

EXECUTIVE DIRECTIVE

CF/EXD/2016-006

1 July 2016

FOR ACTION

TO: All Staff

From: Anthony Lake (signed)
Executive Director

Subject: **Policy on Conduct Promoting the Protection and Safeguarding of Children**

UNICEF's Policy on Conduct Promoting the Protection and Safeguarding of Children is hereby issued. This Policy will be under continued review.

POLICY ON CONDUCT PROMOTING THE PROTECTION AND SAFEGUARDING OF CHILDREN

Section 1

Preliminary Statement

- 1.1 This statement of UNICEF's Policy on Conduct Promoting the Protection and Safeguarding of Children re-affirms UNICEF's long-standing commitment to promote the protection and safeguarding of all children, and to promote the universal understanding that the best interests of the child must be a paramount consideration in all actions affecting children.

Scope of this Policy

- 1.2 This Policy applies to UNICEF staff members and non-staff personnel. It also applies to individual consultants engaged by UNICEF. A "UNICEF staff member" is a person holding a Letter of Appointment to UNICEF signed under the authority of the UNICEF Executive Director. "Non-staff personnel" are persons working with UNICEF as United Nations Volunteers; under Stand-by Personnel arrangements in emergencies; under a reimbursable loan, internship or volunteer arrangement or through an employment agency or any similar arrangement; and non-staff spokespersons for UNICEF such as Goodwill Ambassadors and the like. An "individual consultant or contractor" is a person engaged by UNICEF as a consultant or contractor.

Section 2

Promoting the Protection and Safeguarding of Children

- 2.1 UNICEF staff members and non-staff personnel, as well as UNICEF individual consultants and contractors, are expected to share the organisation's commitment to the protection and

safeguarding of children. This will be taken into account in UNICEF's hiring and selection of UNICEF staff members and non-staff personnel, as well as selection of individual consultants and contractors.

2.2 UNICEF staff members and non-staff personnel, as well as UNICEF individual consultants and contractors, are expected to conduct themselves in a way that demonstrates their commitment to the protection and safeguarding of children. UNICEF expects all UNICEF staff members and non-staff personnel, as well as all UNICEF individual consultants and contractors, to manifest through their conduct a personal commitment to the Universal Declaration of Human Rights and the Convention on the Rights of the Child.

2.3 UNICEF staff members and non-staff personnel, as well as UNICEF individual consultants and contractors, are expected to conduct themselves in a way that shows their commitment to provide assistance on the basis of need alone and without discrimination against any person, and in particular any person under the age of 18, including discrimination or other forms of punishment on the basis of race; colour; sex; language; sexual orientation; gender identity; religion; political or other opinion; national, ethnic or social origin; disability; birth (or other) status; or the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Conduct that Undermines the Protection and Safeguarding of Children is Prohibited

2.4 Conduct that undermines the protection and safeguarding of children is prohibited under this Policy. Conduct that violates international legal requirements with regard to children (including with regard to child labour), is prohibited, as is the use of persons under the age of 18 as household servants.

2.5 Senior management will make a case-by-case determination, taking into account all relevant factors including the best interests of the child, as to whether particular conduct comes within the scope of conduct prohibited by this Policy.

Section 3

Parties in Cooperative Arrangements with UNICEF

- 3.1 UNICEF will promote the adoption and enforcement by its Host Governments of national laws and policies, including with regard to the conduct of their own personnel, for the protection and safeguarding of children.
- 3.2 UNICEF civil society partners are expected to have in place policies for the protection and safeguarding of children.
- 3.3 UNICEF National Committees, which represent and promote the work of UNICEF in their respective countries, are required to have in place policies for the protection and safeguarding of children.

Section 4

Reasonable Suspicion of Prohibited Conduct to be Reported

Allegations involving UNICEF Staff Members, Non-staff Personnel, and UNICEF Individual Consultants and Contractors

- 4.1 UNICEF staff members and non-staff personnel, and UNICEF individual consultants and contractors, are required to report all reasonable suspicions that a staff member, non-staff personnel or UNICEF individual consultant or contractor has engaged in conduct that is prohibited by this Policy.
- 4.2 UNICEF civil society partners, suppliers or vendors (including corporate consultants and contractors, and academic or research institutions), UNICEF corporate partners, and UNICEF National Committees are expected to ensure that their personnel report all reasonable suspicions that a UNICEF staff member or non-staff personnel, or a UNICEF individual consultant or contractor, has engaged in conduct that is prohibited under this Policy.

Allegations involving External Parties

- 4.3 UNICEF staff members and non-staff personnel, and UNICEF individual consultants and contractors, are required to report all reasonable suspicions that the personnel of a civil society partner, supplier or vendor (including corporate consultants and contractors, and academic or research institutions), UNICEF corporate partner, or a UNICEF National Committee, have engaged in conduct that would be prohibited by this Policy.
- 4.4 UNICEF civil society implementing partners and National Committees are required to inform UNICEF if they have reasonable suspicions (or become aware of any reports or allegations) that their personnel have engaged in conduct that is prohibited under their respective policies with regard to the protection and safeguarding of children. UNICEF will determine the appropriate action in response to such reports, consistent with the provisions of this Policy.

Whistle-blower Protection

- 4.5 UNICEF's Policy against Retaliation for Reporting Misconduct or for Co-operating with Duly Authorised Audits, Investigations or Other Oversight Activities (also referred to as UNICEF's Whistle-blower Protection Policy), CF-EXD 2007-005, rev. 2, 6 February 2015, applies with regard to good faith reports by UNICEF staff members of conduct that is prohibited under this Policy.

Process for Reporting

- 4.6 Reports required under this Policy are to be made to the Director, Office of Internal Audit and Investigations as soon as possible. They can be made in any of the following ways: (a) to the Head of the relevant UNICEF Office or to one's supervisor at UNICEF, who must then refer the matter to the Director, Office of Internal Audit and Investigations, New York Headquarters; (b) directly to the Director, Office of Internal Audit and Investigations, New York Headquarters; and (c) by email to integrity1@unicef.org (which is monitored by the Office of Internal Audit and Investigations). Reports must be as thorough and specific as possible. Reports must be made in good faith. Making a false or malicious allegation is not

permitted or protected, and may result in disciplinary action (in the case of staff), or termination of contract for cause (in all other cases). Reports can be made anonymously, although anonymous reports that lack specific details will be reviewed but may not be pursued further if the report does not include sufficient supporting information.

Handling of Allegations Found to be Non-frivolous

- 4.7 The Director, Office of Internal Audit and Investigations, will determine whether an allegation of conduct prohibited by this Policy is frivolous or non-frivolous.

Allegations against UNICEF Staff Members, Non-staff Personnel, or UNICEF Individual Consultants and Contractors

- 4.8 Non-frivolous allegations that a UNICEF staff member or non-staff personnel, or a UNICEF individual consultant or contractor, has engaged in conduct that is prohibited under this Policy will be investigated by UNICEF under the supervision of the Director, Office of Internal Audit and Investigations.
- 4.9 All staff members and non-staff personnel, and all UNICEF individual consultants and contractors, are required to cooperate fully with investigations by UNICEF. UNICEF civil society partners, suppliers or vendors (including corporate consultants and contractors, and academic or research institutions), UNICEF corporate partners, and UNICEF National Committees, are required to ensure that their personnel and agents (including their attorneys, accountants, and other advisers) also cooperate fully with such investigations.
- 4.10 Conduct that is prohibited under this Policy will, when committed by a UNICEF staff member, constitute misconduct and the UNICEF staff member in question will be subject to appropriate sanctions taking into account all relevant factors. Conduct that is prohibited under this Policy will, when committed by UNICEF non-staff personnel, be the subject of appropriate sanctions taking into account all relevant factors. Conduct that is prohibited under

this Policy will, when committed by a UNICEF individual consultant or contractor, constitute grounds for termination of the consultancy or contractor relationship.

- 4.11 Where conduct that is prohibited under this Policy may constitute criminality, as determined by the UNICEF Legal Adviser, UNICEF will refer the matter to the appropriate law enforcement authorities through regular UNICEF processes for such referrals.

Allegations against Personnel of External Parties

- 4.12 UNICEF will determine the appropriate response to non-frivolous reports that personnel of a civil society partner or a UNICEF National Committee have engaged in conduct that is prohibited under their respective policies with regard to the protection and safeguarding of children. Such response may include referring the matter to the appropriate law enforcement authorities.

Section 5

Confidentiality and Disclosure

- 5.1 UNICEF investigation reports, and any summaries of such reports, are confidential and will not be disclosed, other than to law enforcement in the case of any referral to law enforcement, unless disclosure is authorised by the Deputy Executive Director for Management (on behalf of the Executive Director) taking into account advice from the UNICEF Legal Adviser and the Director, Office of Internal Audit and Investigations.
- 5.2 UNICEF may decide to make public disclosure of the fact that it is investigating allegations of conduct prohibited by this Policy and limited additional information. All such disclosures will be made in accordance with the following principles:
- (a) In order to protect the child or children involved, to ensure the probity of any investigation, and to respect the due process rights of all involved, information relating to reports of conduct inconsistent with this Policy, and of the handling of such reports

and any investigation, is to be treated confidentially and with utmost discretion even within UNICEF.

- (b) All disclosure of information will be subject to the UNICEF Information Disclosure Policy and relevant decisions of the UNICEF Executive Board.

Section 6

Other Matters

- 6.1 UNICEF will promote the adoption by UNICEF's commercial vendors and suppliers of robust policies for the protection and safeguarding of children. UNICEF will regard the adoption of such policies as a positive factor when selecting vendors and suppliers.
- 6.2 This Executive Directive enters into force on the date of its issuance.
- 6.3 UNICEF Administrative Instruction 1997-006, 13 October 1997, on "Employment of Young People as Household Servants" is hereby abolished.
- 6.4 Under the supervision of the Deputy Executive Director for Management, UNICEF Division Directors will issue appropriate Procedures and Guidance, within the scope of their respective accountabilities, with regard to implementation of this Policy. Such Procedures and Guidance will be issued within six months of the issuance of this Policy.
- 6.5 The implementation of this Policy will be subject to any relevant decisions of the UNICEF Executive Board.
- 6.6 This Policy will be under continued review.

ENDS