



Programme Participant Protection Policy and Concern Code of Conduct

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Throughout this document, the term **inappropriate behaviour** (which may range from mild to grossly inappropriate behaviour) is intended to include, but is not limited to:

- Bullying
- Verbal, physical or sexual harassment
- Rape and attempted rape
- Exploitation (including sexual exploitation)
- Abuse (including sexual abuse)
- Any actions that harm children or place them at risk of harm
- Intimidation
- Any form of discrimination
- Entering into relationships which cause, or could potentially cause, conflicts of interest at work
- Behaviour that brings, or could potentially bring, the organisation into disrepute
- Showing a lack of respect for the dignity of others
- Behaving in an culturally insensitive manner
- Behaving in a manner which leads to, or could potentially lead to, health or security problems for the individual concerned and/or for other people
- Theft
- Unauthorised use or possession of Concern property – or of the property of a third party while acting or claiming to act on behalf of Concern and serious negligence or deliberate misuse of Concern property
- Any attempt to commit fraud or to accept or solicit a bribe

Any finding of inappropriate behaviour, including those actions outlined above, by anyone working for or on behalf of Concern will lead to disciplinary action up to and including dismissal.

CONCERN PROGRAMME PARTICIPANT PROTECTION POLICY

1. *Introduction*

Concern is aware that the goods and services provided through our relief and development programmes can create a power differential between those who are employed or engaged by Concern and other programme participants. We acknowledge that there is potential for this power imbalance to be exploited by Concern staff to acquire bribes, payments, gifts, and/or sexual favours. This policy has been developed to ensure the maximum protection of programme participants, especially beneficiaries, from abuse and exploitation, and to clarify the responsibilities of Concern staff, partner organisations and anyone engaged by Concern or visiting our programmes, and the standards of behaviour expected of them.

‘Programme participant’ refers to any individual associated with Concern’s programmes and includes:

- beneficiaries of programmes delivered by Concern or its partners
- people employed or engaged by Concern, whether national or international, full or part time, consultants, interns, contractors or volunteers, or any person actively involved in the Concern programme
- Concern’s partner organisations, their staff and anyone working on their behalf

Abuse of power has, in the past, led to many forms of exploitation within the relief and development sphere. **Concern condemns any abusive or exploitative behaviour and is committed to the protection of its programme participants, particularly the beneficiaries, as they are the most vulnerable.**

Anyone contracted to work with Concern or working on behalf of Concern must formally agree to adhere to this policy.

2. *Concern’s policy*

It is Concern’s policy to take all reasonable steps to protect beneficiaries - children, women and men - from harassment and abuse perpetrated by:

- staff of Concern
- staff of Concern’s partner organisations and anyone working on their behalf
- people engaged by Concern such as consultants, contractors, volunteers, interns, or any person actively involved in the Concern programme
- visitors to Concern’s programmes and accompanying dependants of international staff¹.

This policy concentrates on prevention of abuse of all programme participants regardless of sex or age. All programme participants have the same right to freedom from abuse and exploitation. Such rights are outlined in, among other documents, the Universal Declaration of Human Rights² (UDHR), the UN Convention on the Rights of the Child (CRC)³, the UN Convention for the Elimination of all Forms of Discrimination against Women (CEDAW)⁴, and in the national laws of most of the countries in which we work.

We acknowledge that certain groups, such as children (individuals under 18 years of age) and women are considered most at risk from abuse, harassment, physical and sexual violence. The HIV and AIDS pandemic

¹ In the event of an allegation of a breach of this policy by an accompanying dependant of an international staff member, the allegation will be investigated and the country programme management team, in consultation with the Regional Director and the HR Director, may take action up to and including the removal of accompanied status in relation to that individual, and the referral of the matter to the national authorities. Those employed or engaged by international staff to work in a Concern house (cook, housekeeper, gardener, etc.) or to work for the international staff member or his/her accompanying dependants (translator, driver, teacher, etc.) are also protected by this policy, despite the fact that they are not Concern staff. Concern staff are responsible to inform the staff they employ about the content of this Policy.

² <http://www.unhchr.ch/udhr/lang/eng.htm>.

³ <http://www2.ohchr.org/english/law/crc.htm>.

⁴ <http://www2.ohchr.org/english/law/cedaw.htm>.

has added to the vulnerability of women and children. We believe that children deserve special protection given their particular vulnerabilities⁵.

As we work in situations that present serious and specific risks to children, we will ensure that any of our programmes which address the needs of children will be delivered in a manner that considers their safety and protection. We will ensure that programmes always take into account the situation of children, the specific protection risks and issues they face (which may be different for boys and girls) and address these as far as possible. We will not tolerate anybody employed by or associated with Concern harming children.

3. *Scope of Policy*

For contracts with employees, partners, consultants and contractors specific wording has been developed for inclusion in each of these types of contract and is set out in the Programme Participant Protection Policy (P4) Guidelines Document. This wording confirms that the relevant individual/party has read, understood and agrees to be abide by and promote the terms of this policy. Any finding of inappropriate behaviour including those actions outlined in the Concern Code of Conduct, by a Concern staff member or anyone working on behalf of Concern, will lead to disciplinary action up to and including dismissal

Acceptance of this policy is a pre-condition of any partnership agreement and this should be clearly stated in all partnership agreements. A partner organisation's failure to adhere to this policy may result in actions up to and including withdrawal of funding and support.

For agreements with contractors, it should be included as a pre-condition of any contract if the contractor will be in direct contact with Concern's beneficiaries as a result of the contract entered into between Concern and the contractor.

Concern will make every effort to ensure that all employees, partners, consultants and relevant contractors comply with this policy. The action that will be taken by Concern in the event of a breach of this policy by an employee, partner, consultant or relevant contractors is further outlined in section 6. Concern cannot however, be held responsible for the actions of these third parties if they breach this policy, and this is reflected in the wording to be included in their contracts.

4. *Abuse of power and sexual exploitation*

Concern considers all forms of abuse of power and exploitation to be incompatible with its fundamental belief in the human dignity of all people, international legal norms and standards, and with its core values. Concern staff and people engaged by Concern must never engage in any forms of humiliating, degrading, abusive or exploitative behaviour under any circumstances. Concern prohibits the exchange of money, employment, goods or services for sex (including sexual favours or other forms of exploitative behaviour). This includes exchange of assistance that is due to beneficiaries.

Concern believes that engaging in commercial sexual transactions⁶ is contrary to its core values and undermines the work and the reputation of the organisation. In most cases, a transaction of this sort is the result of an unequal power dynamic and, as such, exploitative. Such behaviour brings the organisation into disrepute, and disciplinary action - up to and including dismissal - will be taken against any staff member engaging in such transactions.

All staff and people engaged by Concern, its partner organisations and visitors to Concern programmes are required to respect the rights and dignity of the children, families and communities with whom we work and/or with whom they have contact, and always act in their best interest.

Any type of sexual activity or any inappropriate behaviour which could be deemed to be sexually offensive, provocative or abusive between a Concern staff member and a child (a person under the age of 18) is prohibited regardless of local custom, or the age of majority or consent locally. Mistaken belief in the age of a child is no defence. Sexual activity with a child is accepted only where a staff member is legally married to

⁵ Children have strengths, capabilities and resilience that mean they should not simply be seen as likely victims, but in general their age, developmental stage, dependency, status and lack of power and position in communities mean they are more susceptible to violence, abuse and exploitation. Some groups of children, e.g. disabled children, may be even more vulnerable.

⁶ For the purpose of this Code, a 'transaction' is defined as any exchange of money, goods, services or favours with any person.

someone under the age of 18, but who is over the age of majority⁷ or consent in the country of citizenship of the staff member and the child.

In order to be fully aware of the issues faced by Concern in relation to the protection of programme participants, it is essential for all staff to be aware of local cultural and religious practices. Concern believes that staff should carry out their work in a manner that recognises and respects local customs and culture. However, 'culture' can never be used as an excuse or a motive for inappropriate behaviour. Concern will not accept using respect for local culture as a justification for ignoring or supporting harmful practices.

5. *Partner organisations*

Concern increasingly works through international and national partner NGOs, civil society organisations, and community-based groups, with the result that there is less direct contact between our staff and the beneficiaries of our interventions. Acceptance of and compliance with the Concern Programme Participant Protection Policy must be a condition of every partnership agreement or Memorandum of Understanding.⁸ In signing a Memorandum of Understanding, partner organisations commit to ensuring that their personnel will also adhere to this Policy.

This policy must be used as a tool to bring up the issue of the conduct of staff and others working with or on behalf of the partner organisation during negotiations with these organisations.

Directors of partner organisations must ensure that:

- the content of the policy is disseminated amongst their staff and those working on behalf of the organisation such as consultants, volunteers, partner organisations, etc.
- programme beneficiaries are made aware of the standards of behaviour expected of organisation staff and those working on behalf of the organisation
- a complaint and response mechanism for beneficiaries is established (with the support of Concern if required)
- they will take appropriate actions when the standards of this policy are not adhered to
- they will establish an action plan for the implementation of the policy including necessary staff training and will report on the implementation on a regular basis (with the support of Concern if required).

This Policy seeks to complement and reinforce any existing policies, codes or other instruments already developed by partner organisations. It is not intended to replace or in any way to detract from these. In the event that partner organisations do not comply with this Policy, Concern reserves the right to withdraw funding and/or terminate any partnership agreements entered into.

6. *Preventive measures to reduce the potential for abuse*

Concern staff must be aware of the power dynamics that may exist within the communities where we are operational, and those between Concern staff and other programme participants, in particular beneficiaries.

Abuse of power is often at the base of incidents of harassment, exploitation and inappropriate behaviour. The following are considered as measures to reduce the potential for abuse of power and it is the responsibility of Country Directors to ensure that these measures are taken and that they address the situation of all programme participants including children:

- As far as possible, ensuring field-work teams are gender-balanced at all levels of responsibility, in both main and sub-offices.
- Ensuring that no individual staff member can create a situation where he or she alone is perceived to be the sole and final authority responsible for allocating benefits.
- Appointing a committee in each country programme to train all staff members and raise awareness of the content of the policy, and the Concern Code of Conduct among all programme participants.
- Making all beneficiaries aware:
 - that they are entitled to assistance: beneficiary selection criteria, quantity and variety of items they should receive, how the distribution is taking place (day, time, location, method), etc.

⁷ The age at which a person, formerly a minor or an infant, is recognised by law to be an adult, capable of managing his or her own affairs and responsible for any legal obligations created by his or her actions.

⁸ Concern's definition of partners includes local governments. While we cannot compel them to sign this policy, we should make sure that governments officials we engage with are aware of it and understand its content.

- that Concern's and partner organisations' staff have a duty to deliver assistance without discrimination
- that goods and services delivered cannot be withheld or withdrawn on the arbitrary decision of the staff members or those working on behalf of Concern or its partner organisations
- that it is unacceptable for the staff or those working on behalf of Concern or its partner organisations to solicit or accept bribes, rewards, gifts, or sexual favours from a beneficiary
- of the standards of behaviour expected of staff members and those working on behalf of Concern and its partners

Particular consideration needs to be given to ensure the accessibility of this information. This may require translation into different languages, the use of picture based information, or ensuring that children can understand the language being used.

- Developing complaints and response mechanisms and clarifying them to all programme participants.
- Electing focal points who can receive complaints and concerns in relation to the policy and the Concern Code of Conduct. The focal points' responsibilities include forwarding the complaints to the Human Resources department or the appropriate senior manager.⁹
- Training senior staff members in each field on how to investigate complaints.

It is the responsibility of all senior management at field and head office levels to ensure that all Concern staff, personnel from partner agencies, consultants, contractors, beneficiaries and visitors to Concern programmes are acquainted with the requirements of this policy.

If acts have been committed in relation to our programme participants which are criminal, infringe individual's rights, or contravene the principles contained in this document, **the organisation will take immediate action appropriate to the circumstances and will address the support needs of those involved in the case.** This may mean for:

Staff or those working on behalf of Concern	disciplinary action up to and including dismissal
Volunteers	action up to and including termination of appointment
Partner organisation personnel, or those working on behalf of the organisation	action up to and including the withdrawal of funding or support and/or termination of partnership agreements
Contractors/Consultants	termination of contract
Visitors to Concern	appropriate action up to and including suspension of support for the visit

Any action taken will be in accordance with Concern's policies and procedures and informed by national laws. Depending on the nature and circumstances of the case, Concern will involve the appropriate authorities to ensure the protection of programme participants.

It should be made clear to all existing and potential partners that Concern may be unable to continue the partnership if – after proper investigation - we develop serious doubts about:

- the ability of the partner to uphold this policy
- the behaviour of any individual working on behalf of the partner organisation or associated with it - if this behaviour contravenes this policy and if appropriate action is not taken by the partner organisation to address it.

7. Relationships with beneficiaries

Those working on behalf of Concern and its partner organisations have potentially greater access to goods, services and power than members of the communities in which we operate. This greater access could be used to pressure or exploit beneficiaries or other programme participants.

Power imbalances increase the opportunities for beneficiaries to be placed in exploitative positions. For this reason Concern believes that sexual relationships between Concern staff and beneficiaries are inappropriate as they may undermine the credibility and integrity of our work. However, we recognise that Concern staff are often members of the communities in which we operate, and therefore may develop relationships in those

⁹ The role and responsibilities of the focal points for receiving complaints will be explained in detail in the Complaints and Response Mechanism Guidelines.

communities. In order to ensure that beneficiaries are protected, and to protect Concern staff and the organisation from allegations of biased and more favourable treatment being given to some members of the community, Concern staff must make any such relationship known immediately to the senior manager in the programme area to clarify what could otherwise become an ambiguous situation.

8. *The Concern Code of Conduct*

A Code of Conduct is considered a key tool for the prevention of harassment, exploitation, abuse and inappropriate behaviour by staff. The Concern Code of Conduct describes the standards of behaviour expected of all staff and anybody engaged by Concern, and seeks to promote good practice.

All Concern staff, the representatives of partner organisations, visitors¹⁰ and all people associated with Concern programmes must be given a copy of this policy and the Concern Code of Conduct in a language that they can understand, and an explanation of the content of both documents. They must confirm that they have read them, understood their content, and that they agree to conduct themselves in accordance with them.¹¹

It is the responsibility of all Concern staff to adhere to both the Programme Participant Protection Policy and the Concern Code of Conduct.

9. *Duty to report*

Any known or suspected case of abuse, exploitation, or harassment of programme participants must always be brought to the attention of the line manager, or a senior manager, or the Human Resources department or the focal points elected in the countries to receive complaints. In the event that staff members have concerns related to the behaviour of the Country Director, they may raise these concerns directly with the Human Resources Directorate in Dublin or with their Regional Director.

The reporting of a concern may result in a confidential, thorough and prompt investigation being conducted. Such investigations may reduce the level of concern or lead to the realisation that further action is appropriate. People reporting possible violations and/or involved in such investigations – including the subject of the complaint - will be protected against any form of intimidation, threats, reprisal or retaliation resulting from the alleged incident. If any member of staff is found intimidating or retaliating against a person making a complaint or assisting in an investigation, disciplinary action - up to and including dismissal - will be imposed. All information related to the case will be held in the strictest confidence. It will be disclosed only on a need-to-know basis in order to resolve the matter.

Any intentionally false, malicious or vexatious statement, misrepresentation or accusation against another staff member or third party will be considered gross misconduct.

All concerns about breaches of these standards of behaviour by Concern staff or other programme participants must be handled with the utmost confidentiality, recorded and the record held in a secure location with the Country Director or the Human Resources Directorate.

In the event of an allegation that involves a criminal offence, the member of staff (the subject of complaint) should be informed that, in addition to disciplinary action, the investigation may be reported to the appropriate legal authorities for further investigation.

10. *Review of policy and Code*

The implementation of this policy will be monitored through a range of instruments such as programme, country and sector evaluations. The Country Director is responsible for ensuring that the policy is translated in the local language, training on the Policy is taking place and that a complaints and response mechanism is

¹⁰ All visitors to Concern's programmes must - during their visit – consider themselves to be under the authority of the Concern Country Director and must adhere to the Concern Programme Participant Protection Policy (P4). In the event that a visitor refuses to formally agree to regulate his/her conduct in line with the requirements of the Concern P4, the name of the person and the reason for refusing it should be recorded by the management and the case reported to the Regional Director who will decide the action to be taken.

¹¹ It is the responsibility of the Concern staff member contracting the person or agreeing to/organising his/her visit to the field to ensure that this is done.

appropriately developed, implemented and monitored. Feedback on progress towards the implementation of this policy will be included in the annual priorities and reports of all country programmes.

Concern recognises that both internal and external environments change. Such change may have a bearing on the scope and content of this policy. Consequently, it will be reviewed periodically. The review process will be consultative and participatory in nature. The responsibility for initiating the policy review process rests with Concern's Senior Management Team (SMT) and Council in Dublin.

Concern's SMT reserves the right to add, alter, amend, modify or delete any provision in this policy in accordance with Concern's social and legal obligations to its programme participants.

CONCERN CODE OF CONDUCT

Introduction

Concern, as a non-governmental, international humanitarian organisation involved in the alleviation of poverty, seeks to implement successful relief and development programmes through its commitment to good practice and the quality of work of its staff and those of its partner organisations.

Concern staff frequently work in situations where they are in positions of power and trust (in relation to beneficiaries, other organisations and one another). This power and trust must not be abused.

All Concern staff have a responsibility to the organisation to strive for and maintain the highest standards in the day-to-day conduct of their work. Any form of exploitation or abuse of power is incompatible with Concern's fundamental belief in the human dignity of all people, and with the organisation's core values.

The aim of the Concern Code of Conduct is to provide clear guidance on the standards of behaviour the organisation requires all staff, anyone working on behalf of Concern and any partner organisation to abide by, as well as providing examples of conduct that will be considered unacceptable. The Code is designed to guide and protect all staff and programme participants.¹ Any breach of this Code may result in disciplinary action up to and including dismissal.

Whilst recognising that laws and cultures differ considerably from one country to another, the Code is based on international legal standards and principles of codes of conduct². In addition, it is written to reflect the organisation's core values and commitment to ensuring that staff always act in the best interest of all programme participants.

This Code applies to all people engaged by Concern, regardless of location, whether national or international, full or part time, consultants, interns, contractors or volunteers, and should be adhered to at all times.

This Code and the Programme Participant Protection Policy are mutually supporting documents and should be considered in conjunction with each other.

As with the Programme Participant Protection Policy, Concern's partner organisations are expected to comply with the standards of behaviour outlined in this Code.

All visitors to Concern's programmes must - during their visit – consider themselves to be under the authority of Concern Country Director and must adhere to the Concern Programme Participant Protection Policy.

¹ 'Programme participant' refers to any individual associated with Concern's programmes and includes: i) beneficiaries of programmes delivered by Concern or its partners; ii) people employed or engaged by Concern, whether national or international, full or part time, consultants, interns, contractors or volunteers and any person actively involved in the Concern programme; iii) Concern's partner organisations, their staff and anyone working on their behalf.

² UN Secretary General's Bulletin *Special measures for protection from sexual exploitation and sexual abuse* (ST/SGB/2003/13): <http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&DocId=1001083>; *Statement of commitment on eliminating sexual exploitation and abuse by UN and non-UN personnel* signed by Concern CEO at the High-level Conference on Eliminating Sexual Exploitation and Abuse by UN and NGO Personnel in December 2006 in New York: <http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1061170>; Code of Conduct for Humanitarian Workers in the Kenya Refugee Programme, Nairobi, Kenya 2003; Code of Conduct for Humanitarian Agencies in Sierra Leone, 1998; The Code of Conduct for NGOs in Ethiopia, 1999; Tanzania NGO Code of Ethics, Draft April 2007.

Standards of Conduct

As a staff member of Concern **I commit myself to:**

1. Be responsible for the use of information, assets and resources to which I have access by reason of my employment with Concern.

1. I will ensure that I use Concern assets and resources entrusted to me in a responsible manner and account for all money and property, following the appropriate policy and procedural requirements.
2. I will not use the organisation's computer equipment or other technology or equipment³ or services in contravention of Concern's IT Regulations to engage in any activity that is illegal under local, state, or international law or that encourages conduct that would constitute a criminal offence. This includes any material that victimises, harasses, degrades, or intimidates an individual or a group of individuals on the basis of gender, race, religion, sexual orientation, age, disability or ethnicity or other personal characteristic.
3. I will not use Concern's computer equipment or other technology or equipment⁴ to view, download, create, distribute, or save in any format inappropriate material, including but not limited to adult or child pornography.
4. I will use all project goods and services, including those provided by/property of a third party⁵, in an appropriate manner.
5. I will not release to others any private or confidential information relating to Concern (or for which Concern is responsible) unless legally required to do so.

2. Be responsible for my own health, safety and welfare, and of those of the staff I manage.

1. I will adhere to all organisational health and safety regulations and procedures in force in my work place.
2. I will comply with any local security guidelines and in a manner consistent with Concern's Security Policy.
3. I will behave in ways that avoid creating unnecessary risk to the safety, health and welfare of myself or others (including partner organisations and beneficiaries).

3. Ensure that my personal and professional conduct is, and is seen to be, of the highest standard and in keeping with Concern's beliefs, values and mission.

1. I will treat all people with respect and dignity. I will not discriminate, show differential treatment to, or favour particular individuals to the exclusion of others.
2. I will, in our programmes, promote the well-being and development of children and will not engage in behaviour that is likely to cause harm, including physical, sexual, emotional abuse and neglect.
3. I will observe all local laws and behave in a culturally sensitive manner.
4. I will not work under the influence of alcohol or drugs (with the exception of prescribed drugs for health reasons) or illegal substances that affect my ability to perform my duties.⁶
5. I will not use, distribute, sell or be in possession of illegal substances on Concern premises, whilst on Concern business or whilst using Concern vehicles.

³ Internet, intranet and extranet-related systems, including but not limited to computer equipment, software, operating systems, storage media, telephony systems, network accounts providing e-mail, web browsing and FTP, are covered by Concern Worldwide Information Technology Systems User Regulations.

⁴ As above.

⁵ Examples of project goods and services provided by a third party include food aid from WFP, vehicles lent by an Alliance 2015 member or other organisation, etc.

⁶ National legislations in some of the countries in which Concern works are particularly strict in relation even to the possession of illegal substances for personal consumption and provide for very severe punishments/sentences for those breaking the laws.

6. I will ensure that my behaviour both during and outside of work does not bring Concern into disrepute and does not impact on or undermine my ability to undertake the role for which I am employed.
7. I will not abuse my position as a Concern staff member for personal gain by requesting, soliciting or accepting any payment, gift, service or favour (including sexual favours) from others, whether for my own personal benefit or for another person, in return for Concern support, goods or services.
8. I will not enter into commercial sexual transactions at any time.⁷

4. Perform my duties and conduct my private life in a manner that avoids possible conflicts of interest with the work or reputation of Concern and my work as a staff member of the organisation.

1. I will avoid situations where my personal interests could conflict, or reasonably appear to conflict, with the interests of Concern. Therefore, I will not enter into any sort of business relationship on behalf of Concern with family members, friends or other personal/professional contacts for the supply of any goods or services to Concern or any employment related matters without authorisation from senior management. I will declare any potential conflict of interest to my line manager.
2. I will not be involved in awarding benefits, contracts for goods/services, employment or promotion within the organisation, to any person with whom I have financial, personal, family (or close intimate relationship) interests.⁸
3. I will not accept bribes or gifts (except small tokens of appreciation) or any remuneration from governments, beneficiaries, partners, suppliers or other persons which have been offered to me as a result of my employment with Concern. I will notify my line manager if I am offered or have received gifts of any kind, however small.⁹
4. I am aware that sexual relationships between a Concern staff member and a beneficiary are likely to be based on inherently unequal power dynamics and may undermine the credibility of the organisation and its work. I know that Concern considers such sexual relationships inappropriate. Should I be in or develop a sexual relationship with a beneficiary, I will inform immediately a senior manager in my programme area of the relationship in order to clarify what could otherwise become an ambiguous situation.
5. I will not undertake work or duties outside Concern that negatively influence my ability to perform my function or have a negative impact on the work of Concern.

5. Avoid involvement in any activities that are illegal, or contravene human rights¹⁰, or compromise the work of Concern.

1. I will not take part in or support any illegal activities.
2. I will not engage in any type of sexual relations or any sexual activity with a child. A ‘child’ is taken to be anyone under the age of 18 regardless of local custom, or the age of majority or consent locally. Sexual activity with a child is allowed only where a staff member is legally married to someone under the age of 18, but who is over the age of majority or consent in the country of citizenship of the staff member and the child.

⁷ For the purpose of this Code, a ‘transaction’ is defined as any exchange of money, goods, services or favours with any person.

⁸ All Concern staff must avoid direct responsibility for the hiring or supervision of a family member. Employment of family members is permitted as long as staff members are not reporting directly to each other.

⁹ In general gifts should not be of such value as to constitute a personal enrichment for the recipient and should not be such as to appear excessive to an objective observer. The country programme’s Senior Management Team will review the list of gifts being received and indicate whether this is appropriate or not.

¹⁰ In addition to the Universal Declaration of Human Rights, recognition should be given to the rights of women and children, as outlined in the UN Convention for the Elimination of all Forms of Discrimination against Women (CEDAW) and the UN Convention on the Rights of the Child (CRC), with particular emphasis on the guiding principle of ‘the best interest of the child’ (Article 3): <http://www2.ohchr.org/english/law/crc.htm>.

3. I will not abuse or exploit children or adults in any way and will report any such behaviour by others to a senior manager in my programme area.¹¹
4. I will refrain from inappropriate behaviour or action that might jeopardise Concern's reputation.

6. Refrain from any form of bullying, harassment, discrimination, abuse, intimidation or exploitation.

1. I will act fairly and honestly, and treat others with dignity and respect, regardless of issues such as gender, race, religion or lack of religion, colour, national or ethnic origin, language, marital status, family status, birth, sexual orientation, age, disability, socio-economic background, caste, political conviction, HIV and AIDS status, physical appearance or lifestyle.
2. I will never engage in any humiliating, degrading or exploitative behaviour.
3. I will not use or condone language that is inappropriate, demeaning, or offensive towards others.

7. Report any incident, concern or suspicion regarding any breaches of this Code of Conduct.

1. I will bring to the attention of the relevant manager or the Human Resources manager within Concern any potential incident, abuse or concern that I witness, I am made aware of, or suspect which appears to break the standards contained in this Code.
2. I will not intentionally make malicious or false accusations in relation to this Code against any programme participant.
3. I will ensure that all information about breaches of this Code is handled with the utmost discretion.

I have read carefully and understand the Concern Code of Conduct and the Programme Participant Protection Policy and hereby agree to abide by its requirements and commit to upholding the standards of conduct required to support Concern's core values and mission.

I understand that failure to comply with any principles of the Concern Code of Conduct may result in disciplinary action up to and including dismissal and, where applicable, may result in civil or criminal proceedings against me.

Name

Date.....

Signature.....

Organisation/Duty Station.....

¹¹ Those employed by international staff to work in a Concern house (cook, housekeeper, gardener, etc.) or to work for the international staff member or his/her accompanying dependants (translator, driver, teacher, etc.) are also protected by this policy, despite the fact that they are not Concern staff.

Annex 1

Terminology

Clear definitions are essential to ensure that the proper reporting of, and responses to, instances of abuse or exploitation are handled in a consistent manner. Clarifying the definitions of inappropriate behaviour with staff and other programme participants should be included in workshops and inductions around this policy and the Code of Conduct.

The following provides Concern's definitions of the terminology used in this Policy and Code. However, staff are also bound by the local laws of the countries in which they work.

Abuse

Abuse is the wrong, improper use or treatment of something or someone causing harm, damage, offence or distress. There are several forms of abuse (such as physical abuse, verbal abuse, sexual abuse, emotional abuse), any or all of which may be perpetrated as a result of deliberate intent, negligence or ignorance.

Bullying

Workplace bullying is repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work.

An isolated incident of the behaviour described in this definition may be an affront to dignity at work, but, as a once-off incident, it is not considered to be bullying. The exercise of legitimate management rights or of legitimate employee rights or responsibilities is not bullying. Interpersonal differences and conflicts may arise in the workplace for a variety of reasons including the implementation of legitimate management directives.

A pattern of the following behaviours are examples of types of bullying:

- verbal abuse or insults;
- being treated less favourably than colleagues;
- intrusion – pestering, spying or stalking;
- menacing behaviour;
- intimidation;
- excessive monitoring of work;
- humiliation;
- withholding work related information;
- repeatedly manipulating a person's job content and targets;
- blame for things beyond the person's control;
- manipulation of the victim's reputation by rumour, gossip or ridicule;
- preventing the victim from speaking by making loud voiced criticisms or obscenities;
- constant undermining, mockery or criticism that focuses on a personal characteristic;
- exclusion, or victimisation;
- aggressive behaviour towards others, including unreasonable anger or shouting;
- abuse or threats of abuse;
- persistently manipulating the nature of the work or the ability of the victim to perform the work e.g. by overloading, setting objectives with impossible deadlines, deliberately withholding work information, or setting meaningless or unachievable tasks;
- repeated criticism of work without balancing this with positive feedback where possible or potential solutions;
- criticising an individual in front of others.

Child

Like many other humanitarian organisations, Concern defines a child as anyone under the age of 18 years in accordance with the UN Convention on the Rights of the Child¹² irrespective of national law or custom regarding the age of consent or majority.

Child abuse

Child abuse and neglect, sometimes also referred to as child maltreatment, is defined as all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust, or power.

Within the broad definition of child maltreatment, five subtypes are distinguished:

Physical Abuse is actual or likely physical injury to a child, such as hitting, kicking or shaking, where there is definite knowledge, or reasonable suspicion, that the injury was inflicted or knowingly not prevented. (CAFOD)

Emotional abuse is harm done by persistent or severe emotional ill-treatment or rejection, such as degrading punishments, threats, bullying or not giving care and affection, resulting in adverse effects on the behaviour and emotional development of a child or young person. (CAFOD)

Neglect occurs when basic needs such as food, warmth and medical care are not met, or when there is a failure to protect a child from exposure to any kind of danger, resulting in serious impairment of a child's or young person's health or development. (CAFOD)

Sexual abuse occurs if a child or young person is pressurised or forced to take part in any kind of sexual activity, whether or not the child is aware of or consents to what is happening. Sexual abuse includes incest, rape and fondling. It may also include no contact activities such as showing a child pornography or internet based activity and viewing pornographic images of children. Sexual abuse may involve siblings or other family members, or persons outside the family. (CAFOD)

Commercial or other exploitation of a child refers to use of the child in work or other activities for the benefit of others. This includes, but is not limited to, child labour and child prostitution. These activities are to the detriment of the child's physical or mental health, education, moral or social-emotional development (WHO, 1999).

Discrimination

Unequal treatment of individuals or groups on the basis of personal characteristics such as disability or appearance or group characteristics such as ethnicity, religious orientation, etc. Common forms of discrimination may include, but are not limited to, making employment or programming decisions based on family status, race, membership of a minority group, gender, religion or lack of religion, colour, national or ethnic origin, language, marital status, birth, sexual orientation, age, disability, political conviction, socio-economic background, caste, HIV and AIDS status or other illnesses and physical appearance or lifestyle.

Examples of discrimination may include, but are not limited to:

- Programmes not based on proper needs assessment or situational analysis resulting in interventions that benefit men more than women or vice versa;
- Hiring preferences for one religion or ethnic groups over members of other denominations or groups;
- Stigmatization of or service denial to people on the basis of their HIV and AIDS status;
- Service delivery only to particular ethnic, religious, or political groups.

Exploitation

Using a position of authority, influence or control over resources, to pressure, force, coerce or manipulate someone to do something against his/her will or interest and well being. This includes threatening to withhold project assistance, threatening to make false claims about a person in public, or any other negative repercussions in the work-place or community.

Examples of exploitation include, but are not limited to:

¹² The Convention emphasizes that States substituting an earlier age for specific purposes must do so in the context of the Convention's guiding principles of non-discrimination (Article 2), the best interests of the child (Article 3), maximum survival and development (Article 6) and participation of children (Article 12): <http://www2.ohchr.org/english/law/crc.htm>.

- Offering special benefits to beneficiaries or other programme participants in exchange for expressed, implied or demanded favours (including sexual favours) or benefits, either to the staff member or to a third party
- Threats or implications that an individual's refusal or unwillingness to submit to demands will affect the person's entitlement to project assistance and support, or terms and conditions of employment.
- Children's involvement in heavy, dangerous, extended long hours or forced labour.
- Selling, buying, transporting children, women or men by means of coercion or deception for economic or other gain.¹³

Fraud¹⁴

The theft or misuse of Concern's funds or other resources, by a staff member or a third party, which may or may not also involve misstatement of financial documents or records to conceal the theft or misuse.

Examples of fraud include, but are not limited to, the following:

- Theft of funds or any other Concern property;
- Falsification of costs or expenses;
- Forgery or alteration of documents;
- Destruction or removal of records;
- Inappropriate personal use of Concern's assets;
- Staff seeking or accepting cash, gifts or other benefits from third parties in exchange for preferment of the third parties in their dealings with Concern;
- Blackmail or extortion;
- Paying of excessive prices or fees to third parties with the aim of personal gain.

Harassment¹⁵

Harassment is unwanted behaviour relating to personal characteristics such as race, membership of a minority group, sex, gender, religion or lack of religion, colour, national or ethnic origin, language, marital status, family status, sexual orientation, age, disability, political conviction, socio-economic background, caste, HIV and AIDS status or other illnesses and, physical appearance or lifestyle which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. Such unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material.

Harassment also means less favourable treatment of a person because he or she has rejected or submitted to the type of conduct described above.

- Anyone can be a victim of harassment.
- Harassment may be an isolated incident or repeated actions.
- Harassment can take many forms and may involve written documents, the use of IT including email, text messaging, photographs or pictures.

Many forms of behaviour may constitute harassment, including:

- verbal harassment - jokes, comments, ridicule or songs;
- written harassment - including faxes, text messages, emails or notices;
- physical harassment – jostling, shoving or any form of assault;
- intimidatory harassment – gestures, posturing or threatening poses;
- visual displays such as posters, emblems or badges;
- isolation or exclusion from social activities;
- pressure to behave in a manner that the individual thinks is inappropriate - for example, being required to dress in a manner unsuited to a person's ethnic or religious background.

¹³ Elements of the current international law on trafficking in human beings is contained in the 2000 UN Convention against Transnational Organized Crime - also known as the Palermo Convention - and the two Palermo protocols: Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; Protocol against the Smuggling of Migrants by Land, Sea and Air.

¹⁴ Definition taken from Concern Worldwide Anti-fraud Policy.

¹⁵ Adapted from the Irish Employment Equality Acts 1998 to 2008.

Intimidation

Intimidation is the act of willingly making someone timid, filled with fear or frightened into submission. Intimidation implies inducing fear or a sense of inferiority in another person with the intention of forcing him/her to do, or deterring him/her from doing, something by threats or inducing fear of the consequences against him/her or their family or friends. The person who is intimidated feels coerced or inhibited by the threats. Acts of intimidation can be verbal, non-verbal or physical.

Programme Participant

For the purpose of this policy, 'programme participant' refers to any individual associated with Concern's programmes and includes:

- beneficiaries of programmes delivered by Concern or its partners
- people employed or engaged by Concern, whether national or international, full or part time, consultants, interns, contractors or volunteers, or any person actively involved in the Concern programme
- Concern's partner organisations and their staff or anyone working on their behalf

Community members in general (i.e. those who are not direct or indirect beneficiaries of the programme) are not considered programme participants. However, abusive and/or inappropriate behaviour by Concern staff member towards members of the community where Concern or its partner are operational will result in disciplinary action being taken.

Rape and attempted rape¹⁶

Rape is an act of non-consensual sexual intercourse. Any non-consensual penetration is considered rape when it includes the following two elements:

- the perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body.
- the invasion was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent.

A person may be incapable of giving genuine consent if affected by natural, induced or age-related incapacity. Genuine consent does not include consent obtained through deception or coercion or where exploitation is a factor in the granting of consent.

Sexual abuse

The actual or threatened physical intrusion of a sexual nature, whether by force, coercion or under unequal conditions. It includes sexual assault or sexual acts to which a person has not consented, could not consent, or was compelled to consent.

Sexual exploitation

Any actual or attempted abuse of a position of vulnerability, differential power, or trust, to pressure or demand others to provide sexual favours, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of someone else.

Sexual harassment

Sexual harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature. A single incident may constitute sexual harassment. Many forms of behaviour can constitute sexual harassment, including:

- physical conduct of a sexual nature. This may include unwanted contact such as unnecessary touching, patting or pinching or brushing against another employee's body, assault and coercive sexual intercourse;
- verbal conduct of a sexual nature. This may include unwelcome sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome, unwanted or offensive flirtations, suggestive remarks, innuendos or lewd comments;

¹⁶ International Criminal Court Elements of Crime Document PCNICC/2000/1/Add.2 (2000).

- non-verbal conduct of a sexual nature. This may include the display of pornographic or sexually suggestive pictures, objects, written materials, emails, text messages or faxes. It may also include leering, whistling or making sexually suggestive gestures;
- sex-based conduct. This may include conduct that denigrates or ridicules or is intimidatory or physically abusive of an employee because of his or her sex, such as derogatory or degrading abuse or insults that are gender-related.

Violence

Violence defines aggressive behaviour that may be physically, sexually or emotionally abusive. The aggressive behaviour is conducted by an individual or group against another, or others.

Visitor

Any person not contracted to work for Concern, but who is visiting Concern's overseas programmes, whether as an individual or as a representative of an institution. This includes, but is not exclusive to, consultants, journalists, donors, photographers, members of Concern Council (Concern Ireland) or Board (Concern UK and US), friends, accompanying dependants of international staff, etc.¹⁷ Any such person should - during the visit – consider him/herself under the authority of Concern Country Director and must adhere to the Concern P4. The definition shall not include individuals who call to Concern's offices for short meeting.

¹⁷ In the event of an allegation of a breach of this Policy by an accompanying dependant of an international staff member, the allegation will be investigated and the country programme management team, in consultation with the Regional Director and the HR Director, may take action up to and including the removal of accompanied status in relation to that individual, and the referral of the matter to the national authorities. Those employed by international staff to work in a Concern house (cook, housekeeper, gardener, etc.) or to work for the international staff member or his/her accompanying dependants (translator, driver, teacher, etc.) are also protected by this policy, despite the fact that they are not Concern staff.