelpline.org). Concerns may also be submitted confidentially to the PAHO Country Representative in the country where the alleged SEA took place.
120. Beneficiaries who report concerns of SEA will be protected by the Organization to the extent possible, and remedial action will also be taken within available means to redress any harm that has been experienced.
130. Confidentiality: The Organization will take all necessary steps to the extent possible to protect the identity of individuals who report allegations of SEA. Nevertheless, it may become necessary in certain situations to disclose the identity of the person reporting SEA for due process purposes during an investigation or subsequent disciplinary proceeding. In such cases, an individual's identity will not be revealed until they have been notified in advance and granted protective measures to the extent possible.
140. Investigating SEA: Investigations into allegations of SEA will be conducted in accordance with PAHO's *Investigation Protocol* and pursuant to the scope of the Investigation Office's authority, as outlined in its Terms of Reference. Depending on the gravity of the situation, PAHO may also refer the matter to the relevant national or local authorities for criminal prosecution.

150. Disciplinary measures against PAHO staff members: PAHO views any act of SEA as a serious breach of its mandate to improve and safeguard the health of the people of the Americas. As a result, any staff member who is found to have engaged in SEA will be subject to disciplinary action, which may result in summary dismissal for serious misconduct.
160. Moreover, disciplinary action will be taken against anyone who fails to report suspected SEA or has encouraged or allowed it to happen.
170. Reports of SEA made in bad faith are also considered misconduct and will result in the imposition of disciplinary action.
180. In addition to disciplinary action, administrative measures may also be taken, and PAHO reserves the right to share information with other United Nations and international organizations about the measures taken as a result of acts of SEA.
190. Measures in case of suspected SEA by non-staff personnel: If the Organization reasonably believes that a consultant, agency employee, government employee seconded to PAHO, or other non-staff member has engaged in SEA, or encouraged or allowed it to happen, PAHO will take one or more of the following measures:
- Immediately terminate the contractual relationship;
  - Return the individual to their employer;
  - Bar the individual from entering into future contractual or other relationships with PAHO;
  - Share information with other United Nations or donor agencies about the measures taken as a result of acts of SEA; and/or
  - Refer the case of SEA to the national or local authorities.
200. Measures in case of violation by employees or other persons engaged by third parties collaborating with PAHO: PAHO's standard contracts and Request for Proposals (RFP) will specify that contractors shall take all reasonable measures to prevent and respond to SEA by their employees or any other persons engaged by the contractor to perform services under a contract or agreement with PAHO. Any breach of this provision by a contractor will entitle PAHO to take one or more of the following measures:
- Immediately terminate the contractual relationship or agreement;
  - Bar the contractor or third party from entering into future contractual relationships with PAHO or from participating in future tenders;

- Share information with other United Nations or donor agencies about the measures taken as a result of acts of SEA; and/or
- Refer the case of SEA to the national or local authorities.

210. Inquiries: Any inquiry on how to behave in a specific situation with beneficiary populations, or about the application of this policy, should be submitted to the Ethics Office at [ethics@paho.org](mailto:ethics@paho.org) or through the Helpline at [www.pahohelpline.org](http://www.pahohelpline.org) for guidance and advice.