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MUKURU SLUMS DEVELOPMENT PROJECT

CODE OF CONDUCT

Background and Introduction:

The need for NGOs to have a policy in place that sets out clear guidance for staff in relation to their behavior towards beneficiaries was highlighted in 2002 by a report by Save the Children (SC) UK and UNHCR¹, which suggested that humanitarian workers were responsible for widespread sexual exploitation and abuse of refugee and internally displaced women and girls in West Africa. The SC UK/UNHCR assessment team visiting Guinea, Liberia and Sierra Leone unexpectedly came across allegations of abuse by humanitarian workers during the course of a broader sociological study on sexual violence and exploitation of refugee children. From the interviews with beneficiaries, including many children, it became evident that beneficiaries were being compelled to trade sexual favors to access the assistance they were entitled to receive – food, water, health services, education, etc. More than forty agencies and nearly seventy individuals were identified in the report, including NGOs, UN agencies, government officials and international peacekeepers.

This pattern of abuse could occur anywhere², but the report generated increased realization that programme beneficiaries, especially women and children, are vulnerable to abuse and exploitation, and that staff of national and international agencies are in positions of relative wealth, status and power, which allows them to access and abuse beneficiaries with ease and relative impunity.

The report caused a public outcry, stimulated an increased emphasis on the protection of beneficiaries, and resulted in the establishment of codes of conduct, stronger performance standards, staff training and better reporting systems to combat exploitation and abuse.

In responding to the issues raised in the report, in 2002 the UN Inter-Agency Standing Committee (IASC)³ established a Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises, which developed the six core principles for a Code of Conduct and produced a Plan of Action for all UN agencies⁴. The Plan required IASC agencies to introduce and enforce codes of conduct that include the core principles and develop measures at organisational level to include protection from abuse into all aspects of their operations.

Why a Code of Conduct

¹ SC UK/UNHCR (2002) *Sexual Violence and Exploitation: The experience of refugee children in Guinea, Liberia and Sierra Leone*.

² Similar abuses were reported in Nepal, DRC, Haiti, and Sudan.

³ IASC Full members: United Nations Children's Fund (UNICEF); United Nations Development Fund (UNDP); Food and Agriculture Organisation (FAO); World Food Programme (WFP); World Health Organisation (WHO); United Nations Population Fund (UNFPA); United Nations High Commissioner for Refugees (UNHCR); Office for the Coordination of Humanitarian Affairs (OCHA). IASC Standing invitees: International Committee of the Red Cross (ICRC); International Federation of Red Cross and Red Crescent Societies (IFRC); International Organization for Migration (IOM); Steering Committee for Humanitarian Response (SCHR); InterAction; International Council of Voluntary Agencies (ICVA); Office of the Special Representative of the Secretary General on IDPs; Office of the High Commissioner for Human Rights (OHCHR); The World Bank (WB).

⁴ Inter-Agency Standing Committee (IASC) Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises, Report, June 2002:

http://www.humanitarianinfo.org/iasc/_tools/download.asp?docID=2557&type=any.

The Code of Conduct is applicable to all MSDP staff.

The staff capacity to ensure the protection of and assistance to beneficiaries depends on their ability to uphold and promote the highest standards of ethical and professional conduct. Further, it is recognized that the staff's work often puts them in positions of unequal power relations towards its beneficiaries. This Code of Conduct holds the values and rules that all staff shall act by to uphold and safe-guard the necessary standards of conduct and to avoid misconduct.

Who is covered?

This Code of Conduct applies to all staff MSDP staff. It is the responsibility of each staff member to adhere to the Code of Conduct and set a good example and contribute to a positive and open working environment. This Code of Conduct is therefore an appendix to their individual employment contract.

Status of this Code of Conduct

It is the personal and professional responsibility of each member of staff to adhere, encourage, advocate and disseminate the Code of Conduct. Staffs are encouraged to report to Ethics Officer Concerns or suspicions regarding criminal or ethical activities that are in conflict with this Code of Conduct and which may compromise MSDP's reputation

Implementation and interpretation

This Code of Conduct is based on both national and international best practices.

Staff members are free to contact the Ethics Officer to seek guidance or clarification on the Code of Conduct at any stage

5 Core values and guiding principles of the Code of Conduct also known as ACUTE

- **Accountability:** We are accountable to you
- **Commitment and ownership:** We are committed to Excellence- We own it
- **Unity of purpose:** We are with you the most vulnerable
- **Trust and mutual respect:** We trust because you trust us
- **Effective communication:** We listen, we bear, we care

And the Motto is: *WE FEEL AND WE RESPOND!*

Staff will not tolerate any form of sexual exploitation or abuse and are aware that misconduct is ground for disciplinary measures including summary dismissal.

Staff members' commitment

- **To uphold the integrity of MSDP, by ensuring that my personal and professional conduct is, and is seen to be, of the highest standard.**
- I will demonstrate integrity, truthfulness, dedication and honesty in my actions
- I will be patient, respectful and courteous to all persons with whom I deal in an official capacity, including beneficiaries, representatives of operational and implementing partners, governments and donors
- I will observe local laws, will meet all my private legal and financial obligations, and will not seek to take personal advantage of any privileges that have been conferred on me in the interest of the Partner

➤ **To treat all beneficiaries fairly and with respect and dignity.**

- I will always seek to understand the difficult experiences that beneficiaries have faced and survived as well as the disadvantaged position in which they – particularly on the basis of gender, age or disability – may find themselves in relation to those who hold power or influence over aspects of their lives.
- I will always seek to care for and protect the rights of all beneficiaries particularly children and act in a manner that ensures that their best interests shall be the paramount consideration.
- I will keep myself informed about MSDP's policies, objectives and activities will do my utmost to support the organisations' protection and assistance work.

➤ **To perform my official duties and conduct my private affairs in a manner that avoids conflicts of interest, thereby preserving and enhancing public confidence in the Partner.**

- My actions will be free of any consideration of personal gain and I will resist any undue political pressure in decision-making.
- I will neither seek nor accept instructions regarding the performance of my duties from any authority external to MSDP
- I will neither give nor accept any honour, decoration, favour gift, remuneration, or bribe, to / from any stakeholder nor will I give nor accept such to / from any other source.
- I will not engage in any outside full time occupation or employment.
- I will not accept supplementary payments or subsidies from a government or any other source, or participate in certain political activities such as standing for or holding public office.
- I will not assist private persons or companies in their undertakings with MSDP where this might lead to actual or perceived preferential treatment.
- I will never participate in activities related to procurement of goods or services, or in human resource activities, where a conflict of interests may arise.

➤ **To contribute to building a harmonious workplace based on team spirit, mutual respect and understanding.**

- I will show respect to all colleagues, regardless of status or position and will allow all colleagues the opportunity to have their views heard and to contribute from their knowledge and experience to team efforts
- I will not discriminate my colleagues on grounds of race, color, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, pregnancy, mental status or HIV status.
- I will communicate openly and share relevant information (subject to confidentiality requirements) with other colleagues, and will endeavor to respond in a timely manner to queries
- I will respect my colleagues' privacy and avoid misinformation.

- I will seek to resolve differences and solve problems when they arise, and will contribute to building constructive dialogue, guided by mutual respect and an open, positive approach, between management and staff.
- **If a Manager:** As a manager I will be open to the views of all team members. I will provide timely feedback on the performance of each team member through guidance, motivation and full recognition of their merits.
- **To promote the safety, health and welfare of all the partner staff as a necessary condition for effective and consistent performance**
 - I will remain aware of and comply with all instructions designed to protect my health, welfare and safety.
 - I will always consider the safety of staff in operational decisions.
 - If I have doubts regarding an instruction that I consider threatening to my safety or the safety of other persons, I will bring this immediately to the attention of the Ethics Officer
 - **If a Manager:** As a manager, I will endeavor to ensure that the health and well-being of staff are not subjected to undue risk. I will promote a healthy work-life balance for staff, and will respect staff entitlements.
- **To safeguard and make responsible use of the information and resources to which I have access by reason of my employment with MSDP**
 - I will exercise due care in all matters of official business, and not divulge any confidential information about beneficiaries, colleagues and other work-related matters in accordance with the terms of employment and current guidelines.
 - I will protect, manage and utilize MSDP'S human, financial and material resources efficiently and effectively, bearing in mind that these resources have been placed at disposal for the benefit of the organisations' operations.
- **To prevent, oppose and combat all exploitation and abuse of Children and Youth**
 - I undertake not to abuse the power and influence that I have by virtue of my position over the lives and well- being of children and youth.
 - I will never request any service or favour from children and youth in return for protection or assistance.
 - I will never engage in any exploitative relationships, emotional, financial, sexual or employment-related with children and youth. I will act responsibly when hiring or otherwise engaging children and youth for private services. I will report in writing on the nature and conditions of this employment to the Ethics Officer.
 - I will not engage in sexual activity with children under the age of 18. Mistaken belief in the age of the child does not constitute a defence
 - I will not engage in sexual exploitation or abuse of children and youth and I have a particular duty of care towards women and children.
 - I will neither solicit nor engage in commercial exchange of sexual services as such relationships may undermine the credibility and the image of the Humanitarian Sector and of the organisation
 - I am aware that the Partner strongly discourages sexual relationships between its staff members and beneficiaries. Although these relations may not be exploitative or abusive, such relationships may undermine the credibility and the integrity of the Partner and of the staff members involved. Should I find myself in such a

relationship with a beneficiary that I consider non-exploitative and consensual, I will report this to the HR Officer for appropriate guidance in the knowledge that this matter will be treated with due discretion.

- **To refrain from any involvement in criminal or unethical activities, activities that contravene human rights, or activities that compromise the image and interests of the Partner.**
- I will neither support nor take part in any form of illegal, exploitative or abusive activities, including, for example, sexual abuse, child labour and trafficking of human beings and commodities among others

- **To refrain from any form of harassment, discrimination, physical or verbal abuse, intimidation or favoritism in the workplace**
- I will not engage in or tolerate any form of harassment in the workplace, including sexual harassment and abuse of power.
- **If a Manager:** As a manager, I will not solicit favours, loans or gifts from staff, nor will I accept unsolicited ones that are of more than token value. I recognize that there is an inherent conflict of interest and potential abuse of power in having intimate and sexual relations with staff under my supervision or otherwise. I am aware that the Partner strongly discourages such relations. Should I find myself in such a relationship, I will resolve this conflict of interest without delay.

REPORTING A BREACH OF THIS CODE:

Reporting Unlawful and Unethical Behavior

If you believe that a breach of this Code has occurred or may occur, contact the Ethics Officer. He or she will assist you to create a report.

The following are the identified Ethics Officers:

1. Protection Coordinator
2. Field sites Ethics Officers to be identified

Consequences of a Breach

When it is considered that a breach of the Code of Conduct has occurred, the Partner will act seriously, quickly, fairly and confidentially. If required, the Partner will inform the appropriate authorities of any breach of the law. Breaches of this Code may result in counseling, disciplinary action or, in extreme circumstances, dismissal or termination of employment or engagement of those involved in the breach

Breach Reporting Checklist

The checklist below provides guidance on what to include when reporting a possible breach:

Breach Reporting Checklist

1. Make sure you have all of the facts
2. Record date, time and venue or location details of the breach

3. Identify any relevant contract or project details
4. Provide details of the potential breach with names and details of the incident
5. Check if there are any other witnesses who may support your report
6. Identify the location of any equipment or materials that are relevant to the incident

No Retaliation

There will be no adverse action of any manner or punishment meted on anyone who raises a genuine concern regarding suspected breaches of the MSDP'S policies or this Code.

Feedback

Feedback will be given within a reasonable timeframe and maybe limited due to confidentiality.