



Programme Participant Protection Policy

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Throughout this document, the term **inappropriate behaviour** is intended to include, among other things:

- Any form of gender based violence including, but not limited to:
 - Bullying
 - Verbal, physical or sexual harassment
 - Rape
 - Exploitation
 - Intimidation
 - Victimisation
- Any form of racial discrimination or harassment
- Entering into relationships which cause, or could potentially cause, conflicts of interest at work
- Behaving in a manner which brings, or could potentially bring, the organisation into disrepute
- Behaviour that shows a lack of respect for the dignity of others
- Behaving in an obviously culturally insensitive manner
- Behaving in a manner which leads to, or could potentially lead to, health or security problems for the person themselves, or for other people
- Theft
- Unauthorised use or possession of Concern property – or of the property of a third party while acting or purporting to act on behalf of Concern
- Serious negligence or deliberate misuse of Concern property
- Any attempt to commit fraud or to accept or solicit a bribe
- Unauthorised absence without due cause, or persistent absence or bad time keeping

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 by Concern and the programme participants. We acknowledge that there is potential for this power imbalance to be exploited by Concern employees to acquire bribes, payments, gifts, and/or sexual favours. Concern's Programme Participant Protection Policy has been developed to ensure the maximum protection of programme participants from exploitation and to clarify the responsibilities of Concern staff and the standards of behaviour expected of them.

Abuse of power has, in the past, led to many forms of exploitation, both within the relief and development sphere in developing countries, and in social institutions in Europe and America. The HIV/AIDS pandemic has added to the vulnerability of children who are increasingly targeted for unprotected sex because of the greater likelihood that they are uninfected, or in some cases, because the belief may persist that having sex with a virgin is a way of curing AIDS. Concern condemns any such exploitation and is committed to the protection of programme participants.

Concern's Staff Code of Conduct has been amended to reflect this policy. The Policy and the Code apply not only to Concern staff members, but also to Visitors (as defined in Annex 2) to Concern, and to the personnel of Partner Agencies. Where appropriate, references in the Policy and the Code to Concern staff members shall apply to visitors to Concern and to the personnel of Partner Agencies.

Acceptance of this policy should be a requirement of any partnership agreement that Concern enters into with other organisations.

2. Rights of programme participants

All programme participants have the same right to absolute freedom from exploitation as any other human being. Such rights are prescribed in, among other documents, the Universal Declaration of Human Rights, the UN Convention on the Rights of the Child (UNCRC), the UN Convention for the Elimination of all Forms of Discrimination against Women (CEDAW), and in the national laws of most of the countries in which we work.

3. Concern's policy

It is Concern's policy to take all steps that are reasonably possible to protect programme beneficiaries - children, women and men - from harassment and abuse perpetrated by employees of Concern, Concern's partner organisations, or official visitors to programmes such as those involved with Concern's work as contractors, consultants, visiting donors, journalists, etc. Concern acknowledges that certain groups, such as children (individuals under 18 years of age) and women, are considered most at risk from abuse, harassment and sexual violence. While recognising that harassment and sexual violations of adult men does occur, the policy concentrates on the prevention of abuse of women and children, as this group is generally more at risk from forms of violence such as bullying, physical violence, political pressure and/or financial extortion.

4. Partner Agencies

Concern increasingly works through local partner NGOs, civil society organisations, and community-based groups, with the result that there is less direct contact between our employees and programme participants. However, acceptance of this policy by Partner Agencies is a requirement of any partnership agreement that Concern enters into with other organisations. Wherever Concern is working with, funding, or supporting partner agencies to work directly with programme participants, the provisions of this policy must be a condition of every partnership agreement.

This policy should be used as a tool to bring up the issue of staff conduct during negotiations with partner agencies. The funding of a partner agency will be dependent on adherence to the principles contained in this policy document.

5. Measures

Concern staff members must be aware of the power dynamics that NGOs wittingly and unwittingly create within programme participant communities, and between employees and programme participants. Abuse of power is often at the base of most incidents of harassment, exploitation and inappropriate behaviour by

employees. A number of simple measures can easily be taken to tackle unequal power relationships or to eliminate the chances of staff members exploiting their position of power:

- As far as is possible, ensuring field-work teams are gender-balanced and that some women hold positions of seniority.
- Making programme participants aware: of their entitlement to humanitarian assistance; of Concern's employees' duty to deliver it without discrimination; that whatever goods or services are delivered cannot be withheld or withdrawn on the whim of one or more staff members *and* that it is unacceptable for Concern staff members to solicit or accept bribes, rewards, gifts, sexual favours, etc, from a programme participant.
- Clarifying the channels for lodging complaints by appointing and training one senior staff member in each field to be responsible for further training and awareness raising among all staff members and for investigating all complaints. This person should report directly to the Country Director (if s/he is not the designated contact person).
- Ensuring that no individual staff member of the organisation can create a situation where he or she alone is perceived to be the sole and final authority in allocating benefits.

It is the responsibility of all senior management at field and head office levels to ensure that all staff, personnel from Partner Agencies, consultants, and visitors to Concern are acquainted with the requirements of the Policy. If acts have been committed in relation to our programme participants which are criminal, grossly infringe children's rights, or contravene the principles contained in this document, *the organisation will take immediate action appropriate to the circumstances*. This may mean for:

Staff/Volunteers	-	disciplinary action/dismissal
Partner Agency personnel	-	review of staffing policy/withdrawal of funding or support
Contractors/Consultants	-	termination of contract
Visitors to Concern	-	removal from field location

Any action taken will be in accordance with Concern's policies and procedures.

Depending on the nature, circumstances and location of the case, Concern will involve the appropriate authorities to ensure the protection of programme participants, and initiate criminal prosecution where this is appropriate.

6. Local culture

In order to be fully aware of the programme participant protection issues Concern faces, it is essential for Concern staff to be aware of local cultural and religious practices. It should not be forgotten that cultural misunderstanding can be a two-way problem. However, 'culture' can never be an excuse or motive for inappropriate behaviour.

7. Relationships with programme participants

As employees of Concern, staff members have potentially greater access to goods, services and power than members of the programme participant community, and this greater access could be used to pressure or exploit programme participants. All employees are obliged to declare potential conflicts of interest, exercise discretion, professionalism and good judgment when there is a relationship between Concern employees and programme participants. Similarly, it is expected that employees declare potential conflicts of interest between themselves and (potential) sub-contractors and applicants for positions within Concern.

We believe that children deserve special protection and that our staff should carry out their duties in ways that do not violate the rights of the child.

While recognising that Concern employees are often also members of the programme participant community, and therefore may be married or have long-established relationships in the programme participant community, Concern strongly discourages staff from engaging in sexual relationships with members of communities with whom they are working directly and reserves the right to take action where Concern deems it appropriate, which may include disciplinary action/dismissal.

8. Concern Staff Code of Conduct

A Staff Code of Conduct is considered a key tool for the prevention of harassment, exploitation and inappropriate behaviour by staff. The Concern Staff Code of Conduct describes acceptable standards of behaviour and promotes good practice. Concern's Human Resources Policy sets out the Code of Conduct for relations within Concern.

In order to prevent harassment, exploitation, or abuse, guidelines for appropriate behaviour are included in the Concern Staff Code of Conduct. It is important that all current staff members of Concern, the representatives of Partner Agencies, and Visitors are given a copy of the Concern Staff Code of Conduct in a language that they can understand.

As part of pre-employment induction procedures, new staff members shall be asked to read the Concern Code of Conduct and sign it to confirm that they have understood its content and agree to conduct themselves accordingly. It is the responsibility of all Concern employees to adhere to the Concern Staff Code of Conduct.

Any concerns or suspicions about a suspected incident of exploitation, harassment or bullying of programme participants, whether major or minor, should always be discussed with a line manager or other senior member of staff. A fuller picture is likely to emerge which might reduce the level of concern or, on the other hand, may lead to the realisation that further action is appropriate. All such concerns must be recorded and the record held in a secure location.

9. Review

The implementation of this policy will be monitored through a range of instruments such as programme, country and sector evaluations.

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 and Council, but will be guided by the HR Directorate in Dublin.

Annex 1

CONCERN STAFF CODE OF CONDUCT

Concern, as an international organisation involved in the alleviation of poverty, seeks to implement successful relief and development programmes through its commitment to best practice and the quality of work of its staff and that of local partner agencies supported by Concern. In this context, staff have a responsibility to the organisation to strive for and maintain the highest standards in the day-to-day conduct of their work in accordance with Concern's core values and mission. As such, the following Code of Conduct should be adhered to at all times.

Discrimination

Concern employees must not discriminate in any way. Common forms of discrimination may include making employment or programming decisions based on family status, race, membership of the traveller community, gender, religion, colour, national or ethnic origin, language, marital status, birth, sexual orientation, age, disability, or political conviction.

Conflict of Interest

Concern is committed to working in partnership with the poorest and those who support the interests of the poorest. No staff member should be involved in awarding benefits, contracts or employment to any person with whom they have financial, family or personal interests; the obligation rests with the individual to declare such a conflict to his/her line manager and to withdraw. Staff members are prohibited from accepting, soliciting, requesting or implying expectations of payment, gifts or sexual favours in exchange for awarding benefits, contracts or employment.

All staff should avoid situations in which their personal interest may conflict, or appear to conflict, with the interests of Concern or its programme participants.

Misuse of drugs and alcoholic drink

It is a disciplinary offence to be at work whilst under the influence of alcohol or drugs not medically prescribed. Being in possession of, or using, distributing or selling illegal substances is not permitted on Concern premises or whilst on Concern business.

It is prohibited for employees to come to work under the influence of alcohol or non-prescription drugs.

It is prohibited for staff to distribute non-prescription drugs. The conviction of an employee on drugs related charges will result in disciplinary action, which could lead to dismissal on the grounds of gross misconduct.

Personal gifts

All staff must observe the highest standards of honesty and integrity by not abusing their position for personal gain. Abuse of a position would include withholding goods that are due to Concern's programme participants, or awarding goods that are not due to programme participants in order to obtain gifts, payment or sexual favour from programme participants, or accepting gifts or goods from interested parties. Any such abuses will be considered acts of gross misconduct and will result in dismissal.

Staff should conduct themselves at all times in a manner that avoids suspicion of such behaviour.

Sexual relationships with children

Sexual activity between a Concern staff member and a child¹ (a person under the age of 18) is not condoned. Mistaken belief in the age of a child is no defence.

Relationships with programme participants

Sexual relationship between humanitarian workers and programme participants are strongly discouraged since they are most likely to be based on inherently unequal power dynamics. Such relationships undermine

¹ The exception being where a staff member is legally married to a person under the age of 18. Refer to the definition of 'child' on page 6.

the credibility and integrity of humanitarian aid work. All employees should exercise discretion, professionalism and good judgment when there is a relationship between Concern employees and programme participants.

Harassment, exploitation and abuse

Concern recognises that all employees and programme participants have a right to be treated with dignity and respect. Therefore, any proven instances of harassment, exploitation or abuse will be treated as gross misconduct and, as such, will result in appropriate disciplinary action being taken, up to and including dismissal.

Duty to report

It is the duty of all staff who become aware of any breaches of this Code to report this immediately to a line manager, either through the established reporting mechanism or, if not appropriate, to another senior member of staff. Employees must ensure that all information about breaches of this Code are handled with the utmost discretion.

Review

The implementation of this Code will be monitored through a range of instruments such as programme, country and sector evaluations.

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 and Council.

Any breach of this Code will result in disciplinary action up to and including dismissal.

Annex 2

Clarification of terminology

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

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

Visitor: For the purpose of this policy, a 'visitor to Concern' is any individual who visit Concern's overseas programmes and comes into contact with Concern's programme participants. This includes journalists, consultants, donors, friends, spouses, partners, family members and relatives of current Concern staff, etc. The definition shall not include individuals who call to Concern's offices for short meetings.

Child: The Convention on the Rights of the Child defines as **children** *every human beings under the age of eighteen years unless under the law applicable to the child, majority is attained earlier (Article 1)*. 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).

Bullying: Bullying is repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, which could reasonably be regarded as undermining the individuals right to dignity. 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, nor is the exercise of legitimate management rights or of legitimate employer rights and responsibilities.

Examples of bullying are as follows:

- Manipulation of the victim's reputation by rumour, gossip or ridicule.
- Preventing the victim from speaking by making loud voiced criticisms or obscenities.
- Social exclusion or isolation.
- Manipulating the nature of the work or the ability of the victim to perform the work e.g. by overloading, withholding information or setting meaningless tasks.
- Physical abuse, or threats of abuse.

Harassment: Harassment is any act or conduct including spoken words, gestures or the production, display or circulation of written words, pictures or other material, if the action or conduct is unwelcome to the recipient and could reasonably be regarded as offensive, humiliating or intimidating.

Examples of harassment include:

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

Sexual Harassment: Sexual harassment is defined as any:

- Act of physical intimacy
- Request for sexual favours

- Other act or conduct including spoken words, gestures, or the production, display or circulation of written words, pictures or other material that is unwelcome and could reasonably be regarded as sexually offensive, humiliating or intimidating.

Examples of sexual harassment can include:

- *Verbal abuse*: requests or demands for sexual favours, suggestive remarks, degrading abuse or insults, jokes or tricks of a sexual nature.
- *Physical abuse*: gesturing of a sexual nature, unnecessary touching, indecent exposure, and assault.
- *Visual abuse*: displaying/circulating pornographic materials.

A single incident may constitute sexual harassment. Sexual harassment can be imposed by either sex upon the other, and can include harassment of a person due to sexual orientation or preferences. Instances of sexual harassment will be treated as gross misconduct and may result in dismissal.

Gender-Based Violence: Physical, mental, or social abuse that is directed against a person because of his or her gender or gender role in a society or culture. In these cases, a person has no choice to refuse or pursue other options without severe social, physical, or psychological consequences. Use this category for sexual violence cases that do not fit into any of the other four categories.

Rape: Rape is an act of non-consensual sexual intercourse. Any non-consensual penetration is considered rape, and may include:

- Statutory rape – sexual intercourse with a person under the age of consent, even if the person agrees to the act.
- Gang rape - rape by more than one assailant.
- Male rape - the victim and perpetrator are both male. This is sometimes known as sodomy.

Attempted Rape: Efforts to rape someone falling short of penetration.

Exploitation: Exploitation is using one's position of authority, influence or control over resources, to pressure, force or manipulate someone to do something against their will. 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 can include:

- Offering special benefits to programme participants or employees in exchange for expressed, implied or demanded (sexual) favours.
- Threats or insinuations 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.

Violence: Violence constitutes incidents where persons are abused, threatened or assaulted in circumstances related to their work, involving an explicit or implicit challenge to their safety, health or well being.

Intimidation or Victimisation: Recipients will be protected against intimidation, victimisation or discrimination resulting from their alleging harassment or assistance with an investigation. If any member of staff is found retaliating against a recipient making a complaint or assisting in an investigation, then the appropriate disciplinary action - up to and including dismissal - will be imposed.