

ABUSIVE BEHAVIOUR

In March 2002, a HCR report on violence and sexual exploitation of child refugees in West Africa accused aid workers of abuse and sexual predation.

In June 2002, recognising 'the seriousness of the issue of sexual exploitation by humanitarian workers', the MSF international council (IC) voted a resolution asking each section to develop clear policies on how to prevent, identify and punish abuses.



Minutes from the MSF International Council Meeting Board, 13 April 2002 (in English)

Extract:

Re Sexual Abuse

Rafa [Vilasanjuan, MSF International Secretary General] updated the ICB on what has happened post-report release and on the confidential information we eventually managed to access from the HCR. The problems relating to the methodology adopted to draw up the report were pointed out, most of the allegations came from hearsay – an independent UN investigative body is presently finishing an investigation based on the allegations. Comments were made on this issue:

1. Codes of conduct: seen as a way to raise awareness even though they are not regarded as ways to prevent certain activities from taking place. The importance of setting up mechanisms that can be referred to when there is a problem was mentioned.

2. What should MSF do in the light of this report? We are looking at how we deal with these problems at different levels (field, HQ), as well as looking at how other NGOs deal with these problems (from the IO – Kyra Guiral). Furthermore, this is being addressed in the different sections, is presently being addressed in the Mini-GAs and the feedback should help us define what we can do.

3. Three levels of MSF are also analysing this issue from their own perspective i.e. Operations are doing the fact-finding; medical departments are looking at how to medically address this (STDs, HIV, etc.) and the ExCom is looking at what is our responsibility re codes of conduct (a basic criterion should be to behave the same way that one does in our own country)

Conclusion is that MSF is looking into all the different possibilities that exist to deal with it and try and prevent this state of affair as much as is possible. The objective is to come up with a very complete analysis and a list of 'actions' to prevent this from occurring.

Point to be discussed at the June IC.



Minutes from the MSF International Council Meeting, 28 June 2002 (in English)

Extract:

VI. Sexual Abuse

The discussion focused on several issues:

1) The efficacy of Codes of Conduct:

Questions were raised on how well expats and national staff are briefed on the codes of conduct – its generally up to the HOM to monitor this issue. An argument was made that people do know the rules – offenders changed identity because they knew that what they were doing was wrong, secondly, rape or sexual abuse are crimes, not behaviours. On the other hand the Codes of conduct allow to break team /group culture (as opposed to individual behaviour) – it opens up the issue and discussion. Still, Codes of conduct are not the solution, merely a part of it at best.

2) How does MSF treat victims of sexual abuse: if we look at our medical activities few of them address the problem of rape victims. We frequently fail these victims in our programs. There is a need to create room for the beneficiaries to express themselves.

3) Future: a concern was expressed that this issue was only being addressed on an ad hoc bases. There was a request that this be an on-going issue and dealt with organically by MSF.

IC Resolution:

The IC recognizes the seriousness of the issue of sexual exploitation by humanitarian workers, which highlights the vulnerability of refugees, displaced people and other populations in need to the abuse of power.

The IC asks that each section develop clear policies which define the means by which such abuses of power can be:

- Prevented
- Identified
- Penalised

We understand that the consequences of the inequalities between the deliverers of humanitarian aid and recipients are an ever-present danger.

We insist that the movement develops strategies to maintain continuing monitoring of the effectiveness of the policies developed.

The IC urges that the executive continues to raise the issue of the lack of adequate protection of these people with UNHCR and other responsible institutions.

The IC requires the executive to report on this issue in November 2002.

Voting Outcome: Unanimous in favor.

In late 2004, after new revelations about sexual abuses committed by humanitarian workers in the eastern Democratic Republic of Congo, the platform of general directors of the MSF movement, GD18 ordered a state of play of the mechanisms set up by the operational centres to tackle this issue.

Presented to the IC in June 2005, this state of play pointed that there were still concrete steps for these mechanisms to be properly working. It particularly pointed the lack of knowledge of the national staff regarding these procedures. The IC insisted that these procedures be applied to all MSF staff in the field, including expatriates and national staff, and that common mechanisms be shared by the operational centres.



Minutes from the MSF International Council Meeting, 24-26 June 2005 (in English)

Extract:

1. Abuse of power – main outcomes of the state of play requested by the GD18 in November 2004 - Marine:

In June 2002, the IC voted on a resolution asking that 'each section develop clear policies which define the means by which such abuses of power can be prevented, identified and penalized' and asking the executive to report back at the November 2002 IC meeting. This did not happen but the issue came back on the table in 2004 through the media. As a consequence, GD18 in November 2004 urged the ExCom to make a state of play to review the efforts and mechanisms that were put in place by the OCs. Delphine Prinselaar was appointed to carry on this state of play. Her report was presented at the GD19 on 14&15 June 2005 and sent to the IC prior to the meeting.

The conclusion of Delphine's report is that significant efforts have been developed to put in place referral systems within each section. They now exist in each operational centre but the systems greatly vary from one centre to the other. In addition, there are some limits in all systems now in place:

- They are hardly accessible to national staff and beneficiaries for want of knowledge of its existence.
 - For the system to be trusted there needs to be a certain degree of confidentiality and sanctions have to be applied.
 - The distinction between legal and ethical behaviours is not made -> issue of the grey zone.
- > There are still a number of concrete steps to be taken.

GD19 concluded as follows:

(1) The executive is committed to insure that proper mechanisms are in place and that the staff is briefed on these mechanisms to report abuse of power. The 5 operational centres will report on additional steps taken at the next GD19 in November.

(2) A discussion paper will be drafted on the general standards of MSF regarding behaviours. Dan Sermand (GD MSF-Sweden) will be in charge of leading this initiative and presenting the outcome to the next GD19.

Main outcomes of the discussion:

It was deemed important by some members of the IC that the systems have to be compliant to MSF's reality as an employer, therefore not only apply to the expatriates by to all MSF staff in the field – including national staff.

Some also perceived as important that OCs share common mechanisms.

In November 2005, the IC issued a resolution on abusive behaviour/abuse of power based on a proposal drafted by the executive. They stressed the responsibility and the accountability of all MSF staff for their conduct. They asked that the mechanisms of complaints be publicised within the movement and that their use be reported every year.

In June 2006, the IC insisted again that efforts be made for the reporting mechanisms to be known by national staff and patients.

In December 2006, each operational centre president presented the implementation of the 2005 resolution in their section to the IC.

On top of abuse of power and sexual abuse, the question of medical malpractice and negligence was raised.



Minutes from the MSF International Council Meeting, 26-27 November 2005 (in English)

Extract:

1. Abuse of power

Marine [Buissonnière, MSF International Secretary General] introduced the topic and mentioned the state of play done by Delphine Prinselaar upon request from the GD18 in 2004. Dan Sermand (GD MSF-Sweden) pushed it one step further and looked into what could be addressed and done to improve the situation in MSF including a GD19 proposal for an IC resolution.

Jean-Michel further explained the rationale behind the proposed resolution:

- Convey the feeling that each volunteer is responsible for his/her behaviour and that MSF will hold them accountable for misbehaviour
- Need to strengthen mechanisms dealing with abuses that are already in place and to strengthen the knowledge of their existence.

Main comments on the proposed resolution:

- 'Volunteer' reduces the scope of the resolution to the expatriates only. The same for 'abuse of power'.
- The procedure for complaints should be publicised: people should know what recourse they have.
- The institution should be accountable on how abuses / complaints are dealt with: there should be regular reporting.
- Issue of code of conduct: some associations (e.g. Canada) want a code of conduct. Such a resolution is not enough. The problem is that it seems impossible to have a common code of conduct.


The proposed resolution on behaviour / abuse of power was therefore modified as follows and submitted to vote:

1. All staff working within MSF are personally responsible for their conduct and MSF will hold them accountable for any actions contrary to the MSF Charter and principles, in particular abuse of power.
2. The systems of complaints for issues relating to any actions contrary to the MSF Charter and principles, in particular abuse of power must be described and widely publicised throughout the movement.
3. The use of these systems must be reported on an annual basis at the international Council.
4. The IC requests the GD19 to follow up on this dossier and to report back to the November 2006 IC meeting.

In favour: 18

Abstention: MSF Canada

Further to the vote, the IC asks Joanne, the president of MSF Canada, to go back to her general assembly with the IC resolution that was just voted.

 **Minutes** from the MSF International Council Meeting, 24-25 June 2006 (in English)

Extract:

• Abuse of power


Marine reminded the November 2005 IC resolution and the particular issue of the complaint system:

Resolution extract:

The systems of complaints for issues relating to any actions contrary to the MSF Charter and principles, in particular abuse of power must be described and widely publicised throughout the movement.

The IC expected the executive to report back at the November 2006 IC. However, Dan Sermand (GD MSF Sweden in charge of this dossier at GD19 level) prepared an update of the situation on time for both GD19 and IC meetings. [...]

Overall, many measures have been taken by sections at expatriate level but the framework and complaint mechanisms still remain largely unknown for national staff and beneficiaries. Next step is therefore to look into the implementation of the system of complaints for national staff.

 **Minutes** from the MSF International Council Meeting minutes, 2-3 December 2006 (in English)

Extract:

1. Abuse of power and medical negligence:

Each OC president gave an update in the implementation of the IC resolution on abuse of power (November 2005):

- MSF CH [Switzerland]: the implementation is ongoing in the section. No new case was reported at board level. An average of 10 sexual abuse cases are reported per year.
- MSF F[rance]: on the overall policy, information on developments in the movement is well reported back by the IO. Three cases are currently under investigation in the section: two cases of theft and one case of medical negligence with serious consequences for a young patient (-> what can be done to offer the patient the best chances to recover, what potential sanctions?)
- MSF H[olland]: a code of conduct is in place that every expatriate has to sign. The section allows zero tolerance on sexual abuse but e.g. also on smoking pot. With regards to complaints procedure, the national staff can't yet make use of this. Albertien reported one to two complaints a month including minor issues (e.g. mismanagement) and some allegations of sexual abuse.
- MSF B[elgium]: no new cases to report. Still one case under legal consideration.
- MSF S[pain]: no new cases to report.

In addition to the feedback given by the OC presidents on the implementation of the IC resolution on abuse of power (November 2005), the question of medical negligence/malpractice in the field was raised. Jean-Marie [Kindermans, MSF Belgium President] indicated this broad issue is being discussed at medical department level. During the brief discussion that followed, the issue of MSF liability in such cases was raised together with the question of how MSF is insured to face them.

Decision:

Each OC president is requested to report back at next IC meeting in June 2007 with regard to medical negligence/malpractice including:


- An update on what is in place in each OC to deal with this (including insurance).
- Feedback and views from their boards on that particular issue.

In June 2017, the IGA approved a motion calling the IB to engage the movement in implementing procedure to prevent and manage sexual violence and harassment in MSF.

In February 2018, following the public accusations against Oxfam employees for abuses on beneficiaries, the IB asked all boards and executives to pursue a zero-tolerance policy.

In May 2018, the IB issued a statement condemning abuse of power, sexual harassment, exploitation and violence in MSF as violations of its core principles and asked that this statement be translated into concrete action.


In June 2018 the IGA largely approved a motion calling for a non-tolerance policy on abuses.

 'Prevention and management of sexual violence and harassment', MSF IGA **motion**, 30 June 2017 (in English)

Extract:

Motion Text:

The IGA calls for a work environment that is free from power abuse and sexual harassment and asks the IB to engage the whole MSF movement to implement procedures to identify, prevent and react to any form of abuse of power, sexual violence and harassment.

 **Minutes** from the MSF International General Assembly, 29 June to 1 July 2017 (in English)

Extract:


Motion: Prevention and Management of Sexual Violence and Harassment

Henrik Glette, Katrin Kiswani and Wendy Lai present the motion, Prevention and management of sexual violence and harassment [...]

The Day Chair calls the IGA to vote on the following motion: *Prevention and management of sexual violence and harassment (two-thirds majority required)*

For: 48 - Against: 0 - Abstentions: 0 - Absent: 1

Passed

 **Minutes** from the MSF International Board Meeting, 20 February 2018 (in English)

Extract:

2. Sexual abuse in NGO

Media Coverage on Sexual Harassment and Abuse in NGOs

Following an intense period, the recent media coverage regarding sexual harassment and abuse in NGOs is diminishing. MSF has taken a number of actions to ensure a clear and coordinated response:

- *Establishment of an Intersectional Working Group*

An intersectional working group has been established to provide the guidance and OC leadership needed to develop a common message across the movement. The group's membership includes: Kate De Rivero (international communications coordinator) as temporary chair, focus persons from the five OCs, and links to both the International Legal Department and the International Ethics Platform on Behaviours (IPOB). [...]

- *Statement from the RIOD [International Meeting of Operational Directors]*

The RIOD has sent a statement to all field staff concerning abuse and harassment. (Please see *RIOD Statement: Message from the RIOD regarding Abuse and Harassment embedded*).

The IB gives their full support of the RIOD statement and will see that it is forwarded to the IGA Representatives. [...]

- *Behaviour in MSF*

The IB states that whilst to-date the impact on MSF has not been considerable, this media coverage should be considered as a 'wakeup call' for MSF. It is imperative that MSF readdresses its global internal processes on acceptable behaviour as a matter of urgency. [...]

- *Harassment and Abuse*

The IB notes that, given previous resolutions and the 2017 motion *Prevention and Management of Sexual Violence and Harassment* (embedded), progress on this issue within the movement has been insufficient. The IB thus asserts that any factors which lead to abuse in MSF must be identified and expunged.

Accordingly, the IB requests that the Full-ExCom provide clarification on the present policies within MSF, their implementation, mechanisms of re-enforcement and intra-OC cooperation. This will then be discussed at the 17 April 2018 IB-ExCom Meeting.

Ultimately the Boards and executive should be aspiring towards an abuse-free environment and promoting a zero-tolerance policy on harassment and abuse in MSF. This policy must be unambiguous and precise as ambiguity facilitates abusers. [...]

- *Other Next Steps*

The IB identifies the following next steps:

- Further reflection is needed around the tools to universally and precisely implement zero-tolerance policies on harassment and abuse.
- A comprehensive risk analysis is needed to give a concise analysis of the risks that MSF faces regarding harassment and abuse in MSF.

The IB will continue to work on this dossier.


 MSF International Board **Statement**, 5 May 2018 (in English)

[IB statement on abuse of power, sexual harassment, exploitation and violence](#)

Echoing the MSF movement, the IB wants to affirm an unequivocal position around abuse of power, sexual harassment, exploitation and violence in MSF.

MSF's humanitarian mission is rooted in a fundamental commitment to equality of respect and dignity for all people, irrespective of their status (age, gender, race, ethnicity, national origin, religion, political belief, disability or sexual orientation). The ethical issue at stake is the misuse of power, either within MSF or between MSF staff and affected people.

For this reason, the use or misuse of power, either coercively or through the offering of any form of preferment or advantage in pursuit of sexual favours or relationship is a violation of MSF's core principles. Likewise, the purchasing of sex either financially or in kind by MSF employees, whether the sex worker is male or female, adult or minor, violates these same principles. The IB requests that this statement is fully incorporated into ongoing efforts and concretely translated into action across the movement. The IB acknowledges that work is ongoing, including agreement towards an Employee Charter and a plan of action outlaying how MSF will implement a zero-tolerance policy on abuse of power, sexual harassment, exploitation and violence. However, further timely investments are necessary to address these issues comprehensively and adequately.

 'Humanity, respect and non-tolerance of abuses', MSF IGA **motion**, 2018 (in English)

Extract:

MOTION TEXT

Exploitation, harassment and abuse of power are violations of basic principles of humanity. While acknowledging work done so far, we have to do more. The IGA calls on the movement to introduce specific and measurable changes at all levels of our organisation to ensure that:

- Our core principles more visibly include humanity, respect and non-tolerance of abuse. These may be written into the MSF Charter or systematically included in references to the 'guiding principles' that could or should accompany the MSF Charter, ensuring the clear visibility of their importance.
- We actively assess, understand and address the structural inequalities which inevitably affect the MSF movement, given that we are part of the broader societies in which we operate. These structural inequalities can potentially result in abuse of power and/or unsafe work environments and we need to work towards counteracting their negative impacts.
- We establish an organisation-wide, time-bound and adequately resourced critical path to address exploitation, harassment and abuse. This path should ensure protection of MSF staff and partners as well as patients, caregivers and members of local communities. MSF must take measures to prevent abuses committed by anyone under an MSF contract or working in an MSF-supported structure or programme.



Minutes from the MSF International General Assembly,
28-30 June 2018 (in English)

Extract:

21. Motions

Humanity, Respect, and Non-Tolerance to Abuse

Stewart Condon (president of MSF Australia), Anneli Eriksson (MSF Sweden IGA Representative) and Amanda Weisbaum (MSF UK IGA Representative) present the motion *Humanity, Respect, and Non-Tolerance to Abuse* (embedded) to the IGA. This motion adds to the 2017 IGA *Statement on Diversity and Inclusion* by adding a time-bound aspect to achieving the results of the work already ongoing.

Humanity, Respect, and Non-Tolerance to Abuse

(two-thirds majority required)

For: 44 - Against: 0 - Abstentions: 2 - Absent: 3

Passed