

# Asia-Pacific Refugee Rights Network

# CODE OF CONDUCT

**Applies to APRRN staff, Steering Committee members, representatives and volunteers**

Adopted by APRRN Steering Committee on August 4, 2014

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## 1. Introduction

This Code enshrines our commitment to high standards of quality, accountability, and ethics in the conduct of our work. It is grounded in respect for the dignity and capacity of the individual. Members of APRRN and APRRN Secretariat staff also have a common commitment to prevent sexual exploitation and abuse, fraud and corruption and abuse of power. APRRN Steering Committee members (office bearers), staff, representatives and volunteers, are personally and collectively responsible for upholding and promoting the highest ethical and professional standards in their work.

## 2. Purpose

The APRRN Code of Conduct is a statement of principles and values that is intended to serve as a guide for the individual conduct of APRRN staff and representatives in the course of their work. It is intended to protect APRRN staff and representatives as well as the individuals with whom we work. It also provides the standards against which individual conduct will be assessed when there is a complaint. Clearly establishing and articulating standards of behaviour and conduct will, in turn, provide greater predictability, transparency and accountability for APRRN's stakeholders. Not every situation which may arise can be foreseen, but fundamental ethical principles provide guidance for the decisions and actions taken by individuals as they consider the best course of action in the particular case.

The Code of Conduct makes every effort to provide clarity with regard to what is a red line requirement of conduct, and what is more aspirational. Wherever you see the words "**shall always**" or "**shall never**," these should be read as requirements setting red lines that cannot be crossed or minimum standards below which conduct cannot fall. Wherever you see the words "**shall strive to**" or "**are advised to**" the requirement is meant to provide guidance, and therefore it is the effort that is required not necessarily the successful achievement of the provision.

The Code of Conduct sets out expectations related specifically to 'individual' conduct, not 'organisational standards', which are set out in APRRN's Code of Good Practice. Nevertheless, many of these principles are both an individual, as well as a network and organization, responsibility. Staff employed by APRRN must also comply with other standards and requirements set out in APRRN's Personnel Policy and individual contracts.

## 3. Scope

The APRRN Code of Conduct applies to all permanent and part-time APRRN staff (including consultants and contractors), Steering Committee members, working group chairs and deputy chairs, and any other individuals representing APRRN. It also applies to APRRN volunteers, interns, and consultants who assist APRRN in various capacities, including research, administration and organising meetings and events. The term "APRRN Staff and Representatives" will be used hereinafter to refer to all of these categories of paid and unpaid staff and representatives.

### **All APRRN Staff and Representatives must sign and abide by the Code of Conduct**

Individual APRRN members and staff of APRRN member organizations are not subject to the Code unless they are representing APRRN, for instance, through one of APRRN's working groups or attending a meeting as an APRRN representative. APRRN members, however, are encouraged to endorse the Code and promote the spirit and principles of the APRRN Code of Conduct among their staff.

## 4. APRRN Standards of Ethical Conduct

### 4.1 Ensuring Protection

Protection means ensuring that an individual's basic human rights, dignity and physical security are recognised, safeguarded and protected in accordance with international law.

#### ***4.1.1 Physical safety and security***

APRRN Staff and Representatives shall strive to prevent physical threats or rights abuses from occurring, stop ongoing violations by responding to incidents of violence and other rights abuses, reduce exposure or vulnerability to any such threats or abuses, and assist survivors or victims assert claims, access remedies, and begin recovery. This includes efforts to foster an environment conducive to the respect for the rights of women, men, girls, and boys of all ages in accordance with international law. Security is an individual as well as a Network and Organizational responsibility.

APRRN Staff and Representatives:

- Are advised to refrain from any activity that may endanger their own security or that of others
- Shall never use or possess weapons or ammunition of any kind while on duty.
- Shall never drive a vehicle while on duty under the influence of alcohol or any illegal substance.
- Are advised to exercise extra precautions while carrying cash and valuables on their person<sup>1</sup>. Avenues and options to mitigate the risk should be explored prior to taking the decision to carry cash or valuables on their person. APRRN staff and representatives shall only carry significant cash or valuables belonging to APRRN on their person if authorised to do so by the APRRN Coordinator or Chair.

#### ***4.1.2 Confidentiality and Managing Sensitive Information***

APRRN Staff and Representatives shall protect the information of those that they or their members assist. This includes maintaining files and records in a manner that is designed to protect the information. Disclosure of sensitive information can have any number of severe consequences, and the consequences are much greater in the refugee context than they would be in almost any other context. Direct and indirect consequences may include: humiliation; retaliation or punitive measures against the subject, their family or friends, by private or public actors; danger to the security of the subject and his/her family or friends; and new, continued or aggravated persecution, among other consequences. Even disclosure of the identity of the individual assisted and the fact that they are receiving assistance can result in harm.<sup>2</sup>

#### ***4.1.3 Legal Protection***

APRRN Staff and Representatives shall always respect, and where possible and appropriate, promote legal protection such that those they mean to assist have the opportunity to claim entitlements, assert and enjoy their rights, and access remedies.

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<sup>1</sup> On their person also includes all luggage accompanying the person .

<sup>2</sup> In general, confidentiality belongs to the client. This means that it is not up to the APRRN Staff and Representative to decide whether or not they can disclose confidential information. The decision belongs to the client. Therefore, the consent of the client should be sought prior to any disclosure, and the client should be informed of the reason for the disclosure, the scope of the information to be disclosed, to whom the information will be disclosed, and any potential risks or consequences of the disclosure before they consent. (*See Also*, ICRC, "Professional Standards for Protection Work: carried out by humanitarian and human rights actors in armed conflict and other situations of violence"; and The Nairobi Code, Section 6)

#### **4.1.4 Duty to Prevent Sexual Exploitation and Abuse (“SEA”), and the Duty to Prevent Harassment**

SEA<sup>3</sup> is a form of Sexual and Gender-Based Violence (SGBV). SEA can occur in any setting (in camps, urban areas, during transit etc.), but the risk is higher in situations when the vulnerability and dependency of affected populations on refugee and humanitarian agencies for their basic needs and their protection creates an unequal power balance. In this context, APRRN staff and representatives have an added responsibility and duty of care. SEA, abuse and harassment constitute acts of gross misconduct and are therefore grounds for termination of employment or other contract, and revocation of membership among other disciplinary measures. See detailed definitions and standards to promote a safe work environment below:

##### **4.1.5.1 Standards**

APRRN Staff and Representatives:

- ⊖ Shall never engage in any sexual conduct with children. Any sexual activity with children (persons under the age of 18), regardless of the age of majority or age of consent locally, is prohibited. Mistaken belief in the age of a child is not a defence.
- ⊖ Shall never exchange money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour. This includes exchange of assistance that is due to beneficiaries.
- ⊗ Shall never abuse a position by withholding protection or assistance, or providing preferential treatment, in order to solicit sexual favours, gifts, payments of any kind, or advantage.
- ④ Shall never commit any act or form of harassment. Harassment, particularly when it results in serious physical, sexual or psychological harm or suffering to individuals, especially women and children constitute acts of gross misconduct and are therefore grounds for termination of employment and revocation of membership among other disciplinary measures.
- ⑤ Acknowledge the increased risk of exploitation when one person stands in a position of trust and confidence with the other, as is the often the case in an employment context, or the refugee protection and humanitarian aid context. All APRRN Staff and Representatives shall strive to prevent situations where a person may be put into a compromising position. .
- ⑥ Are discouraged from engaging in sexual relationships with members of at risk and affected communities as such relationships are often based on unequal power dynamic and may undermine APRRN’s credibility and integrity, given the increased vulnerability of people in crisis situations.<sup>4</sup>
- ⑦ Shall strive to promote the integration of a gender-sensitive perspective into efforts to effectively prevent and respond to sexual abuse and exploitation.
- ⑧ Shall strive to recognise early signs of SEA and Harassment and take swift action to prevent and resolve it. This includes by empowering those that are affected by it, developing strategies for reducing and stopping it, and following complaints procedures with regard to those found to have committed an act or form of SEA or Harassment.

##### **4.1.5.2 Definitions**

- ① **Gender-Based Violence:** refers to “*Any harm that is perpetrated against a person's will; that has a negative impact on the physical or psychological health, development, and identity of the person; and that is the result of gendered power inequities that exploit distinctions between males and females, among males and among females. Although not exclusive to women and girls, GBV principally affects them across all cultures. Violence may be physical, sexual, psychological, economic, or*

<sup>3</sup> For resources on preventing SEA, see [www.un.org/en/pseataforce/tools\\_response.shtml](http://www.un.org/en/pseataforce/tools_response.shtml)

<sup>4</sup> In countries where APRRN staff and representatives undertake long-term work, an employee who engages in a long-term sexual relationship with a member of the community which is benefiting from an APRRN program, and/or with another employee, is encouraged to inform his or her manager about the relationship to prevent the perception of a conflict of interest.

*sociocultural.*<sup>5</sup> Gender-based violence may manifest in numerous ways: domestic violence, battering, rape and marital rape, female genital mutilation, torture, trafficking, and forced prostitution, dowry-related violence, marriage and in certain cases, violence perpetrated or condoned by the state.

- ⊖ **Sexual Exploitation:** Sexual exploitation means any actual or attempted abuse of a position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, sexually or politically from the sexual exploitation of another (*UN SG Bulletin, 9 October 2003*). Some examples include, but are not limited to:
  - Humanitarian/development worker demanding (or accepting) sex in exchange for material assistance, favours, or privileges.
  - Teacher insisting on (or accepting) sex in exchange for passing grade or admission to class.
  - Refugee leader demanding (or accepting) sex in exchange for favours or privileges.
  - Security worker insisting on (or accepting) sex in exchange for safe passage.
- ③ **Sexual Harrassment:** Sexual harassment means 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 person within the scope of work. Sexual harassment may be directed at members of the same or another sex and includes harassment based on sexual orientation. Sexual harassment can occur between any one or more individuals, employee or beneficiary, regardless of their work relationship.
- ④ **Sexual Abuse:** Sexual abuse is actual or threatened physical intrusion of a sexual nature, including inappropriate touching, by force or under unequal or coercive conditions.
- ⑤ **Exploitation:** Exploitation means taking advantage of another person for one's own benefit or selfish purposes. The risk of exploitation is higher, and therefore the duty to prevent exploitation is greater, when one person stands in a position of trust and confidence with the other, as is often the case when working with refugee clients. It occurs most commonly by using one's position of authority, influence or control over resources, to pressure, force, manipulate or take advantage of someone to do something against their will or unknowingly, such as by threatening them with negative repercussions such as withholding project assistance, not approving an employee's work support requests, threatening to make false claims about an employee in public, or taking advantage a person's poverty or vulnerability to obtain their consent.
- ⑥ **Abuse of Power:** Abuse of power includes any abusive behaviour (physical, psychological, sexual or emotional) by a person in a position of authority and trust against someone in a position of vulnerability and/or dependency.
- ⑦ **Harassment:** Harassment means any unwelcome comment or behaviour that is offensive, demeaning, humiliating, derogatory, or any other inappropriate behaviour that fails to respect the dignity of an individual. Harassment can be committed by or against any member of the community with whom APRRN works, including: partners, employees, vendors or other individuals visiting or doing business with APRRN Staff and Representatives. Typical kinds of harassment include sexual harassment (See Section 4.1(E)(4) above) and power harassment consisting of the use of force, threat, or coercion to abuse, intimidate, or aggressively to impose domination over others.

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<sup>5</sup> Ward, Jeanne. (2002). *If Not Now, When? Addressing Gender-Based Violence in Refugee, Internally Displaced and Post-Conflict Settings*. New York: The Reproductive Health in Conflict Consortium.

Harassment is often repeated and habitual, and can make a person feel persecuted, vulnerable, or powerless.

- ⑧ **Bullying:** Bullying is aggression expressed psychologically and emotionally rather than physically. The term is used to describe a repeated pattern of negative intrusive violational behaviour against one or more targets and comprises constant trivial fault-finding criticism, refusal to value and acknowledge, undermining, discrediting and a host of other behaviours.

## **4.2 Collaboration**

Collaboration is a fundamental principle and the cornerstone of APRRN's work. APRRN is committed to working positively with governments, UN and other inter-governmental institutions, civil society groups, community based organizations, and those we mean to assist in order to advance the rights of refugees in the region and find durable solutions. APRRN Staff and Representatives, where possible and appropriate shall strive to work with all relevant stakeholders as responsible members of the international, regional, national, and local community, collaborating to promote high standards of quality, accountability, and ethics in the conduct of our work, and ensuring that the capacities and capabilities of different stakeholders and of communities affected are considered at all times.

## **4.3 Non-discrimination**

APRRN Staff and Representatives shall always respect and promote human rights and fundamental freedoms impartially and without discrimination (including that based upon gender, age, race, disability, health status, sexual orientation, family status, ethnic background, nationality, language, political opinion, religion, culture, or indigence).

## **4.4 Duty of Care**

### **4.4.1 Dignity**

APRRN Staff and Representatives shall strive to always treat everyone with dignity and respect in the workplace, speak with civility and in a courteous and respectful manner, listen carefully, and consider each other's perspectives and wellbeing. This includes endeavouring to respect the culture and customs of the communities we work with, as well as of the countries where we work.

### **4.4.2 Diligence**

APRRN Staff and Representatives shall strive to act responsibly and with due diligence in the handling of their work. APRRN Staff and Representatives shall strive to complete all work as agreed, as required, and by any applicable deadline. APRRN Staff and Representatives shall strive to learn on an on-going basis and continually improve their performance.

### **4.4.3 Integrity**

APRRN Staff and Representatives shall strive to act with integrity in the conduct of their work. This means that the APRRN Staff or Representative shall strive to resolve ethical issues through the exercise of sensitive, professional and ethical judgment, guided by the principles underlying this Code. APRRN Staff and Representatives shall strive to conduct their interactions with other parties in a courteous and respectful manner, consistent with the principles of respect for other people and principles of human rights and non-discrimination.

### **4.4.4 Inclusiveness**

APRRN Staff and Representatives shall strive to promote a participatory and inclusive approach, striving to involve those they mean to assist in the planning, implementing, monitoring and evaluating of programs. APRRN Staff and Representatives shall endeavour whenever possible to provide informed consent such that those being asked to agree to an action, are provided with all of the relevant facts, so that they have a clear understanding of the implications and potential consequences of the action before they are asked to make a decision.

#### **4.4.5 Quality and Accountability**

APRRN Staff and Representatives are accountable for their actions and decisions to those they aim to assist, as well as to colleagues, and other stakeholders with which they engage in the course of their work. APRRN Staff and Representatives are responsible for the quality of their work, and shall always conduct ethical business practices and shall strive to reduce the possibility of mistake, fraud, or corruption. APRRN has a zero-tolerance approach to fraud and corruption.

##### ***4.4.5.1 Standards***

- ① **Ensuring Ethical Business Practices:** APRRN Staff and Representatives shall strive to conduct all business in accordance with the highest standards of accountability and transparency in relation to finances, management and governance.
- ② **Duty to prevent Fraud:** APRRN Staff and Representatives shall never deliberately or knowingly engage in fraud. Nor shall APRRN Staff and Representatives destroy, falsify, alter or conceal information or make false statements in order to undermine the rule of law, the administration of justice, or this Code.
- ③ **Duty to prevent Corruption:** APRRN Staff and Representatives shall never condition services on the provision of a bribe or kickbacks in the form of money, goods, or services, shall never take advantage of activities in order to generate personal, organizational, or collective profit when such activities may affect or appear to affect APRRN's credibility or integrity, and shall never accept gifts or other favors that are intended to, or may in fact, influence performance of duties. In order to respect national and local traditions and conventional hospitality, minor token gifts such as pens, calendars, desk diaries, etc. can be accepted. APRRN Staff and Representatives shall never steal, misuse, or misappropriate funds or property; and shall never engage in document or cheque forgery, money laundering taking of commissions, or influencing a tender process for improper benefit.
- ④ **Prohibition against Child and Forced Labor:** APRRN Staff and Representatives shall never use child labor or forced labor in any area of work.
- ⑤ **Addressing Conflicts of Interest:** APRRN Staff and Representatives, to the extent possible, shall avoid even the appearance of any undue influence from a conflict of interest. APRRN Staff and Representatives shall always disclose any known or potential conflicts of interest before any actions are taken or decisions are made that could possibly be affected by the conflict. Following disclosure, steps shall always be taken to mitigate or avoid the appearance of any undue influence due to the conflict.

##### ***4.1.5.2 Definitions***

- ① **Fraud:** Fraud is an intentional distortion, deceit, trickery, and perversion of truth or breach of confidence, relating to an organization's financial, material, or human resources, assets, services and/or transactions, generally for the purpose of personal gain or benefit.
- ② **Corruption:** Corruption is the offering, giving, soliciting or acceptance of an inducement or reward which may improperly influence the action of any person.
- ③ **Conflict of Interest:** A conflict of interest exists where an individual or organization has multiple interests, one of which could possibly corrupt the motivation for another. The conflict of interest exists whether or not any impropriety has actually taken place, and therefore, the existence of a conflict in and of itself is not corruption. Disclosure and recusal or mitigation will prevent any actual corruption.

## 5. Complaints and Disciplinary Procedures

Violation of this Code of Conduct will not be tolerated and may, in accordance with relevant legislation, lead to internal disciplinary actions, dismissal or revocation of membership, or even criminal prosecution.

Each APRRN Staff and Representative has a responsibility to handle and respond to any allegations of misconduct they receive from their stakeholders in line with their organisational policies and related disciplinary measures, as well as this code. APRRN shall establish systems for investigating, recording and dealing with misconduct. A mechanism should be in place where complaints are investigated promptly, while maintaining discretion and confidentiality and protecting the rights of all individuals involved. Breaches of the Code of Conduct should be reported immediately to senior management of the Secretariat and/or Steering Committee, and in line with member organisation and APRRN complaints handling procedures.

Those who wish to lodge a complaint about an alleged breach of the Code by a member of APRRN Staff and Representatives should lodge their complaint to their line manager, designated complaints focal points, or through the APRRN Complaints Mechanism as soon as possible after s/he becomes aware of the concern.

Any APRRN Staff or Representative purposely making false accusations on any action by another APRRN Staff or Representative which is in breach of the Code of Conduct will be subject to disciplinary action at the discretion of the employer.

## 6. Understanding the Code

The signatory (APRRN Staff or Representative) below has read, understood and is in agreement with the content of this document. The APRRN Code of Conduct shall be subject to periodic revision and review.

The signatory accepts the consequences of any violation of any of the above provisions under this Code of Conduct.

Position:  
**Date:**

Signature:  
**Place:**

## **Annex 1: Key terms and definitions**

**Complainant:** The person making the complaint, including the alleged survivor of the sexual exploitation and abuse or another person who becomes aware of the wrongdoing.

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

**Gifts** are defined as, but not limited to: services, travel, entertainment, and material goods, among other things.

**Minor:** A person under age 18 (a child according to the definition in the Convention for the Rights of the Child, CRC).

**Subject of the complaint (SOC):** The person alleged to have perpetrated the misconduct in the complaint (BSO/HAP)

**Survivor or victim** – the person who is, or has been, sexually exploited or abused. This term implies strength, resilience and the capacity to survive (BSO/HAP).

**Workplace violence:** Any incident in which a person is abused, threatened or assaulted in circumstances relating to their work. These behaviors would originate from customers, co-workers at any level of the organization. This definition would include all forms of harassment, bullying, intimidation, physical threats/assaults, robbery and other intrusive behaviors ILO).