



**Building a Europe  
for and with children**

# **Child safeguarding policy Children's Rights Division**

22 May 2018 as updated

Note: Bearing in mind the potential impact of the child safeguarding policy on the Council of Europe rules, regulations and internal procedures, this policy has been reviewed by the Directorate of Legal Advice and Public International Law (DLAPIL) and the Directorate General of Administration (DGA).

## 1. Policy commitment

1. Children in Council of Europe member States are entitled to enjoy the full range of human rights enshrined in the United Nations Convention on the Rights of the Child (UNCRC), the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), the European Social Charter, and other international human rights standards.

2. The UNCRC requires States to take all appropriate legislative, administrative, social and educational measures to protect children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse (Article 19). The ECHR, the European Social Charter and other Council of Europe treaties guarantee children's right to protection from harm, violence, exploitation and abuse. On the basis of Article 14 of the ECHR, the rights of children shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) and the Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence (the Istanbul Convention) introduce measures to ensure that children are protected against sexual exploitation, sexual abuse and violence.

3. The Council of Europe is committed to protecting children from harm and ensuring that children's right to protection is fully realised. Since 2006, the programme "Building a Europe for and with Children" has striven to protect and promote the rights of the child in the Council of Europe member States. The [Council of Europe Strategy for the Rights of the Child \(2016-2021\)](#) calls on States to uphold the human rights of children by protecting them from all forms of violence and discrimination, respecting their right to education and encouraging child participation.

4. The Children's Rights Division of the Council of Europe is committed to conducting its projects, programmes and other interventions in full compliance with the rights of the child. This includes taking measures to protect children from harm.

5. Although the staff of the Children's Rights Division rarely come directly in contact with children, it is anticipated that children will become increasingly involved in some of the Division's projects and activities since one of the Council of Europe's aims is to promote the right of the child to participate. Moreover, Council of Europe experts, consultants and grantees, may also participate in such activities. Risks of harm can arise when individuals involved in these activities are in direct contact with children or used as intermediates to represent children, work and communicate with them. Further risks in the context of child participation include breaching anonymity of children in reports and other publications, portraying them in a manner that does not respect their dignity or overlooking their right to an informed consent.

6. In addition to risks that arise due to direct contact with children, Council of Europe policies and other interventions are likely to have an impact on the lives of children and the way professionals and other adults act around them. The Council of Europe programme "Building a Europe for and with children" aims to mainstream children's rights in the preparation, implementation and evaluation of standards and policies across the Organisation.

7. A number of internal rules and regulations of the Council of Europe already oblige staff members of the Organisation to base their work-related conduct on a set of ethical values. These rules and regulations equally apply to the work of the Children's Rights Division in the course of their project activities for or involving children:

- The Charter on professional ethics of 15 July 2005<sup>1</sup> determines independence, integrity, respect and accountability as core values for the professional conduct of staff members and further includes guidance on behaviour outside the working environment. Staff members should thereby refrain from any act that is contrary to the principles enshrined in the Statute of the Council of Europe or is likely to tarnish the Organisation's image or undermine the dignity or integrity of their post. Furthermore, staff members are expected to strictly observe the law and honour their private obligations. If they break the law, they should not attempt to take advantage of the immunity attached to their post in order to shirk their responsibilities;

- According to Article 19 of the General Agreement on Privileges and Immunities of the Council of Europe (ETS No. 2) the Secretary General has the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice;

- On taking up their duties, staff members undertake, through a solemn declaration in the presence of the Secretary General or his representative pursuant to Article 25 of the Staff Regulations, to carry out the duties entrusted to them loyally and conscientiously, respecting the confidence placed in them and to refrain from any action which might reflect upon their position as a member of the staff of the Council of Europe or which might be prejudicial morally or materially to the Council of Europe;

- Rule No. 1292 of 3 September 2010 on the protection of human dignity at the Council of Europe declares the fight against harassment as one of the priority internal-policies of the Organisation. The right to effective protection against harassment as stipulated under the Rule does not only apply to staff members but also to persons who participate in the Organisation's activities, wherever they may be held.

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<sup>1</sup> Charter on professional ethics of 15 July 2005. Available at: <https://wcd.coe.int/ViewDoc.jsp?p=&id=1146297&direct=true>

8. The internal regulations of the Council of Europe therefore already contain prohibitions on actions which may risk direct harm to children. Reporting procedures are in place to ensure that allegations of a breach of these obligations are investigated and that any staff member found to have failed to abide by these obligations, or any obligation imposed by the law of the host country, is dealt with appropriately.

9. In view of the importance of protecting children from potential harm as well as the increase in Council of Europe projects and programmes for or involving children, it is considered relevant to supplement the abovementioned obligations by the present child safeguarding policy containing a set of guidelines and good practices for the implementation of project activities by the Children's Rights Division.

## **2. Aim and scope of the policy**

10. The aim of this child safeguarding policy is to:

- include safeguards when implementing activities for or involving children to promote full respect of their rights and pursuit of their best interest;
- prevent and minimise the risk of harm that may be caused to children as a result of actions or neglect by staff, experts and third parties hired, appointed or contracted by the Children's Rights Division;
- ensure good practice when using the media, including social media.

11. The child safeguarding policy draws on key European and international legally binding instruments as well as relevant Council of Europe policies, recommendations and guidelines<sup>2</sup>.

12. The policy applies directly to all staff of the Children's Rights Division, whether permanent, temporary, seconded or interns, who shall, by appropriate means, make experts and contracted third parties who perform tasks under projects, programmes or other activities of the Children's Rights Division of the Council of Europe that include child participation and have or may have an impact on the rights of the child, aware of the policy. Contracts and grant agreements with third parties concerning

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<sup>2</sup> United Nations Convention on the Rights of the Child (UNCRC), 1989; Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), ETS No. 5, 1950; European Social Charter (revised), ETS No. 163, 1996; Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, ETS No. 108, 1981; Council of Europe Convention on Action against Trafficking in Human Beings, CETS No. 197, 2005; Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), CETS No. 201, 2007; Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), CETS No. 210, 2011; Council of Europe Strategy for the Rights of the Child (2016-2021); Parliamentary Assembly Resolution 1980 (2014) on increasing the reporting of suspected sexual abuse of children; Recommendation CM/Rec (2011)12 of the Committee of Ministers to member States on children's rights and social services friendly to children and families; Recommendation CM/Rec(2012)2 of the Committee of Ministers to member States on the participation of children and young people under the age of 18; The Council of Europe Policy Guidelines on integrated national strategies for the protection of children from violence (2009); Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice (2010); Council of Europe Guidelines on child-friendly health care (2011).

activities that include child participation and have an impact on the rights of the child are only concluded with parties that agree to abide by the policy.

### 3. Definitions

13. For the purposes of this child safeguarding policy, the following definitions apply.

#### Child:

14. Based on Article 1 of the UNCRC<sup>3</sup> and Article 3 of the Lanzarote Convention<sup>4</sup>, a child means any person below the age of eighteen years.

#### Child safeguarding:

15. Child safeguarding means to take appropriate measures to ensure that staff, experts, contracted third parties, operations, projects and programmes do no harm to children and promote their best interest. This means that children are not exposed to the risk of harm and abuse and that any concerns the Children's Rights Division of the Council of Europe has about children's safety are reported to the appropriate authorities.

16. Child safeguarding includes both **preventive** actions to minimise the risks of harm occurring, and **responsive** actions to ensure that incidents which may happen are appropriately handled.

#### Child abuse:

17. Child abuse consists of anything which individuals, organisations or processes do or fail to do which directly or indirectly harms children or damages their prospects of safe and healthy development. Child abuse can be physical, sexual and/or emotional in nature.

18. **Physical abuse** is characterised as actual or potential physical harm perpetrated by another person, adult or child. It can involve hitting, shaking, poisoning, drowning and burning. **Emotional abuse** can be characterised as persistent emotional maltreatment that impacts on a child's emotional development. Emotionally abusive acts can include restriction of movement, degrading, humiliating, bullying (including cyber-bullying), threatening, scaring, discriminating, ridiculing and other non-physical forms of hostile and rejecting treatment.

19. **Neglect and negligent treatment**, depending on the context, resources and circumstances, may also be considered as child abuse, if it is likely to result in

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<sup>3</sup> United Nations Convention on the Rights of the Child (UNCRC), 1989. Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

<sup>4</sup> Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), 2007. Available at: <https://rm.coe.int/168046e1e1>

serious impairment of a child's healthy physical, spiritual, moral and mental development.

#### Child sexual abuse and sexual exploitation:

20. According to the Lanzarote Convention of the Council of Europe, **sexual abuse** of a child is when an adult engages in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities. It also includes engaging in sexual activities with a child, whatever his or her age, where:

- use is made of coercion, force or threats; or
- abuse is made of a recognised position of trust, authority or influence over the child, including within the family; or
- abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence.

21. Child **sexual exploitation** includes offences regarding child prostitution, child pornography, participation of a child in pornographic performances, corruption of children (causing a child to witness sexual abuse or sexual activities, even without having to participate) and solicitation of children for sexual purposes through information and communication technologies.

22. Aiding or abetting the commission of any of the aforementioned offences as well as attempts to commit said offences are included in this definition.<sup>5</sup>

#### Staff of the Children's Rights Division:

23. Staff of the Children's Rights Division refers to permanent and temporary staff contracted in accordance with the Council of Europe Staff Regulations<sup>6</sup> as well as seconded officials (see below), and interns, who work for the Children's Rights Division.

#### Experts:

24. Experts are considered as member States' representatives on Committees of Experts; members of Committees set up under Council of Europe conventions.

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<sup>5</sup> Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), 2007 (Articles 18-24). Available at: <https://rm.coe.int/168046e1e1>

<sup>6</sup> Staff Regulations – Current version in force from 1 January 2017. Available at: [https://wcd.coe.int/ViewDoc.jsp?p=&Ref=COMP/CM/Res\(2007\)1&Language=lanEnglish&Ver=original&Site=COE&BackColorIntranet=99CCFF&BackColorIntranet=99CCFF&BackColorLogged=99CCCC&direct=true](https://wcd.coe.int/ViewDoc.jsp?p=&Ref=COMP/CM/Res(2007)1&Language=lanEnglish&Ver=original&Site=COE&BackColorIntranet=99CCFF&BackColorIntranet=99CCFF&BackColorLogged=99CCCC&direct=true)

#### Contracted third parties:

25. By contracted third party is understood any organisation or institution, public or non-public, commercial or non-profitable, or any person with whom the Council of Europe may enter into a service contract or a grant agreement.<sup>7</sup>

#### **4. Key principles**

26. Children in Council of Europe member States are entitled to enjoy the full range of human rights safeguarded by the ECHR, the European Social Charter, the UNCRC and other international human rights instruments. These include civil, political, economic, social and cultural rights. The work of the Children's Rights Division is based on the UNCRC, the Council of Europe Strategy for the Rights of the Child (2016-2021) as well as making use, where applicable, of the preventive and protective measures outlined in the Lanzarote and Istanbul Conventions.

27. In its work the Children's Rights Division respects the following general principles:

1) Non-discrimination:

The rights of the child apply to all children without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth, sexual orientation, gender identity, or other status.

2) Best interests of the child:

In all actions concerning children, the best interests of the child shall be a primary consideration.

3) Right to life and development:

Children have an inherent right to life and to protection from violence and suicide. Development should be interpreted in its broadest sense, embracing the child's physical, mental, spiritual, moral, psychological and social development.

4) The right to be heard:

Involving children in decision-making at individual, family, organisation and policy level in society is key to realising their rights. Children should be empowered to understand and enjoy their rights. They should be made aware of what is acceptable and what is not and what they can do if there is a problem or a concern.

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<sup>7</sup> Instruction No. 59 of 21 December 2007 on consultants' contracts. Available at: <https://wcd.coe.int/ViewDoc.jsp?p=&id=1231395&Site=DGAL-Handbook&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true>

5) Do no harm principle:

In line with the International Child Safeguarding Standards<sup>8</sup>, the “do no harm” principle refers to minimising any harm that may be caused inadvertently as a result of activities of the Children’s Rights Division.

6) Transparency and accountability:

Transparency and accountability are essential to ensure that poor practice can be addressed appropriately, potentially abusive behaviour challenged and best practice promoted.

7) Data protection:

All processing of personal data of children, including in communication and media activities, should be conducted in line with the Regulation outlining a data protection system for personal data files in the Council of Europe (CM(89)70) of 20 March 1989.

## 5. Guidelines for conduct

28. The staff of the Children’s Rights Division should ensure that all individuals involved in activities with children sign a commitment to adhere to the principles and procedures outlined in this policy. In particular, all individuals participating in Council of Europe activities involving children should take note of the following guidelines for conduct.

### a. Code of conduct for individuals involved in Council of Europe activities

29. Individuals participating in activities involving or concerning children **should**:

- Comply with all relevant laws concerning the protection of children in the country where the activity takes place;
- Have full regard to the principles outlined in this policy;
- Inform children of their rights in a way they can understand, including by identifying the person, authority or service where to seek advice/complain in case of problem;
- Be careful about perception and appearance in their language, actions and relationships with children; their behaviour should demonstrate respect for children and their rights;
- Ensure that all physical contact with children is appropriate in the given local contexts;
- Use positive, non-violent methods to manage children’s behaviour;
- Where possible and practical, follow the ‘two-adult’ rule, wherein two or more adults supervise all activities that involve children, and are visible and present at all times;

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<sup>8</sup> Child Safeguarding Standards and how to implement them, Keeping Children Safe (2014). Available at [www.keepingchildrensafe.org.uk](http://www.keepingchildrensafe.org.uk)



- Talk to children about their contact with staff or others and encourage them to raise any concerns;
- Take appropriate action as required where they become aware or suspect that a child has experienced or is experiencing abuse (see section 6);
- Comply with child protection related investigations (internal and external) and take steps to make available any documentary or other information necessary for the completion of the investigation.

30. Individuals participating in activities involving or concerning children **should not**:

- Spend excessive time alone with children away from others;
- Take children to their home, especially where they will be alone with them;
- Use any physical forms of punishment on a child;
- Discriminate against, show different treatment toward, or favour particular children to the exclusion of others;
- Expose children to hazardous work;
- Stigmatise children (for example, based on gender, race, ability, class, or another factor);
- Ignore a situation where a child is experiencing or is at risk of harm; they should take appropriate action (see section 6);
- Violate children's other rights (for example, their right to privacy, to information and to participate in decisions concerning them).

#### **b. Guidelines for using images and stories about children**

31. When developing and using photos or videos featuring children involved in the activities of the Children's Rights Division, the following principles should be respected:

- **Informed consent:** Permission should always be sought from the children themselves before taking images. To the greatest extent possible, the organisation should acquire informed consent of the child, the child's guardian, and/or the institution responsible for the child, before using any photo or video for publicity, fundraising, awareness raising, or any other purpose. The purpose should be made clear to the consent giver.
- **Privacy:** Personal and physical information that could be used to identify the location of a child within a country and cause them to be put at risk should not be used in any form of communication for general or public purposes. Geotagging of images should be disabled when taking photographs.
- **Security:** Information about children's lives and images of children (including information stored on a computer) should be kept in secure files. Access to these should be limited to those who need to use them during the course of their work.
- **Portrayal:** Images of children should portray the children in a dignified and respectful way. The image should not shame or embarrass a child and should be presented in context.

32. Different countries may have specific laws or cultural norms, which should be understood and adhered to as appropriate.

### **c. Guidelines for child participation in cooperation projects and programmes**

33. The Project Management Methodology (PMM) at the Council of Europe follows a human rights approach of which participation, including child participation, is one of the guiding principles.<sup>9</sup> For child participation to be meaningful, the specific needs of children should be taken into account and accommodated for to the extent possible throughout the project's life cycle (five distinct phases of initiating, planning, implementing, closing and evaluating a project).<sup>10</sup>

34. For projects coordinated and implemented by the Council of Europe which involve or concern children, the **principle of "do no harm"** should apply throughout the project cycle. Special attention should be paid to the particularly vulnerable groups of children (e.g. children with disabilities, children living in poverty, children in care, Roma children, children on the move or otherwise affected by migration, and children from minorities).

#### Initiating a project

35. Meaningful participation starts at consultation of the project concept. As part of the stakeholder identification, the possibility of child participation and the form in which it would be conducted should be considered during the initiation phase of a project.

36. When inviting children to participate in a project, they should be provided with full, accessible, diversity-sensitive and age-appropriate information about their right to express their views freely and to have their views given due weight. They should be informed on how this participation will take place, its scope, purpose and potential impact. Children should never be coerced into expressing views against their wishes and they should be informed that they can cease involvement at any stage.

37. From the perspective of child safeguarding, potential risk situations during the initiating phase include the needs assessment stage, as it usually involves consultations with project stakeholders, including children. Needs assessment for projects and programmes of the Children's Rights Division are generally conducted by staff of the Division, or by contracted third parties.

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<sup>9</sup> The guiding principles of the human rights approach of the Council of Europe Project Management Methodology (2016) are the CoE acquis overall, the principle of equality and non-discrimination, participation and aim for long-term partnerships. Please consult the CoE PMM for more details, available at: <https://www.coe.int/web/project-management-methodology>.

<sup>10</sup> The project cycle as well as the seven processes that accompany it is described in more detail in the Council of Europe Project Management Methodology (2016).

## Planning a project

38. The stakeholder engagement plan should include a section on child participation, where it is outlined how the chosen form of participation will benefit the goals of the project. The children's interest and investment in the project should be considered based on their potential or actual vulnerability. The methods of engagement and stage of involvement of children throughout the project should be outlined.

39. Participation should be inclusive, avoid existing patterns of discrimination, and encourage opportunities for marginalised children, to be involved. Children are not a homogenous group and participation should provide for equality of opportunity for all, without discrimination on any grounds. Programmes should also ensure that they are culturally sensitive to children from all communities.

40. Potential risk situations during the planning phase are linked to communication with children. This is generally done through intermediary organisations that represent the interests of children or organisations run by children. Risk assessment with regard to child safeguarding must be included in the planning phase of any project involving children.

## Implementing a project

41. Environments and working methods should be adapted to children's evolving capacities. Adequate time and resources should be made available to ensure that children are adequately prepared and have the confidence and opportunity to contribute their views. Consideration should be given to the fact that children will need differing levels of support and forms of involvement according to their age and evolving capacities. All individuals involved in project activities should be made aware of the code of conduct under section 5.a. in order to protect children from potential harm.

42. Potential risk situations during the implementing phase include direct interaction with children when they are participating in the project activities. Local organisations representing the interest of children, project staff, as well as contracted third parties charged with implementing or participating in the project activities are key groups involved.

## Involving third parties

43. Projects may include activities where specific tasks are performed by third parties, either through service contracts or grant agreements. Specific risks are involved in the contracting of third parties and, therefore, staff of the Children's Rights Division should adopt preventive measures to minimise any risk.

44. Service contracts should include terms of reference that clearly define the obligations of the consultant with regard to safeguarding of children in the

performance of the contract. The selection criteria should be tailored to minimise the risk of harm to children, for example, by requiring relevant qualifications for specific situations. Proof of any pertinent certificates and experience should be required from any consultants who are chosen to implement activities on behalf of the Council of Europe.

45. Grant procedures should ensure that the grant applicant is adequately qualified to implement the activities which it proposes before any agreement is made to provide funding. Information on any child safeguarding policy which may have been put in place by the beneficiary should be requested in order to enable an assessment of the risks of harm involved in any proposed project. Where risks are identified, specific measures should be taken to mitigate them throughout the granting phase, implementation period and the reporting phase.

46. When risks are assessed as important, project managers may request individuals involved in such activities to provide their criminal record.

47. All project managers should, to the extent possible, take measures to ascertain the good character of adults coming in contact with children in the context of activities.

#### Closing a project

48. The experiences with child participation should be part of the documentation of lessons learned during the project.

49. Progress reports and the final project report should include information on the results of the child participation and how it impacted on the outcomes of the project.

50. Children should be informed as to how their views have been interpreted and used and, where necessary, provided with the opportunity to challenge and influence the analysis of the findings. Children are also entitled to be provided with clear feedback on how their participation has influenced any outcomes. Wherever appropriate, children should be given the opportunity to participate in follow-up processes or activities. Monitoring and evaluation of children's participation should be undertaken, where possible, with children themselves.

51. As above, potential risk areas include communication and direct interaction with children.

#### Evaluating a project

52. The final evaluation report should contain information on how the child participation was conducted and its impact on the outcomes of the project. The lessons learned should include child safeguarding as a factor of the evaluation.

## 6. Reporting

53. All individuals covered by this policy should be informed about the steps to take and whom to contact when concerns arise regarding the safeguarding of children.

54. All children involved in project activities should be informed in a child-friendly manner about the child safeguarding policy.

### Reporting child safeguarding concerns

55. A child safeguarding report should be made in the following instances:

- a potential case of abuse is observed or suspected;
- a substantiated allegation of abuse is being made;
- a child discloses abuse;
- a breach of the code of conduct under section 5. a. is reported or observed.

56. The reporting process should follow the following steps:

- 1) Inform directly the Head of the Children's Rights Division in writing about concerns with regard to child safeguarding with Project Manager and Head of the local Council of Europe Office (in case of decentralised projects) copied. If a child is in immediate danger, the Project Manager should directly contact the police and/or local child protection services as required by national law, and keep the Head of Division informed.
- 2) The Head of Division/Office provides guidance to the Project Manager and Project Officer. If appropriate, the Head of Division/Office shall inform the Legal Adviser of the Council of Europe who may inform the appropriate national authorities on behalf of the Organisation. The project staff and partners will extend full cooperation with competent national authorities to facilitate investigation, criminal and other proceedings as appropriate.
- 3) Where relevant, the Head of Division/Office informs the Secretary General with a view to taking appropriate action in line with the Staff Regulations (Part VI: Discipline; Appendix X: Regulations on Disciplinary Proceedings) in case of staff members or the procedures set out in the rules applicable to contracted third parties.
- 4) The identity of a person reporting information or cooperating with the investigation shall not be disclosed, unless expressly authorised by him or her, or where the conduct of a fair procedure so requires.

## 7. Misconduct

### Misconduct by staff members of the Children's Rights Division

57. All staff members are bound by the charter of Professional Ethics. Any misconduct by staff members of the Children's Rights Division may result in the institution of disciplinary proceedings.

58. Inquiries will be conducted under the procedure laid down in Instruction 51 of 10 June 2006 on internal inquiries<sup>11</sup>.

59. Disciplinary proceedings are conducted based on the rules laid out in the Council of Europe Staff Regulations (Part VI: Discipline; Appendix X: Regulations on Disciplinary Proceedings)<sup>12</sup>. These rules apply to staff members, seconded officials<sup>13</sup>, temporary staff in France<sup>14</sup> as well as locally recruited temporary staff members working in Council of Europe Duty Stations located outside of France<sup>15</sup>.

### Misconduct by trainees

60. Trainees are required to observe the relevant principles, rules and values of the Council of Europe (including the protection of human dignity<sup>16</sup>), and confidentiality.

61. When an activity which they participate in or observe involves or concerns children, trainees shall also be required to observe and comply with the child safeguarding policy. Any misconduct regarding the code of conduct will be examined and appropriate action taken, including the potential termination of the traineeship.

### Misconduct by experts

62. Experts who fail to adhere to the code of conduct under section 5.a. should not be allowed to participate in activities involving children.

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<sup>11</sup> Instruction 51 of 10 June 2006 on internal inquiries. Available at: [https://search.coe.int/Pages/result\\_details.aspx?ObjectId=0900001680781cdd](https://search.coe.int/Pages/result_details.aspx?ObjectId=0900001680781cdd)

<sup>12</sup> Staff Regulations – Current version in force from 1 January 2017. Available at: [https://wcd.coe.int/ViewDoc.jsp?p=&Ref=COMP/CM/Res\(2007\)1&Language=lanEnglish&Ver=original&Site=COE&BackColorInternet=99CCFF&BackColorIntranet=99CCFF&BackColorLogged=99CCCC&direct=true](https://wcd.coe.int/ViewDoc.jsp?p=&Ref=COMP/CM/Res(2007)1&Language=lanEnglish&Ver=original&Site=COE&BackColorInternet=99CCFF&BackColorIntranet=99CCFF&BackColorLogged=99CCCC&direct=true)

<sup>13</sup> Resolution Res(2003)5 on Regulations on secondment of international or national, regional or local officials to the Council of Europe. Available at: [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016805deb4a](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805deb4a)

<sup>14</sup> Rule No. 1232 of 15 December 2005 laying down the conditions of recruitment and employment of temporary staff members in France from 1 January 2006: <https://wcd.coe.int/ViewDoc.jsp?p=&id=1124299&Site=COE&direct=true>

<sup>15</sup> Rule No. 1234 of 15 December 2005 laying down the conditions of recruitment and employment of locally recruited temporary staff members working in Council of Europe Duty Stations located outside of France. Available at: [https://wcd.coe.int/ViewDoc.jsp?p=&Ref=SG/RULE\(2005\)1234&Language=lanEnglish&Ver=original&Site=DGAL-CD&BackColorInternet=DBDCF2&BackColorIntranet=bebdc5&BackColorLogged=FFC679&direct=true#P9\\_209](https://wcd.coe.int/ViewDoc.jsp?p=&Ref=SG/RULE(2005)1234&Language=lanEnglish&Ver=original&Site=DGAL-CD&BackColorInternet=DBDCF2&BackColorIntranet=bebdc5&BackColorLogged=FFC679&direct=true#P9_209)

<sup>16</sup> Rule No. 1292 of 3 September 2010 on the protection of human dignity at the Council of Europe. Available at: <https://wcd.coe.int/ViewDoc.jsp?p=&id=1663919&Site=COE&direct=true>

## Misconduct by contracted third parties

63. The Council of Europe will not contract with third parties who fail to adhere to the code of conduct under section 5.a.

64. Any person participating in the Organisation's activities or implementing activities with support from the Organisation, including contracted third parties, are required to observe the relevant principles, rules and values of the Council of Europe (including the protection of human dignity<sup>17</sup>), and confidentiality.<sup>18,19</sup>

65. When an activity which they participate in or implement involves or concerns children, they shall also be required to observe and comply with the child safeguarding policy. This requirement shall be stipulated in the contract or grant agreement. Adherence to the code of conduct will be regarded as a material term of the contract. Any misconduct regarding the code of conduct will be examined and appropriate action taken, including under the provisions applicable to breach of contract.

## **8. Implementation, monitoring and review of the policy**

66. The child safeguarding policy shall apply to all project activities organised by the Children's Rights Division of the Council of Europe as of 1 April 2018. All project activities involving children and/or having an impact on the lives of children will be routinely reviewed to ensure compliance with this policy.

67. The child safeguarding policy will be reviewed regularly. The development and review processes of this policy are closely linked to the on-going development of the Council of Europe's human rights approach in the context of its Project Management Methodology. It provides the overarching basis for projects' cross-cutting aspects such as gender mainstreaming, civil society participation, and inclusion of vulnerable groups, including children.

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<sup>17</sup> Rule No. 1292 of 3 September 2010 on the protection of human dignity at the Council of Europe. Available at: <https://wcd.coe.int/ViewDoc.jsp?p=&id=1663919&Site=COE&direct=true>

<sup>18</sup> Instruction No. 59 of 21 December 2007 on consultants' contracts: <https://wcd.coe.int/ViewDoc.jsp?p=&id=1231395&Site=DGAL-Handbook&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true>

<sup>19</sup> Instruction No. 60 of 21 December 2007 on outsourcing contracts. Available at: <https://wcd.coe.int/ViewDoc.jsp?p=&id=1231465&Site=DGAL-Handbook&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true>