

Committee for Coordination of Services to Displaced Persons in Thailand (CCSDPT)
INTER-AGENCY CODE OF CONDUCT

I. INTRODUCTION

(a) Background

Conflict and displacement inevitably erode and weaken the social and political structures that protect communities and individuals. The resources available to affected populations and humanitarian agencies assisting them are frequently insufficient to meet basic needs. All too often, mechanisms for protection are not fully effective or given sufficient priority. Against this background, affected populations find themselves in situations where they can be exploited or abused. Such environments can give rise to abuse of power by humanitarian workers and others providing assistance.

(b) Code of Conduct

The humanitarian agencies working with refugees in Thailand are determined to prevent and respond to the possibility of abuse or exploitation. Among the steps towards this objective, they agree to institutionalize a common inter-agency Code of Conduct.

The Code is intended to serve as an illustrative guide for staff in sustaining ethical behavior. It is designed to assist humanitarian agencies and their staff to better understand the ethical obligations placed upon their conduct and to act in accordance with the public trust endowed on them. The agencies party to this Code will not tolerate abuse, exploitation and corruption within their operations. They shall pursue vigorously any breaches of the Code according to their respective administrative rules, regulations and sanctions.

This Code of Conduct has been developed in the spirit of complementing and strengthening similar Codes or other instruments within each agency, rather than replace or detract from them. Where an individual agency's Code is stricter than this inter-agency CCSDPT Code of Conduct, the agency's policies will take precedence and be upheld.

(c) Humanitarian workers

Not only the internationally engaged workers of humanitarian organizations have the obligation to demonstrate ethically upright behavior. Large numbers of personnel are engaged in refugee programs in a variety of capacities ranging from volunteers, incentive workers, researchers, casual labourers, interns, drivers, and guards to decision-makers at the country, regional and international levels. Many of these workers are drawn from the beneficiary communities themselves. As far as this Code is concerned, by accepting employment of any kind in these situations, all such workers accordingly also assume the special duty of humanitarian care and ethical conduct that goes with their responsibilities.

In adopting this Code of Conduct, the signatory agencies signal their responsibility to uphold its standards of behavior. Senior managers acknowledge that they have a special duty to personally set good examples and maintain a working environment in which their workers can sustain ethical behavior in the discharge of their responsibilities.

II INTERPRETATION

For purposes of this Code of Conduct:

“Accountability” : refers to the moral and legal responsibility of a humanitarian worker for his or her duties and actions in a proper and responsible manner. It also includes institutional measures and systems established to maintain appropriate standards of behavior and effective performance of duties by workers.

“Affected populations” : are the individuals or groups for whom the humanitarian activities of the respective agencies are intended.

“Beneficiary” : a person to whom the humanitarian agencies or their workers provide one or another form of protection, assistance, service, or other intervention.

“Discrimination” : means exclusion, treatment, or action against an individual based on social status, race, ethnicity, colour, religion, gender, sexual orientation, age, marital status, nationality, political affiliation, or disability.

“Gender” : cultural or societal differences between men and women in terms of roles and responsibilities, expectations, power, privileges, rights and opportunities. It also refers to the differences between men and women rooted in culture, tradition, society or religion.

“Harassment” : means any comment or behavior that is unwelcome, offensive, demeaning, humiliating, derogatory, or is otherwise inappropriate or fails to respect the dignity of an individual. It can be committed by or against a beneficiary, partner, employee, official, or any other person involved in any way in the refugee program.

“Human Rights” : the agreed international standards that recognize and protect the dignity and integrity of every individual without any distinction.

“Humanitarian standards of behavior” : the professional and moral attributes established in this Code of Conduct which must be demonstrated by humanitarian workers in fulfilling their assigned tasks, without exploiting or abusing their positions of authority.

“Humanitarian worker” : includes all workers engaged by humanitarian agencies, whether international or national, formal or informal, retained from the beneficiary community, sub-contracted, permanent or temporary, to conduct the activities assigned by the employing agency. Any worker that is directly or indirectly involved with refugee communities is considered to fall under this definition, including community leaders, camp committees, local authority representatives, etc.

“Minor” : a person under the age of 18 years of age and corresponds to the definition of a child according to the Convention on the Rights of the Child (CRC).

“Power” : the authority or ability to materially affect various forms of rights, entitlements, or relationships. Power arises from position, rank, influence, status, or control of resources. Unequal power relationships provide the most critical settings for sexual abuse and exploitation to occur in a refugee environment.

“Protection” : measures that are necessary or are actually taken to ensure that individual basic human rights, welfare, and physical security and integrity are recognized and safeguarded in accordance with international standards.

“Refugee” : means a person entitled to be provided protection, assistance or other services by the agencies party to this Code to international refugee law or their respective agency mandates.

“Sexual abuse” : actual or threatened physical intrusion of a sexual nature, by force or under unequal or coercive conditions, and includes inappropriate touching.

“Sexual exploitation” : sexual coercion or manipulation, whereby a person in a position of power, authority, or in control of resources seeks or accepts to provide protection, assistance

or service in exchange for sexual acts or favours. Sexual exploitation also includes taking advantage of a position of vulnerability, differential power, or trust for sexual purposes.

“Sexual and gender based violence” : or SGBV, includes actual or threatened physical, sexual and psychological violence occurring in the family or community. SGBV may take the form of battering, sexual abuse, dowry related violence, marital rape, female genital mutilation, and other traditional practices harmful to women.

“Sexual harassment” : any unwelcome sexual advance, comment, expressed or implied sexual demand, touch, joke, gesture, or any other communication or conduct of a sexual nature, whether verbal, written or visual, by any person to another individual. Sexual harassment may be directed at members of the same or opposite sex and includes harassment based on sexual orientation.

“Survivor” : refers to those who have suffered the abuse, exploitation, corruption, or abuse of power as outlined in this Code of Conduct and may include their family members, dependents, relatives, or close associates.

III. UNDERTAKINGS

3.1 Humanitarian workers assisting refugees from Burma who are living in Thailand shall:

3.1.1. Respect and promote the fundamental human rights of all, without discrimination of any kind and irrespective of social status, race, ethnicity, colour, religion, gender, sexual orientation, age, marital status, national origin, political affiliation or disability.

3.1.2. Treat all beneficiaries and other persons fairly and with respect, courtesy, and dignity according to the laws of Thailand and international refugee law.

3.1.3. Never commit any act or form of harassment that could result in the physical, sexual, or psychological harm or suffering to individuals.

3.1.4. Never exploit the vulnerability of beneficiaries, especially women and children, or allow them to be put into compromising situations.

3.1.5. Never engage in any sexual activity with children - persons under the age of 18 - regardless of the age of majority or consent. It shall not be a defense that one was mistaken as to the age of the child concerned.

3.1.6. Never engage in sexual abuse or exploitation of beneficiaries under any circumstances.

3.1.7. Never condone or participate in any corrupt or illegal activities.

3.1.8. Never accept or exchange money, employment, goods, or any other services for sex, including sexual favors for services which would otherwise be provided to the beneficiaries by duty and free of charge.

3.1.9. Never engage in any other forms of humiliating, degrading, or exploitative behavior under any circumstances.

3.1.10. Never abuse their authority, position, or influence by withholding protection, humanitarian assistance, nor give preferential treatment in order to solicit sexual favors, gifts, payments of any kind, or any other advantage.

3.1.11. Ensure that all information, including reports of breaches of these standards by other workers or obtained from beneficiaries, is channeled correctly in accordance with the CCSDPT established reporting mechanism and handled with utmost confidentiality.

3.1.12. Uphold the highest standards of accountability, efficiency, competence, integrity and transparency in the provision of protection, goods and services in the execution of their responsibilities.

3.1.13. Create and maintain an environment that prevents sexual abuse and exploitation, corruption, or abuse of power and promotes the implementation of this Code. Managers at all levels have particular responsibilities to support and develop systems that maintain and enhance this environment.

3.1.14. Not intentionally make false allegations or accusations against another worker of breaching the provisions of the Code of Conduct.

3.1.15. Report immediately, in accordance with the agency's internal structure and CCSDPT reporting mechanism, any concerns or suspicions of sexual abuse and exploitation of humanitarian staff. Failure to report concerns of sexual abuse and exploitation will constitute misconduct and be considered grounds for disciplinary measures, including termination of employment.

IV. SEXUAL RELATIONS WITH BENEFICIARIES

4.1. Humanitarian workers occupy positions of authority, power and control of resources and services. It is thus crucial that there should be concern over sexual relationships between them and beneficiaries, including those which may be said to be proper and consensual. The agencies party to this Code of Conduct unanimously favor the position that sexual relationships between humanitarian workers and beneficiaries are strongly discouraged.

4.2. As refugees themselves are covered by this Code of Conduct, and many of them have relationships, including marriages, with other refugees, the discouragement of sexual relations between beneficiaries and humanitarian workers who are refugees would deny them the opportunity of establishing consensual and proper relationships.

4.3. Therefore, the following standards shall apply on this issue:

4.3.1. Sexual relationships with beneficiaries which are consensual and proper shall not be discouraged provided the employee is not abusing or exploiting his/her position as a humanitarian worker as defined in this Code.

4.3.2. It is however reiterated that each and every standard in the Code of Conduct guarding against abusive or exploitative sexual relationships with beneficiaries will otherwise apply with equal force.

4.3.3. Sexual relations between beneficiaries and other categories of humanitarian workers, particularly international staff, are strongly discouraged.

4.3.4. Any humanitarian worker who finds himself or herself involved in a relationship with a beneficiary shall advise his or her head of agency or supervisor of the relationship.

4.3.5. The heads of all agencies party to this Code shall ensure that when informed of relationships between staff and beneficiaries, appropriate measures are taken to prevent the potential for abuse or exploitation.

V. CODE OF CONDUCT: A LIVING DOCUMENT

5.1. This Code of Conduct is intended to serve as a "living document". It shall be revised so as to make it more responsive to changing circumstances, at the initiation of the signatory agencies and with their full agreement.

5.2. Upon coming into force, the Code shall be binding upon the agencies which will have actually signed it. At the same time, it shall remain open for signature by any other agency working directly or indirectly with the members of the CCSDPT.

VI. IMPLEMENTATION AND ADHERENCE

6.1. This Code of Conduct is signed for and on behalf of their respective agencies by the Heads of Agencies appearing below. By signing the Code, they hereby undertake:

6.1.1. That they have read, understood, and are in full agreement with the contents of the Code.

6.1.2. To disseminate the content and standards of the Code comprehensively within their respective agencies, and take all necessary steps to ensure implementation and adherence to the Code.

6.1.3. To create and develop an environment that prevents sexual abuse and exploitation, abuse of power, and corruption and promote adherence to the Code.

6.1.4. To prevail upon their respective staff, according to formats that they will develop accordingly, to personally sign the Code, thereby signifying their commitment to adhere to its provisions.

6.1.5. To disseminate the Code publicly and in the local languages understood by the staff and beneficiary communities.

6.1.6. To monitor the implementation of and adherence to the provisions of the Code within their respective agencies, and their staff.

6.1.7. To ensure that in every reported breach of the Code, the necessary investigative, administrative and disciplinary measures are taken decisively in accordance with their organizational policies.

6.1.8. All agency personnel remain accountable to the individual policies and Codes of Conduct of their respective agencies at all times and in all circumstances.