



CHILDREN AND VULNERABLE ADULTS SAFEGUARDING POLICY

Standards, procedures and practices used by the Ukrainian Public Association «National Assembly of People with Disabilities» (NAPD) to create a safe environment for children and vulnerable adults

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Rationale

I. As an All-Ukrainian public association, we are aware of our major responsibility to protect the rights of people that we work with, specifically children, young people and adults with disabilities, who have physical, sensory, intellectual and mental disorders, and their family members.

II. These target groups are ones of the most marginalized. To prevent risks of misconduct and violence against them, and, in case of harm done to a child or vulnerable adult, to respond with appropriate action, NAPD developed a specific Children and Vulnerable Adults Safeguarding Policy to guide persons working with NAPD (volunteers, service providers, experts, etc.) and staff hired through employment contracts (hereinafter referred to as “employees”).

III. NAPD acknowledges that safety, welfare and interests of children and vulnerable adults are of utmost importance under any circumstances. The Policy of NAPD is intended to support appropriate enforcement of human rights for people with health conditions irrespective of their age, abilities or disability, gender, race, religion and faith, sexual orientation, or social and economic status, through capacity building, strengthening of civil society and policy changes; and to protect them from any form of mistreatment, discrimination, neglect, and violence.

IV. NAPD recognizes its duty to take care to protect and support the well-being of children and vulnerable adults. This Safeguarding Policy builds on the standards of the UN Convention on the Rights of the Child, the UN Convention on the Rights of Persons with Disabilities, the European Convention on the Protection of Human Rights and Fundamental Freedoms, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the standards of the Ukrainian national law, specifically the Law of Ukraine “On prevention and countering of domestic violence”, the Law of Ukraine “On the foundations of social security of persons with disabilities in Ukraine”, the Law of Ukraine “On the protection of childhood”, the Law of Ukraine “On social services”, the Law of Ukraine “On the basic arrangements for prevention and countering of discrimination in Ukraine”, and other regulatory acts on the rights of the child and the rights of persons with disabilities.

V. This Safeguarding Policy shall apply to the President, Executive Director, General Secretary, and employees of NAPD.

VI. The Executive Director is responsible for organizing all activities designed to enforce the principles and requirements of this Policy.

VII. The Executive Director appoints an Authorized Person(s) from among the employees to monitor compliance with this Policy and the Code of Conduct for employees, which is a part thereof. Such Authorized Person may be a staff who has a complete higher education degree, work experience or who received specialized training in the mechanisms for protection of the rights and ensuring safety of vulnerable persons; has worked with NAPD for at least 3 years; and occupies a position not lower than that of the division head.

VIII. NAPD requires all its employees to comply with this Policy and communicates to them its key principles, requirements and sanctions for breach thereof. The requirement to comply with this Policy is included into contracts, including employment contracts. An employee signs the Acknowledgement Form to confirm that he/she has read this Policy and agrees to comply with it. The Acknowledgement Form is retained as part of HR records of NAPD.

IX. When selecting new employees, NAPD shall consider their commitment to the values of the rights of the child and the rights of persons with disabilities. Specifically, this involves a thorough review of the person's (applicant's) background and references from organizations with which he/she has worked; filling out a questionnaire to check his/her knowledge in the area of social protection and mechanisms to counter abuse, specifically violence. To shape an appropriate culture of safeguarding children and vulnerable adults, the Person(s), authorized by the Executive Director to monitor compliance with this Policy, delivers an induction session for new employees to brief them about the Policy and provides regular updates for existing employees.

X. NAPD employees' compliance with the requirements of this Policy is taken into account in disciplinary sanctions and rewards.

XI. A breach of this Policy provides grounds for holding respective employees to account, specifically taking disciplinary measures (suspension from the performance of their job duties, reprimand, dismissal, etc.), which is set out in the contracts with employees.

XII. NAPD acknowledges that the existence of this Policy will enable safeguarding the rights of children and vulnerable adults, protection of its employees and its reputation.

XIII. Mission of NAPD

As an all-Ukrainian network of national and regional disabled people's organizations, NAPD actively works towards improving the quality of lives of people with disabilities and their family members; contributes to the development and making of national and local decisions that affect their lives and rights. We are working to create an inclusive society for all pursuant to the United Nations Convention on the Rights of Persons with Disabilities. We believe that people with disabilities should have and exercise full civil rights and should not be excluded from the life of society.

XIV. Purpose

The purpose of NAPD is to bring together civil society organizations whose members are persons with disabilities; coordinate their activities and consolidate their efforts designed to improve their situation in Ukraine; contribute to the protection of the constitutional rights of persons with disabilities by enhancing their role and social status in society through capacity building, strengthening of civil society and policy.

XV. Objectives

- Represent and protect the constitutional rights and legitimate interests of persons with disabilities and their family members at the Office of the President of Ukraine, Ukrainian Parliament [Verkhovna Rada], Cabinet of Ministers of Ukraine, other state

executive authorities and local government bodies, non-governmental organizations (NGOs).

- Support and organize collection, analysis and sharing of information between Ukrainian disabled people's organizations (DPOs) and inform the public about the current progress in tackling the issues of persons with disabilities in the country.
- Support and contribute to the development of national policy on addressing social, economic, political, creative and other current issues of persons with disabilities and enforcing their rights.
- Facilitate inclusion of persons with disabilities into community; prevent all forms of discrimination and violation of their rights.
- Raise the level of legal awareness of people with disabilities.
- Create barrier-free accessible architectural, transport and information environment.
- Support the development of public awareness to foster positive attitudes towards persons with disabilities.

XVI. Terminology:

XVI. I. **Child** means a person under 18.

XVI. II. **Vulnerable adults** refers to persons over 18, who due to their age, disability, functional disorders, disease, conditions they find themselves in or as a result of social and other inequality, are or may be unable to care for themselves or to protect themselves from significant harm or exploitation.

XVI. III. **Violence** means an act of physical, sexual, psychological or economic violence committed by one person against another, or threats to commit such acts.

XVI. IV. **Abuse (torture)** refers to any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining something from him/her or a third person, or intimidating or coercing him/her into doing something, or where it arises from discrimination.

XVII. Forms of violence:

XVII. I. **Physical violence** refers to a form of violence that involves slapping, kicking, pushing, pinching, flogging, biting, as well as unlawful deprivation of liberty, beating, tormenting, inflicting bodily injuries of varying degree of severity, leaving in danger, failure to give help to a person in a life-threatening state, causing death, or committing other offences of violent nature.

XVII. II. **Psychological violence** means a form of violence that involves verbal aggression, threats, humiliation, stalking, intimidation, or other actions if they have

made the victim to fear for his/her safety of safety of third persons, caused emotional insecurity, inability to protect him/herself or harm to person's mental health.

XVII. III. **Economic violence** refers to a form of violence that involves intentional deprivation of housing, food, clothing, other property, funds or documents, or the possibility to use them, leaving without care, obstruction in the obtaining of necessary treatment or rehabilitation services, prohibition to work, coercion to work, prohibition to study, and other offences of economic nature.

XVII. IV. **Sexual violence** refers to any acts of sexual nature that are performed without consent of the person or regarding a child, and other offences against sexual freedom or sexual integrity of a person, including those committed against a child or in his/her presence.

1. NAPD's Policy on the commitment to children and vulnerable adults

1.1. The Policy of NAPD is to create and actively support an environment designed to prevent and stop any action or omission – whether deliberate or incidental – that causes a threat of any form of violence against children or vulnerable adults.

1.2. NAPD strives to implement its programmes and activities in ways that are safe for children and vulnerable adults and that support the protection of their rights. All employees of NAPD commit to conduct themselves in accordance with the rules stipulated by this Policy.

1.3. If a NAPD employee becomes aware of acts of violence or threats to use it, he/she should immediately inform the Authorized Person thereof to ensure that it is recorded and measures are taken to counter such conduct.

In case of receiving such reports, the Authorized Person shall do the following:

- Record information about abuse or violence in the communication registration log together with measures taken to counter such actions;
- If the victim contacts NAPD, inform him/her about his/her rights, provide medical, social, psychological assistance that the person can use;
- If the victim needs such assistance, inform thereof relevant competent authorities (institutions);
- Inform the designated unit of the National Police authority about receiving a report of violence within 24 hours of receiving it;
- Inform the party who reported the case of abuse or violence about measures taken;
- Where evidence of breaching of this Policy by a NAPD employee is discovered, the Authorized Person shall request the Executive Director that an internal review be conducted and penalties imposed on such employee.
- The Executive Director appoints a person / group of persons to conduct the internal review. If the person under review may interfere with it, he/she shall be

suspended from the performance of his/her job duties for the period of the internal review.

- Should the suspicions be confirmed, the employee who is guilty of breaching the Policy shall bear disciplinary responsibility and/or other responsibility provided by the law.

1.4. Personal data of the person who reported a case of violence or threat to commit it or of the victim is processed by consent of such person or his/her legal representative in compliance with the requirements of the Law of Ukraine “On the protection of personal data”.

1.5. To identify factors and conditions that create or may create a threat of violence or other kind of abuse being committed regarding children and vulnerable adults and to determine the probability of its continuation or repetition, ensuing of severe or particularly severe consequences, NAPD assesses the risks of such conduct. The risk assessment is performed by the Authorized Person based on questionnaire forms generated in the course of communication between NAPD employees and representatives of the target groups, analysis of available records of cases of abuse, impact of response measures, etc.

The frequency of risk assessment is determined by the Executive Director of NAPD. The results of risk assessment are used to identify the level of danger, which is further considered when providing help to victims and during the implementation of measures to counter violence or other forms of abuse.

1.6. To monitor and evaluate compliance with this Policy, NAPD conducts surveys of representatives of the target groups and NAPD employees, reviews recorded breaches of the provisions of this Policy (communication registration log, etc.), implements educational activities for the target groups and uses other methods of monitoring and evaluation. The frequency of monitoring and evaluation is determined by the Executive Director of NAPD. An evaluation of compliance with this Policy may be initiated by the President of NAPD or the General Assembly.

1.7. NAPD informs the public about the Children and Vulnerable Adults Safeguarding Policy by publishing relevant information on its website together with contact details of NAPD and other institutions (organizations) that should be contacted in cases of violence.

1.8. This Policy shall to be reviewed in one year of its development and further once every three years, or under the following circumstances:

- changes to the current Ukrainian legislation and/or delegated legislation pertaining to the scope of this Policy;
- upon a request from the General Assembly of NAPD as its supreme governing body;

- following any other significant changes or events that may affect the nature and quality of programmes intended to contribute to securing the rights of children and vulnerable adults.

2. Code of Conduct for NAPD employees

2.1. Introduction

This Code of Conduct has been developed for NAPD employees and staff hired through employment contracts. The Code is based on the mission and key values of NAPD. It governs the relations between employees and all other stakeholders arising in the process of designing and implementing NAPD's programmes and projects. This Code of Conduct defines desirable and undesirable conduct.

2.2. Communication

In its activities NAPD uses all available communication formats, languages and accessible formats to present information, including those specified in the UN Convention on the Rights of Persons with Disabilities. The employees want to understand and be understood.

2.3. Confidentiality

The employees shall preserve confidentiality. The Code affirms that all information that is protected by the international law and national law on personal data protection is confidential. Exceptions may include cases where NAPD is required to do otherwise in order to support human rights, i.e. when requesting assistance, recording human rights violations and restoring of rights. In such cases confidential information may be used solely with consent of the person or his/her legal representative to apply to authorities, institutions that provide legal aid, or to go to court to protect the person's interests.

2.4. Respect

NAPD employees are committed to the values of multicultural society and are obliged to adhere to the principle of equality and non-discrimination. In the process of designing and implementing NAPD's programmes and projects, employees shall not allow any unjustified privileges or limitations and avoid situations where one group of participants may be treated unequally compared to another group.

2.5. Undesirable (unacceptable) conduct

NAPD strives to create a safe environment for all groups of employees and participants of its programmes where there is no place for aggression, violence or discrimination. In case of complaints of such conduct on the part of NAPD employees, such incidents are looked into by a person / group of persons authorized to do so by the Executive Director, and, where necessary, penalties are imposed, including disciplinary measures up to dismissal from the job or termination of contractual relationship.

2.6. Communication with different groups

Employees should always have a dialogue with each person who turns to NAPD and use all possible means for communication to avoid misunderstanding and convey information to the person visiting NAPD in a way most convenient to him/her. As part of its work to develop competencies, NAPD trains employees in skills of communicating with people who require additional communication arrangements, i.e. using communication techniques that may help avoid misunderstanding and incidents which may endanger the person or NAPD employees. As part of implementing this Policy, the Executive Director may send individual employees for training to master respective techniques on a professional level to be able to communicate with persons who require additional communication arrangements.

2.7. Recording of facts of undesirable (unacceptable) conduct, specifically acts of violent nature

Acts that endangered persons whose rights are safeguarded by this Policy shall be documented by entering information about them into the communication registration log and immediately reported to the Authorized Person and/or the Executive Director to take action to prevent a breach of this Policy.

2.8. Use of images and cooperation with media

2.8.1. Ethical framework of the protection of children and vulnerable adults

Children, young people and adults have a right to be protected from harm. Publication of information about them (including photos and videos) should follow specified parameters and restrictions, particularly regarding publications in Internet where it is virtually impossible to limit the scale of information distribution.

Photos and videos featuring children and vulnerable adults may be disseminated only where such materials describe their participation in public events, campaigns and research conducted by NAPD. Photos and videos that pose a risk to child's/person's private and family life shall not be published/disseminated.

At NAPD we believe that publications with photos and videos featuring the target groups of this Policy may be disseminated only on the condition that:

- full-aged individuals (or, in case of limited legal capacity, their legal representatives) who participate in programmes and projects of NAPD have been advised beforehand about filming, photo-taking and how such videos and photos would be disseminated, and provided that they were informed of the opportunity for any person to opt out of the filming;
- a written consent of the child and his/her legal representative is available explaining conditions and implications of the dissemination of photos and videos featuring the child.

2.8.2. Guidelines on the use of photos and videos

- Always ask permission.

- Where photos and videos with children and/or vulnerable adults are to be used in formal and public settings, the persons who appear in them should be advised thereof beforehand.
- Before publishing photos and videos from public events, campaigns or research, partners and members of NAPD should consult the Authorized Person of NAPD responsible for monitoring the compliance with the principles and requirements of this Policy.

2.8.3. Cooperation with media

In working with media, NAPD employees promote the goals and principles of this Policy. The employees authorized to monitor the enforcement of this Policy take part in contacts with media and contribute to ensuring that the provisions of this Policy and the Code of Conduct are adhered to in the promotion of NAPD's programmes and projects.

2.8.4. Social media

Social media, such as Internet blogs, Facebook and other social networks, enable communication with target groups, colleagues, representatives from other organizations. NAPD supports open dialogue and sharing of knowledge and information. NAPD expects that when an employee uses social networks, his/her posted statements will not be harmful to the organization, its members or our target audience. Such employee shall always be mindful of the need to observe confidentiality, respect the privacy of clients or colleagues and respect copyright.

NAPD shall do its best to support the dissemination of themes concerning the following:

- promoting the rights of children and vulnerable adults;
- adhering to the principle of equality and non-discrimination;
- promoting positive action that support the principle of equality and non-discrimination.

It is possible to disseminate themes that reveal trends in violations of the rights of children or groups of vulnerable persons that were identified in the process of recording. Such publications are permissible only provided that the person's data remain confidential.

It is unacceptable to disseminate themes that:

- foment hatred on the grounds of disability or other characteristics;
- promote stereotypes and negative practices regarding children and persons who suffer from discrimination;
- contain information that may pose a risk to the right to privacy and family life or a risk of improper treatment.

In case of suspected dissemination of such themes or participation in their discussion, the employee shall be subject to the procedures set out by the Code of Conduct and the Policy, including disciplinary sanctions.

2.9. Declaration of commitments

By signing this Code, NAPD undertakes to implement effective mechanisms to ensure that its principles are implemented in all activities of NAPD.

The act of signing this Code makes us accountable for its full enforcement.

- We will inform the general public about the existence of this Code and provide a mechanism for feedback whereby any person will be able to comment on its implementation.
- We will include references to the observance of the Code into the guiding principles of our organization and will guarantee that all NAPD employees are accountable for the implementation of and adherence to this Code.
- Each NAPD employee will be familiarized with this Code which will be attested by his/her signature in the respective Acknowledgement Form.
- We guarantee that partners of NAPD will be informed about this Code in the course of working with our organization.



Executive Director

N. Skrypka

February 1, 2021
Kyiv

This document has been approved and put into effect from the date of its signing