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This Handbook walks non-State actors engaging with the World Health Organization (WHO) through the principles and processes of the Framework of engagement with non-State actors (FENSA) to ensure smooth interaction with WHO.

The Framework, which was adopted by Member States at the 69th World Health Assembly, is an enabling policy that provides a set of key principles and operational procedures to facilitate WHO’s engagement with non-State actors. It strengthens and enhances such engagements while reinforcing the Organization’s management of the risks they potentially involve. It guides endeavours to balance the risks against the expected benefits, ensuring that a level playing field applies when engaging with non-State actors, while at the same time protecting and preserving WHO’s integrity, reputation and public health mandate.

The Framework enables and strengthens engagements which have a positive impact on public health, and calls on global stakeholders to better align with WHO norms, standards and recommendations, in support of WHO Member States. It also recognizes that WHO’s engagement with non-State actors has major benefits in terms of enabling WHO to achieve its goals and priorities and fulfil its critical mission.

The Handbook does not replace FENSA, which is applied by the WHO Secretariat when engaging with non-State actors. If there are any gaps in information or apparent inconsistencies between the Handbook and FENSA, the Framework and relevant WHO rules and policies apply.
**Basic elements**

1 **What is FENSA?**

FENSA stands for "Framework of engagement with non-State actors", which was adopted by the World Health Assembly in May 2016.\(^1\) It contains rules governing WHO’s engagement with non-State actors and guidance on strengthening and enhancing such engagements while reinforcing WHO’s management of the risks they potentially involve. It helps the Organization balance the risks against the expected benefits, ensuring that a level playing field applies when engaging with non-State actors, while at the same time protecting and preserving WHO’s integrity, reputation and public health mandate.

FENSA applies to engagements between the WHO Secretariat\(^2\) and non-State actors across all three levels of WHO: global, regional and country.

2 **What is a non-State actor?**

WHO recognizes four types of non-State actors: non-governmental organizations; private sector entities such as international business associations; philanthropic foundations; and academic institutions. They are defined in FENSA. The definitions contained in FENSA allow WHO to determine which of its four separate policies and operational procedures will apply to its engagement with a specific non-State actor.

The definitions are specific to WHO and are not based on the legal status of the non-State actor in its national jurisdiction.

3 **What is an engagement with non-State actors?**

An engagement under FENSA is a formalized institutional interaction between WHO and a non-State actor. Such interaction can take the form of a wide variety of activities, ranging from major, longer-term collaboration to briefer interactions. Telephone exchanges, informal discussions and preliminary contacts are not considered as engagements but are nonetheless governed by FENSA’s principles.

4 **What are the principles of engagement?**

FENSA sets out **eight overarching principles** governing all engagements between WHO and non-State actors. Given the importance of these principles, it is worth setting them out exactly as they appear in FENSA:

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1 Resolution WHA69.10.
2 The WHO Secretariat includes entities established under WHO and hosted partnerships. For hosted partnerships, FENSA applies, subject to the policy on WHO’s engagement with global health partnerships and hosting arrangements (resolution WHA63.10). Hosted and external partnerships are explained in paragraph 49 of FENSA.
“WHO’s engagement with non-State actors is guided by the following overarching principles. Any engagement must:

- demonstrate a clear benefit to public health;
- conform with WHO’s Constitution, mandate and General Programme of Work;
- respect the intergovernmental nature of WHO and the decision-making authority of Member States as set out in WHO’s Constitution;
- support and enhance, without compromising, the scientific and evidence-based approach that underpins WHO’s work;
- protect WHO from any undue influence, in particular on the processes in setting and applying policies, norms and standards;
- not compromise WHO’s integrity, independence, credibility and reputation;
- be effectively managed, including by, where possible, avoiding conflict of interest and other forms of risk to WHO;
- be conducted on the basis of transparency, openness, inclusiveness, accountability, integrity and mutual respect.”

5 What are the types of engagement?

FENSA categorizes engagements into five types of interaction. Each of these is described in FENSA’s overarching framework and in each of the four separate policies and operational procedures, as indicated below.

- **Participation** refers to attendance by non-State actors at meetings organized by WHO, including governing body meetings, technical consultations and hearings, and by WHO staff members at meetings organized by non-State actors.
- **Resources** refers to financial or in-kind contributions, including donations of medicines and other goods and the free provision of services. Any engagement involving the transfer of resources is always governed by a contract between WHO and the non-State actor.
- **Evidence** refers to inputs based on up-to-date information, knowledge of technical issues and consideration of scientific facts, independently analysed by WHO.
- **Advocacy** refers to action to increase awareness of health issues; to change behaviours in the interest of public health; and to foster collaboration and greater coherence between non-State actors where joint action is required.
- **Technical collaboration** refers to other forms of collaboration with non-State actors, as appropriate, in activities that fall within WHO’s general programme of work. Examples include product development; capacity-building; operational collaboration in emergencies; and technical contributions to the implementation of WHO policies.

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3 Policies, norms and standard-setting include information-gathering, preparation for, elaboration of and decisions on normative texts.
4 As set out in the Framework of Engagement with non-State actors, paragraphs 22 to 26.
What policies apply to engagement with non-State actors?

As FENSA recognizes four groups of non-State actors, WHO’s engagement with a particular non-State actor will be governed by one of the four policies and operational procedures in addition to the overarching framework, as follows:

- WHO policy and operational procedures on engagement with nongovernmental organizations
- WHO policy and operational procedures on engagement with private sector entities
- WHO policy and operational procedures on engagement with philanthropic foundations
- WHO policy and operational procedures on engagement with academic institutions.

The scope of WHO’s engagement with each non-State actor is defined by one of these four separate policies and operational procedures. Non-State actors are encouraged to carefully review the policy and operational procedures that apply to their group.

Who decides which policy/operational procedure applies to a non-State actor?

As part of its due diligence review, WHO decides which policy and operational procedures apply, based on the outcomes of the review and the documents provided by the non-State actor. These include, but are not limited to, legal status, founding documents, objective, governance structure, composition of main decision-making bodies, assets, annual income and funding sources, and main relevant affiliations.

When does FENSA apply?

FENSA applies to engagements:

- between the WHO Secretariat and non-State actors at the three levels of the Organization;
- between non-State actors and facilities and secretariats hosted by WHO;
- with non-State actors collaborating with co-sponsored programmes, such as the Special Programme for Research and Training in Tropical Diseases;
- between non-State actors and hosted partnerships, such as Unitaid and the Partnership for Maternal, Newborn and Child Health;
- between the WHO Secretariat and individuals acting in an institutional capacity for a non-State actor;
- between the WHO Secretariat and State-owned commercial companies and public universities.
What types of engagement are not governed by FENSA?

FENSA does not apply to:

- engagements between WHO and Members States, including their ministries, national agencies, subnational agencies such as regional or local governments, and other public entities that report directly to the government;
- engagements between WHO and global or regional intergovernmental organizations (United Nations and its funds, specialized agencies);
- the procurement of goods and services by WHO from non-State actors, which is governed by the Organization’s procurement policy and Financial Rules and Regulations (except for pro bono contributions);
- fees, payments and contributions received by WHO from non-State actors as a result of their use of WHO materials, information, data or other mechanisms or services;
- engagements between WHO and individuals acting on their own behalf and not as a representative of a non-State actor, in which case the WHO Rules and Regulations for individual experts apply;
- engagements between the Codex Alimentarius Commission and non-State actors;
- WHO assessments of individual corporate products.

Engaging with WHO

What are the conditions for engaging with WHO?

Non-State actors considering an engagement with WHO should be entities in good standing and meet the criteria and standards set out in WHO policies and rules, including FENSA. Accordingly, non-State actors should ensure that their policies and activities do not negatively affect human health or stand in contradiction to WHO policies, norms and standards.

FENSA and relevant WHO policies identify specific red lines that prevent WHO from pursuing an engagement with a non-State actor, namely:

- WHO does not engage with the tobacco industry or non-State actors that further the interests of the tobacco industry;
- WHO does not engage with the arms industry;
- WHO does not engage with entities and individuals reported on the Consolidated United Nations Security Council Sanctions List;
- WHO has zero tolerance for any form of sexual misconduct or other type of abusive conduct.
Before engaging, and for due diligence purposes, non-State actors should submit the following documents for review by WHO (in line with paragraph 39 of FENSA):

- a copy of the entity’s founding document (constitution, statute or bylaws)
- a copy of the entity’s registration (if applicable)
- a nominal list of the members of its decision-making body (e.g. Board, Council, Assembly)
- a list of sources of funding (donors and sponsors)
- a list of affiliations (parent entity, subsidiaries or branches).

Non-State actors will also be required to complete and sign the tobacco/arms-related disclosure statement without alteration.

2 If a non-State actor has provided the basic documents and information as per paragraph 39 of FENSA in the past, do these remain valid for the future?

No. The non-State actor must submit the most recent documents and information available to the WHO Secretariat, in order to inform the screening and due diligence processes and thereby confirm that it remains an entity in good standing and meets the criteria and standards set out in WHO policies and rules, including FENSA.

3 When can a non-State actor use the WHO name and emblem?

The WHO name (written out in full or as an acronym) and emblem are recognized symbols of integrity and quality assurance. They may not be used for, or in conjunction with, commercial, promotional, marketing and/or advertising activities. This includes the display of the name, acronym or emblem on any premises or space, communication material, social media, or any other publication/advertisement issued by the non-State actor.

Any use of the WHO name or emblem requires the prior written authorization of the WHO Director-General.

4 Who to contact to initiate an engagement?

Non-State actors should contact the relevant WHO technical unit to initiate any engagement with WHO. The technical unit will then work with the non-State actor to identify the type of engagement as defined in FENSA, develop a project proposal and invite the entity to submit the documents required for the potential engagement.
Due diligence and risk assessment

1 What are due diligence and risk assessment?

Before engaging with any non-State actor, WHO undertakes a due diligence review and risk assessment. Due diligence refers to the steps taken by WHO to find and verify relevant information on a non-State actor and to reach a clear understanding of its profile. This includes the review of documents and information provided by the non-State actor, a cross-check of the information disclosed by it with available sources, and critical analyses of all information obtained.

The due diligence should confirm that the entity is in good standing, meets the required criteria and standards for engagement set out in WHO policies and rules, including FENSA, does not engage and is not affiliated in any manner with the tobacco and/or arms industries, is not the subject of any controversies or reputational issues (including sexual misconduct, exploitation, abuse or harassment), and does not appear on the Consolidated United Nations Security Council Sanctions List.

Risk assessment refers to the identification, evaluation and analysis of the risks potentially arising from a specific proposed engagement with the non-State actor concerned.

2 If a non-State actor has already engaged with WHO, does this imply that all future engagements are automatically acceptable?

No. In accordance with FENSA, engagements are assessed on a case-by-case basis, since each project proposal has its own specificities and particularities. The Secretariat must also obtain confirmation that the non-State actor remains an entity in good standing and still meets the required criteria and standards set out in WHO policies and rules, including FENSA.

3 Would any engagement proposed by a non-State actor be acceptable for WHO?

WHO will only enter into an engagement when the benefit of the engagement, in terms of direct or indirect contributions to public health and the fulfillment of WHO's mandate, outweighs any risks and justifies the time and expense involved in establishing and maintaining the engagement.
Particular engagements

1 Can non-State actors provide support during health emergencies?

During emergencies, engagement with non-State actors may include operational support and capacity-building activities. Non-State actors serving as implementing partners help WHO achieve its mandate by providing operational and time-bound support, including specialized interventions for which the Organization does not have the necessary human resources on the ground or the ability to access the populations concerned. Non-State actors should not, however, be engaged as implementing partners when the provisions governing procurement of goods and/or services apply.

Before engaging with any non-State actor, including those that are members or prospective members of health clusters and other inter-agency clusters, WHO conducts a due diligence review and risk assessment in line with its rules and policies, including FENSA.

2 How does FENSA apply in health emergencies?

When responding to acute public health events as described in the International Health Regulations (2005) or other emergencies with health consequences, the Director-General acts in accordance with the WHO Constitution and the principles identified in FENSA. In so doing, the Director-General may exercise flexibility in the application of FENSA procedures, as needed and when he/she deems necessary, taking due account of WHO’s responsibilities as health cluster lead and the need to engage quickly and broadly with non-State actors for coordination, scale-up and service delivery. The Director-General will inform Member States through appropriate means, including in particular written communications, and without undue delay when such a response requires flexibility and include summary information justifying the use of such flexibility in the annual report on engagement with non-State actors.

3 Can a non-State actor second staff to WHO?

A "secondment" is the assignment to WHO of an individual already employed by another entity, for a fixed period, under an agreement concluded by the three parties (WHO, the entity that employs the individual and the employee).

WHO accepts secondments from all non-State actors except private sector entities (including business associations). Secondments from nongovernmental organizations, philanthropic foundations and academic institutions are accepted in line with the criteria and principles agreed by Member States.
4 What is a joint publication?

A joint publication is an information product that is jointly planned, developed and prepared by WHO and one or more other entities, including non-State actors, using the technical expertise of the different entities, and published and/or distributed by WHO and by the other entity or entities.

5 Who are the non-State actors with which WHO can produce a joint publication?

Subject to the due diligence review and risk assessment, eligible non-State actors are nongovernmental organizations, academic institutions and philanthropic foundations.

6 Can non-State actors contribute to WHO publications in other ways?

Subject to the due diligence review and risk assessment, non-State actors may contribute to WHO publications in various ways, including by providing technical input, data and evidence that informs WHO's work or financial support. In such cases, the contribution made by the non-State actor is discreetly acknowledged, while ownership of the final product remains with WHO.

7 What are Official Relations?

“Official Relations” is not a status but a privilege that may be granted by WHO's Executive Board to three types of entities – nongovernmental organizations, international business associations and philanthropic foundations – that have had and continue to have a sustained and systematic engagement in the interest of the Organization.

“Official Relations” is often confused with “formal engagement”, which refers to the different types of collaboration/interaction that WHO has with non-State actors. WHO has thousands of formal engagements every year with non-State actors at the three levels of the Organization.

Official Relations is not a condition for WHO engagement with non-State actors.

Non-State actors in Official Relations are based on a three-year technical collaboration plan agreed by WHO and approved by Member States in support of the Organization's priorities and work. The collaboration plan should contain agreed objectives and outline concrete technical activities and deliverables that are aligned with the WHO general programme of work and programme budget.

Otherwise, non-State actors in Official Relations are subject to the same rules as other non-State actors when engaging with WHO.
What are the eligibility criteria for Official Relations?

To be eligible for Official Relations, nongovernmental organizations, international business associations and philanthropic foundations should be international in membership and scope. Their aims and activities must be in conformity with the spirit, purposes and principles of WHO's Constitution, and they must contribute significantly to the advancement of public health. They must also have a constitution or similar founding document, an established headquarters, a governing body and an administrative structure.

Furthermore, non-State actors applying for Official Relations must have had, and continue to have, a sustained and systematic engagement with WHO. When submitting the application for Official Relations, the non-State actor is expected to have had at least two consecutive years (24 months) of systematic engagement, documented through memoranda of understanding, joint publications, collaboration agreements, donor agreements and other legal arrangements. Participation in each other’s meetings and/or informal interactions are not considered as sustained and systematic engagement.

In particular cases involving nongovernmental organizations working on global health issues, sustained and systematic engagement might include research and active advocacy around WHO meetings and WHO's policies, norms and standards. Official Relations may be considered for such nongovernmental organizations based on specific modalities and conditions and on at least three years of their activities and a future workplan based on research and advocacy on global public health issues.

What types of entity are not eligible for Official Relations?

Private sector entities (other than international business associations) and academic institutions are not eligible for Official Relations. Academic institutions can be designated as WHO collaborating centres, subject to specific rules and policies.

Furthermore, “partnerships”, “collaborative arrangements”, “multistakeholder initiatives” and “public-private partnerships” are not considered eligible for Official Relations. Instead, WHO includes such entities in its list of Partnerships and Collaborative Arrangements with WHO involvement, which recognizes these entities for their work with WHO.

Who admits non-State actors into Official Relations?

Official Relations are the only arrangement with non-State actors submitted for Member States’ consideration and approval during the January session of the Executive Board (through the Board’s Programme, Budget and Administrative Committee). To that end, the WHO Secretariat assesses applications from non-State actors for admission to Official Relations in line with FENSA and other WHO policies, to ensure that established criteria and other requirements are satisfied, and informs the Member States accordingly.

How does a non-State actor apply for admission to Official Relations?

Non-State actors cannot apply for admission to Official Relations spontaneously. Instead, they must broach the possibility with the WHO technical department at headquarters with which they have documented records of sustained and systematic engagement.
If WHO is interested in pursuing Official Relations, the technical department starts the process and issues an application. Under FENSA, the deadline for receiving a complete application and set of documents is 31 July each year, so that the application can be submitted to the Executive Board at its January session the following year.

11 Is Official Relations a permanent privilege?

The Executive Board reviews the Organization’s collaboration with each non-State actor in Official Relations every three years. Should that collaboration be deemed to be of ongoing value for WHO and both parties intend to pursue their relations, the WHO technical unit and the non-State actor jointly develop a new plan for collaboration with WHO for the following three years, for consideration by the Executive Board.

The Director-General may also propose an earlier review or discontinuation, for example, if a non-State actor in Official Relations does not fulfill its role and responsibilities, if it no longer meets the criteria for eligibility or if potential new risks in respect of WHO rules and policies are identified.

12 Can a regional or national non-State actor be in Official Relations with WHO?

Official Relations are only possible if the non-State actor concerned is international in membership and scope. Regional or national non-State actors may be considered for accreditation to regional committees in accordance with existing rules and practices in the relevant WHO region. As paragraph 57 of FENSA states, “regional committees may also decide on a procedure granting accreditation to their meetings to other international, regional, and national non-State actors not in Official Relations with WHO as long as the procedure is managed in accordance with this Framework”. Each WHO region has its own accreditation mechanism.

13 Can non-State actors in Official Relations use the WHO name and emblem at any time?

Any use of the WHO name or emblem by any non-State actor engaging with WHO, whether or not in Official Relations, requires the explicit written authorization of the Director-General of WHO.

14 Can non-State actors in Official Relations attend any and all WHO events, meetings and initiatives?

Being in Official Relations does not confer an automatic right of access to WHO events, meetings and initiatives, participation in which remains subject to the criteria and procedures that are applicable in each case and invitation by WHO.
Are potential engagements with non-State actors in Official Relations approved automatically?

The fact that a non-State actor is in Official Relations with WHO does not imply that all engagements with that entity will be accepted without prior review. All potential engagements with non-State actors, whether or not in Official Relations, are reviewed under the same due diligence and risk assessment process. All non-State actors are also subject to the same rules under FENSA when engaging with WHO.

Can a non-State actor in Official Relations with WHO also be a WHO collaborating centre?

WHO collaborating centres and non-State actors in Official Relations with WHO are subject to different rules and policies, which are mutually exclusive.

What is a WHO collaborating centre?

A WHO collaborating centre is an institution designated by the Director-General of WHO to form part of an international collaborative network set up by WHO in support of its programme at the country, intercountry, regional, interregional and global levels. In line with the WHO technical cooperation policy and strategy, a WHO collaborating centre also participates in the strengthening of country resources, in terms of information, services, research and training, in support of national health development.

What types of entity can apply to become WHO collaborating centres?

Eligible institutions can be State or non-State actors, such as university or research institutes, hospitals or academies. They may not be of a commercial or profit-making nature. In the case of a non-State actor, the entity must meet the FENSA definition of academic institution and be the subject to a due diligence review and risk assessment.

Which types of entity are not eligible for designation as WHO collaborating centres?

Entities not eligible for designation as WHO collaborating centres are, for example, networks, working groups, partnerships and programmes, private sector entities, philanthropic foundations, nongovernmental organizations and similar bodies with a membership structure, including professional associations.
What criteria must non-State actors meet to become a WHO collaborating centre?

In order to be designated a WHO collaborating centre, the institution concerned must meet all the following criteria:

- It must have a high scientific and technical standing at the national and international levels, and occupy a prominent position in the country’s health, scientific or educational structures.
- It must have highly qualified scientific and technical leadership, its staff must be sufficient in number and have high-level qualifications, and it must be stable in terms of personnel, activity and funding.
- It must have strong working relationships with other institutions in the country and at the intercountry, regional and global levels.
- It must have a clear ability, capacity and readiness to contribute, individually and as part of networks, to WHO programme activities, whether in support of country programmes or by participating in international cooperative activities.
- It and its activities must be clearly relevant, technically and geographically, to WHO’s programme priorities.
- It must have successfully completed at least two years of collaboration with WHO on jointly planned activities.

Are WHO collaborating centres legal entities?

A WHO collaborating centre is not a legal entity. The legal entity that controls and is responsible for the WHO collaborating centre is the designated institution or the legal entity of which the designated institution (e.g. a department within a university, as opposed to the university as a whole) forms part. The term “WHO collaborating centre” refers to the designated institution while it is discharging the terms of reference and workplan agreed with WHO, as opposed to performing other activities unrelated to the collaboration with WHO; it is not to be misused.

How long does the designation “WHO collaborating centre” last?

An institution is designated initially for a period of four years. The designation may be renewed for the same or a shorter period.

Are potential engagements with non-State actors hosting WHO collaborating centres approved automatically?

Given that a WHO collaborating centre is not a legal entity and that it can only be referred to as such while discharging the terms of reference and workplan agreed with WHO, all other potential engagements with a non-State actor hosting the WHO collaborating centre are to be considered separately, subject to a due diligence review and risk assessment. Such engagements cannot be attributed to the WHO collaborating centre.
Non-compliance

What is non-compliance with FENSA?

Non-compliance with FENSA is defined in paragraphs 69 to 71 and comprises inter alia “significant delays in the provision of information to the WHO Register of non-State actors; provision of wrong information; use of the engagement with WHO for purposes other than protecting and promoting health, such as for commercial, promotional, marketing and advertisement purposes; misuse of WHO’s name and emblem; attempt at undue influence; and abuse of the privileges conferred by Official Relations”.

Non-compliance by a non-State actor may result in, for example, a reminder, warning, cease-and-desist letter, rejection of renewal of engagement or termination of engagement. Non-State actors in Official Relations with WHO may have that status reviewed earlier than the normal triennial review. Non-compliance may also result in the discontinuation of Official Relations.

Any financial contribution received by WHO that is later found to be non-compliant with FENSA will be returned to the contributor. For example, if WHO were to discover after the fact that a grant of funds from a non-State actor, as part of an engagement with WHO, originated from the tobacco industry, the funds would be returned.

Who is responsible for reporting possible non-compliance?

FENSA’s mechanisms of transparency and accountability, and the process of due diligence and risk assessment, should reduce the possibility of non-compliance. Should a case of non-compliance nevertheless arise, it is WHO’s responsibility to take appropriate action.

At the same time, a non-State actor, acting in good faith, may become aware of information concerning another non-State actor that could affect, in a material way, WHO’s decisions on engagement. In any such case, the non-State actor that becomes aware of the information may inform WHO, through its first point of contact with the Organization. WHO will deal with any such reports appropriately. The non-State actor making the report will not be contacted or informed of the outcome.

Can a non-State actor challenge a decision under FENSA?

A non-State actor that disagrees with a decision taken under FENSA has no right formally to challenge the decision. There is no appeal or other mechanism to formally contest decisions taken by the WHO Secretariat or by WHO Member States in the application of FENSA. WHO retains discretion in deciding whether to engage with any non-State actor for any proposed activity.

Before taking any action or decision under FENSA, in particular when the information available is not clear or may be differently construed, WHO may, at its sole discretion, consult the non-State actor concerned. Ultimately, however, the final decision rests with the Secretariat alone.
**What is WHO’s position on sexual misconduct, other types of abusive conduct, fraud and corruption?**

WHO has zero tolerance towards any form of sexual misconduct (an all-inclusive term encompassing all forms of sexual exploitation, sexual abuse, sexual harassment and sexual violence), other types of abusive conduct, fraud or corruption. Non-State actors engaging with WHO are expected to ensure that the conduct of their employees and any other persons engaged by them is consistent with WHO standards of conduct.