



**Child Protection Sub-Cluster
Ukraine**

Code of Conduct for Partners Working with Children:

National Child Protection Sub-Cluster Ukraine

The National Child Protection Sub-Cluster (CPSC), which is mandated to coordinate the Child Protection response in Ukraine,¹ is committed to ensuring the protection and well-being of children. The Sub-Cluster has developed the current Code of Conduct with partners to provide clear guidelines for, and outline expectations from, organizations working on child protection in Ukraine.² Children, defined as persons under 18 years of age, are among the most vulnerable population groups during emergencies and unstable situation.

Ukraine ratified The UN Convention on the Rights of Child on 27 September 1991. Also, in 2003 and 2005 respectively two Optional Protocols to the UN CRC - on the Sale of Children, Child Prostitution and Child Pornography and on the Involvement of Children in Armed Conflict - were ratified by the Parliament of Ukraine and became an integral part of Ukraine national legislation. In addition to that Ukraine has ratified the UN Convention on the Elimination of All forms of Discrimination against Women (CEDAW) in 2003³

The adoption of the National Plan of Action (NPA) for Children (2010-2016) as a law in 2009 marked progress towards developing a strategic and comprehensive legal framework for implementation of child rights. The NPA pays particular attention to equity and protection of the most disadvantaged children and contains provisions for equitable access to quality health care and education regardless of children's social and economic status.

It is obligatory for all senior management of all organizations to ensure compliance among staff members. This Code of Conduct applies to *all* staff working with relevant organizations. This includes international staff, headquarters staff on mission, consultants, and National staff and volunteers. . The Code of Conduct must be signed by the head of each organization and its staff, irrespective of whether they have direct contact with children while performing their duties.

Senior Management at all levels are responsible for ensuring that this Code of Conduct is disseminated and fully understood, including by beneficiaries and local communities.

¹ See <http://www.unicef.org/appeals/ukraine>.

² As per the Inter-Agency Guiding Principles on Unaccompanied and Separated Children, 2004. This document is the core guiding document prepared and agreed upon by UNICEF, UNHCR, World Vision, Save the Children and others and is the basis of child protection across agencies.

³ https://www.unicef.org/ukraine/children_11725.html Перекласти цю сторінку



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Senior management are also responsible for setting a good example, creating a work environment that supports and empowers children and staff to report violations, and taking appropriate disciplinary action (e.g. sanctions, dismissal or legal action) when violations occur.

While acknowledging that local laws and customs may differ from one country to another, this Code of Conduct is based on international legal standards and norms.⁴

1. All staff members of the organization are fundamentally committed to the **‘Do No Harm’ principle**. This implies that humanitarian action must:
 - Avoid exacerbating disparities and should avoid discrimination between affected populations on the basis of the causes of crisis.
 - Eschew creating or exacerbating environmental degradation.
 - Avoid creating or exacerbating conflict and insecurity for affected populations.
 - Take into account the special needs of the most vulnerable groups of children– including internally displaced persons, unaccompanied/separated minors and the disabled – and develop relevant, targeted programme interventions.
2. All staff members of the organization commit to treating all children with respect, regardless of race, colour, gender, language, religion, political or other opinion, national, ethnic or social origin, disability, birth or any other characteristic. Respect for the equal rights of girl and boy children will be observed at all times.
3. All staff members of the organization commit to respecting cultures, customs and traditions of all people. However, when a tradition or practice is considered to be contrary to this Code of Conduct, staff will be guided by the Code.
4. Child-related programming must provide a welcoming, inclusive and safe environment that enables children to reach their full potential by taking part in developmental, educational, social and recreational activities.

⁴ See, for example, United Nations Convention on the Rights of the Child, 1990; UN Secretary General, Bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13); Inter-Agency Standing Committee, Report on protection from sexual exploitation and abuse in humanitarian crises, 13 June 2002; Global CPWG, Minimum Standards for Child Protection in Humanitarian Action, 2012.



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5. All staff members of the organization commit to caring for and protecting the rights of children at all times, and acting in a manner that ensures that children's **best interests** are the *Праці* consideration in all decisions affecting them.
6. All staff members of the organization commit to supporting the fullest possible **participation** of children, their families, and communities in all decisions affecting them.
7. All staff members of the organization commit to ensuring **informed consent** for all activities affecting children.⁵
8. All staff members of the organization commit to ensuring the creation and maintenance of an environment which prevents discrimination, neglect, and physical and emotional abuse.⁶
9. All staff members of the organization commit to *never* engaging in any form of sexual activity with, or sexual exploitation⁷ of, children. This constitutes an act of gross misconduct and is grounds for immediate termination of employment. Mistaken belief in the age of the child does not constitute a defence.
10. All staff members of the organization commit to *never* engaging in any form of sexual exploitation of programme beneficiaries (whether adults or children).
11. All staff members of the organization commit to not accepting, soliciting, or engaging in the buying of or profiting from sexual services. This is applicable within and outside of working hours.
12. All staff members of the organization commit to not abusing the power and influence that they have by virtue of their influence on the lives and well-being of children.
13. All staff members of the organization commit to never using physical punishment, inappropriate language, psychologically manipulating, or otherwise abusing children in any way.

⁵ Informed consent is the voluntary agreement of an individual who has the capacity to give consent, and who exercises free power of choice. To provide informed consent the individual must be able to understand, and take a decision regarding their own situation. Informed consent may be sought from a child or from the child's caregiver, according to the age of the child and their level of maturity. There is no legal age at which a child becomes able to grant consent on his/her own, and therefore, it is important to look at the evolving capacity of the child to determine whether he/she is capable of understanding the implications of making decisions. Usually 15-18 year olds should be able to give oral or written informed consent. For younger children, decisions should be made on a case-by-case basis in consultation with parents/guardians/care-givers/case workers.

⁶ The term *child abuse* is generally used to describe an act of *commission* that is against the international standards/accepted cultural norms. It can include: *Physical abuse*, the deliberate use of force on a child's body, which may result in injury, e.g. hitting, burning, shaking, choking; *Sexual abuse*, should be understood not only as violent sexual assault but also other sexual activities, including inappropriate touching, where the child does not fully comprehend, is unable to give informed consent, or for which the child is not developmentally prepared; *Emotional abuse*, persistent attacks on a child's sense of self, e.g. constant Belittling, taunting or humiliation, isolation and intimidation.

⁷ The term 'sexual exploitation' is defined as any abuse of a position of vulnerability, differential power, or trust for sexual purposes including profiting monetarily, socially or politically from the sexual exploitation of another.



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14. All staff members of the organization commit to never engaging in any form of harassment of children, including sexual harassment.
15. All staff members of the organization commit to never requesting any service or favour from children in return for protection or other assistance.
16. All staff members of the organization commit to neither supporting nor taking part in any form of illegal, exploitative or abusive activities concerning children, including child labour and child trafficking.
17. All staff members of the organization commit to not using children for domestic purposes or any other labour which is inappropriate for their age or development, interferes with their education or play, or places them at any risk of mental or physical injury.
18. Photographs, films and videos may only be made with the informed consent of children and their legal guardians and this consent must be obtained through the signing of a consent form by a parent or guardian in the presence of members of the relevant agency. Such materials must present children in a dignified and respectful manner and ensure that images are honest representations of the context and facts.
19. All staff members of the organization commit to ensuring **confidentiality** of all information on children in accordance with the best interests of the child. Any information shared must be on a “**need to know**” basis and only when necessary for the conduct of official duties. This aims to minimise the likelihood of abuse of information by limiting access to those who need (*not want*) it.
20. All staff members of the organization guarantee the establishment of a confidential and accessible complaints and reporting mechanisms for violations of this Code of Conduct.
21. All staff members of the organization commit to training staff at all levels on reporting violations of this Code of Conduct, whether they take place on the organization’s premises, during implementation of activities, or involving any staff or partners.
22. Senior Managements commit to making known to all staff, beneficiaries and their communities how and where to file complaints regarding violations of this Code of Conduct. Complaints handling mechanisms will be effective and accessible and concerned parties will be assured that information given will be treated in a confidential manner.
23. All staff members of the organization commit to protecting whistle-blowers’ identity and person.

Incident reporting procedure:



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All staff members of the organization are obligated to report violations of this Code of Conduct.

All actual and suspected incidents will be reported in a timely manner. Different routes for reporting may be necessary:

- Normal reporting to immediate superior.
- Reporting above this level where necessary (if a case involves a superior).
- Reporting to human resources department.

Incidents will be reported to the national CPSC. Incidents will also be reported to the police (national/police in country of origin), as appropriate, and in a timely manner.

The following information should be reported:

- Time and location of incident.
- Person involved.
- Type of incident.
- Consequences of incident.
- Any action taken.

24. Whistleblowing will be undertaken in the responsible belief that what is reported is true. Concerns should not be the basis for disciplinary action before a timely, impartial and fair investigation by the management of the organization concerned.

25. Managers commit to disseminating this Code of Conduct among all staff, beneficiaries and their communities and ensuring that they fully understand it.



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ATTESTATION OF UNDERSTANDING AND COMPLIANCE TO THE ABOVE

I, _____ (Full Legal Name), working as
a _____ (Job Designation/Title) have read,
understood and agree to fully abide by the above CPSC Code of Conduct for working with and
for children in emergencies. If ever I have doubts as to how to conduct myself, I will seek the
advice of the respective head of my organization and the National Child Protection sub-cluster
head(s).

Signature of staff members

Name and signature of witness

Name and signature of the head of organization

Official Stamp: