

CENTERS FOR THE DEVELOPMENT OF INCLUSIVE
PRACTICES IN BIHAĆ AND CAZIN
THE CODE OF ETHICS

2016

1. FOREWORD

This Code of Ethics outlines a set of formal and informal rules and good customs in business conduct the aim of which is to improve professionalism, observe the rights of the beneficiaries and staff and respect the principle of humanity within centres for the development of inclusive practices ("CDIPs"). The Code of Ethics serves as a framework for all staff, volunteers and other professionals involved in CDIP operations.

The purpose of the Code of Ethics is to offer all participants in CDIP activities, irrespective of their rank and position, and clear guidelines for adopting uniform ethical decision in their work.

This Code of Ethics rests on a range of reasons. It enables institutions to define ethical conduct as binding for the profession, and legally regulate the compliance therewith in order to attain high standards. The Code of Ethics defines acceptable behaviour through a set of standards to be observed in practice. The Code of Ethics may serve as a useful standard test for personal and peer evaluation. In addition to providing a real model of professional conduct and a definition of responsibility, the Code of Ethics implicitly sets the benchmarks of a sophisticated professional identity.

Individuals who accept a professional, voluntary or any other engagement at CDIPs must also accept this Code of Ethics and commit to ethical conduct; by complying with the Code of Ethics, they will accept the principles, values and standards of CDIP practices as described herein.

In addition to setting the standards of conduct and professionalism, the Code of Ethics informs the public of the method of CDIP operations, key values on which their action is based and relays the expectations from CDIP activities to the community.

The practice of having a code of ethics is not recent but goes back in history to the ancient times, when the Hippocratic Oath was coined as one of the most famous codes of professional ethics. Facilities, organisations, institutions, etc., which found their work on consistent ethical conduct and practices are committed to the continuous development of the quality and positioning in the public through a positive perception. CDIP performance should stem from two segments of the Code of Ethics: conduct and practice.

This Code of Ethics was drafted under the project "Community-based services for children with disabilities" implemented by the Save the Children in partnership with the Ministry of Education, Science, Culture and Sports of Una-Sana Canton, the Ministry of Health, Labour and Social Policy, the Health Insurance Institute, the City of Bihać and municipalities of Cazin, Bužim, Bosanski Petrovac, Bosanska Krupa, Velika Kladuša, Sanski Most and Ključ.

The Code of Ethics is the backbone of CDIP conduct and practices.

2. INTRODUCTION

All CDIP staff, volunteers and other professionals engaged at CDIPs are the backbone of the development of inclusive practices in the area of Una-Sana Canton. By its definition, inclusive practices focus on the inclusion of children with disabilities in the community.¹ Inclusion rests on the principles of human rights and as such focuses on the respect of the differences of every child regardless of the gravity and type of disabilities or any other base of differences. Inclusive practice is understood to mean the adaptation of the environment to the needs, interests and abilities of children with disabilities. The primary purpose of CDIPs stems from the above, where the focus is on the development of knowledge, skills and competences of all participants in the traditional care and educational process and all individuals involved in the work with children with disabilities. The role of CDIPs is not to segregate children with disabilities but offer therapeutic procedures to children involved in the traditional community. CDIP treatments do not include care and education.

The staff, volunteers and other professionals engaged at CDIPs should observe the fundamental principles of inclusion. In order for CDIPs to contribute to the development of inclusion, it is necessary for all CDIP staff to act in keeping with the uniform values, principles and standards of practical work as specified and described in this Code of Ethics.

The Code of Ethics is based on the rights of children with disabilities and persons with disabilities enshrined in the UN Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities.

This Code of Ethics will be introduced in CDIPs in Bihać and Cazin; its implementation will be monitored and assessed by educational inspectors, expert advisors of the Pedagogical Institute, directors and managing councils of schools within which CDIPs operate.

¹ The definition of inclusive practice in this context is narrow and refers only children with disabilities as CDIPs are active in the area of inclusion of children with disabilities.

3. THE CODE OF ETHICS

Article 1

Scope and subject matter

1. The Code of Ethics for CDIPs (hereinafter referred to as: the Code of Ethics) outlines moral and professional ethics principles, which should be observed by the staff, volunteers and other professionals engaged at the Centres for the Development of Inclusive Practices in their professional and public actions (hereinafter referred to as: CDIPs).
2. The Code of Ethics includes:
 - a) the fundamental principles as regards morally justifiable and morally unjustifiable actions in CDIPs and in relation to CDIPs;
 - b) ethical rules in inclusive practices;
 - c) bodies to oversee the implementation of the Code of Ethics.

Article 2

Purpose of the Code of Ethics

1. The purpose of the Code of Ethics is to promote the values specific to the development of inclusive practices in the broadest sense. All persons engaged at CDIPs are required to promote the ethical behaviour and values enshrined in this Code.
2. The procedures prescribed by the Code of Ethics do not regulate the rights, obligations and responsibilities of the participants and are not alternative to the procedures stipulated by primary and secondary legislation.

THE PRINCIPLES OF MORALLY JUSTIFIABLE CONDUCT IN CDIPs

Article 3

The principle of peaceful enjoyment of rights

1. CDIPs are required to ensure that all beneficiaries enjoy all human rights within CDIPs, and exercise all rights guaranteed by the Constitution and laws of Bosnia and Herzegovina.²

² CDIP beneficiaries include: children, employees of care and educational institutions, employees of other facilities or institutions, and interested individuals who use any of the services provided by CDIPs (resource rooms for speech therapy, sensory therapy, physiotherapy, occupational therapy, psycho-social support and mobile expert teams).

Article 4

The principle of respect for integrity and dignity

All beneficiaries should be respected as persons in accordance with the guaranteed rights to life, integrity and dignity. All beneficiaries must be ensured the right to privacy.

Article 5

The principle of equality and fairness

1. All individuals engaged at CDIPs should bear themselves in accordance with the principle of equality and fairness in a way that excludes any discrimination, abuse, harassment or exploitation. CDIPs are required to ensure conditions for the exercise of the principle of equality and fairness.
2. No individual engaged at CDIPs may abuse their authority or allow that their personal interests and interactions result in situations that may affect their objective judgement or ethical and professional discharge of their duties.
3. All beneficiaries should be ensured equal conditions for exercising their rights, and expressing needs, interests and abilities, as well as fostering their development.
4. All individuals engaged at CDIPs should be insured equal conditions for the performance their duties at work, expression their abilities and professional development.

Article 6.

The principle of professionalism

1. The staff, volunteers and other professionals engaged at CDIPs are expected to perform their duties in respect of beneficiaries and colleagues in a responsible, diligent, professional and ethically impeccable fashion. In their actions, all individuals engaged at CDIPs must observe the principles of non-discrimination, objectivity, impartiality, fairness, justice, dialogue and tolerance.
2. All individuals engaged at CDIPs are required to comply with the criteria of professionalism and excellence and, hence, advance professionally in their area of expertise; also, they are required to base their professional and ethical judgements on the facts available, without any prejudice whatsoever.
3. All individuals engaged at CDIPs should foster and encourage cooperation in their professional interactions and seek to increase benefits for beneficiaries through an effective use of resources. All individuals engaged at CDIPs are expected to act in the spirit of common goals and refrain from actions that would be detrimental to CDIPs or beneficiaries outside of the business hours.

4. Both verbal and non-verbal communication among all persons engaged at CDIPs should aim to ensure mutual respect, approval and building of positive relationships and work environment.
5. All individuals engaged at CDIPs should seek to maintain and encourage cooperation with professionals from the areas of health care, education and social welfare outside of CDIPs, including with the broader local community.

Article 7

The principle of respect for law and regulations

1. All individuals engaged at CDIPs are expected to comply with all legal regulations and legal procedures pertaining to their obligations in their capacity as employees, volunteers or outsourced professionals.
2. CDIPs are required to ensure the conditions necessary for acquainting all individuals engaged at CDIPs with all the rules that are relevant for their obligations.
3. In all procedures concerning the compliance with, or in relation to the principles and rules stipulated in the Code of Ethics, and in respect of their rights and interests, all individuals engaged at CDIPs, should be ensured an opportunity to take part in the procedure, the right to respond to relevant allegations and state their arguments, including the equality of arms with regard to other parties in the same or comparable situation.
4. In any case of discrepancy in the interpretation and observance of the principles of the Code of Ethics, all individuals engaged at CDIPs are required to seek to resolve any dispute before the relevant CDIP bodies. In case of a failure to resolve the dispute, the parties must turn to the commission on ethics.

UNACCEPTABLE BEHAVIOUR IN CDIPs

Article 8

Violations of human rights, the rights of the child and the rights of persons with disabilities

1. All individuals engaged at CDIPs are prohibited from participating in or supporting the behaviour or activities aiming at or indirectly resulting in a violation of human rights, the rights of the child and/or the rights of persons with disabilities.
2. No person who has been involved, in any form whatsoever, in violations of human rights, the rights of the child and/or the rights of persons with disabilities may be recruited by CDIPs.

Article 9
Discrimination

1. Pursuant to Articles 3 to 7 of the Code of Ethics, no form of direct or indirect discrimination on the basis of religious, ethnic or national affiliation, race, gender, sex orientation, lifestyle, financial standing, descent, family or marital status, pregnancy, family obligations, age, disability, looks, political affiliation or health status shall be permitted.
2. The criteria for evaluation and promotion in CDIPs may only include professional performance and merits, including qualifications and performance of certain jobs and tasks.

Article 10
Harassment

1. All forms of harassment of the beneficiaries or staff shall be prohibited.
2. Harassment is understood to mean any inappropriate behaviour in respect of other persons directed at or actually causing a violation of personal dignity that may affect their performance of tasks at work or reduce the quality of their lives. In particular, harassment is deemed to be any verbal, non-verbal or physical act, single or recurrent, which creates or contributes to creating uncomfortable or hostile work or interaction circumstances, or which threatens, insults or belittles another person.
3. Conventional communication, innocent jokes and criticism among individuals engaged at CDIPs, which rest on consent and mutual respect, are deemed an area of privacy and, of and in themselves do not constitute a violation of the Code of Ethics. However, situations where such interactions among individuals engaged at CDIPs may result in a breach of the rules of the Code of Ethics governing objectivity, impartiality or a conflict of interest should be avoided, in particular in interactions among those individuals engaged at CDIPs who are in direct hierarchical relationship, which include the oversight and evaluation of another person's work, and achievements, and/or deciding on the status, professional advancement, privileges, bonuses, etc.

Article 11
Prejudice and stereotypes

1. All individuals engaged at CDIPs should be responsive and open to the beneficiaries and other staff and must not allow that prejudice or stereotypes of any type affect their responsiveness or openness in the provision of services and protection of the rights of beneficiaries to community living.

2. The oversight and evaluation of the work of individuals engaged at CDIPs must not be based on any criteria that are not directly relevant to the services provided or professional obligations.

Article 12
Abuse and sexual exploitation

1. All individuals engaged at CDIPs, partners and other representatives may, under no circumstances,
 - a. hit or in any other way physically attack or abuse children;
 - b. engage in a sexual activity or have a sexual intercourse with any person under the age of 18, regardless of when the persons is considered to be of age / the minimum threshold age at which a person is considered to be legally competent to consent to sexual acts, or local customs. No person who commits such acts may plead, in his or her defence, the wrong impression of the child's age;
 - c. develop relationships with children that may be, in any sense, considered exploitive or violent;
 - d. act in ways that may be violent in any way whatsoever or which may expose a child to the risk of abuse;
 - e. use language or expressions or suggest or offer advice that is unacceptable, offensive or abusive;
 - f. act physically in a way that is inappropriate or sexually provocative;
 - g. offer the child / children who they work with to spend a night, without supervision, in their home, unless in extraordinary circumstances or previously approved by their direct supervisor;
 - h. sleep in the same bed with the child they work with;
 - i. sleep in the same room with the child they work with, unless in extraordinary circumstances or previously approved by their direct supervisor;
 - j. do things of personal nature for children which children can do themselves;
 - k. tolerate or accept the behaviour of children that is unlawful, unsafe or violent, or participate in such behaviour;
 - l. act in any way that aims at shaming, humiliating, belittling or degrading a child, or engage in any form of emotional abuse;
 - m. discriminate against a child or treat a child in an unfair and discriminating manner, or favour or protect a child while excluding other children;
 - n. spend more time with children away from others;
 - o. put themselves in a situation where they may be exposed to allegations of a breach of duty.

This list is neither comprehensive nor inclusive. All individuals engaged at CDIPs, partners and other representatives should avoid, at all times, such procedures or behaviour that might lead to a misinterpretation or misunderstanding, or that may constitute a poor practice or potentially violent behaviour.

Article 13

Tolerance of and participation in unlawful / violent / unsafe behaviour and violations of a beneficiary's rights

1. All individuals engaged at CDIPs may not tolerate or participate in the conduct of beneficiaries or colleagues that is unlawful, violent or unsafe and that may, either directly or indirectly, result in a violation of rights of a beneficiary.
2. All persons engaged at CDIPs are required to notify the relevant authorities³ if they have observed a violation of a beneficiary's rights by CDIPs or any other person outside of CDIPs.

ETHICAL RULES IN INCLUSIVE PRACTICES

Article 14

Professional duties when working in CDIPs

All individuals engaged at CDIPs have the following duties:

- a) seek to achieve and transfer a high level of professional and humane knowledge in the area of expertise;
- b) ensure veracity in the performance of their duties in respect of the beneficiaries and staff;
- c) seek that the beneficiaries attain their goals as effectively as possible;
- d) offer equal opportunities that guarantee all beneficiaries progress in an inclusive direction, irrespective of disabilities and other differences;
- e) contribute to the development of beneficiaries within the developmental area of support, and avoid any activity or action that might impede the development;
- f) respect the dignity of their colleagues and collaborate with them in the interest of the inclusion of beneficiaries in the community;
- g) take into account the opinion and evaluation of beneficiaries in their professional role in order to improve the quality of their personal work and CDIP operations;
- h) base their work on the human rights approach while highlighting the importance of the inclusion of children with disabilities in the traditional system and society without any discrimination whatsoever;
- i) build a positive relationship with beneficiaries and associates through acceptance and recognition, and focus on the positive characteristics and potential of every individual;

³ The term "relevant authorities" means relevant ministries, social welfare centres and other facilities / institutions that seek to protect the rights and interests of children and their parents.

- j) protect the personal data of every beneficiary and use beneficiary material only with the consent provided by the parents / caregivers or beneficiaries in writing,⁴⁵

Article 15

Attitude to the parents / caregivers

1. To recognise and observe parental rights and legal parental authority in the general context of open, fair and decent relationships;
2. To ensure the parents and caregivers, on a regular basis, access to veracious information and a discussion on the development and progress of their child;
3. To ensure full consultations with the parents or caretakers to inform them of all major decisions concerning the development and welfare of their children so that all decisions and advice under consideration are in the interest of the child;
4. To seek to ensure an appropriate and efficient cooperation with the parents, caregivers and other stakeholders in order to provide quality support;
5. To listen to and recognise the opinion, concerns and suggestion of the parents and caregivers with regard to the development and inclusion of their children;
6. To cooperate, without fail, with the parents and caregivers in the interest of the inclusion of their children to providing support to the highest extent the parents and caregivers are capable of providing;

Article 16

Gifts and other values

1. All individuals engaged at CDIPs are prohibited from soliciting, encouraging or receiving gifts for themselves or any other person, for which one can reasonably assume that may directly or indirectly affect their objectivity, discharge of professional duties and observance of professional rights and duties.

⁴ Outside of CDIPs and before third parties, no beneficiary information must be disclosed without the consent provided by the parents / caregivers or beneficiaries (if 18 years of age) in writing, which must specify the information to be discussed outside of CDIPs or before a third party, the purpose of the disclosure.

⁵ If a beneficiary has turned 18 years of age.

Article 17
Charging for services

1. CDIPs and all individuals engaged at CDIPs may not charge the beneficiaries for the services that fall within the CDIP purview.

Article 18
Conflict of interest

1. All individuals engaged at CDIPs are required to avoid conflicts of interest.⁶
2. All forms of nepotism are prohibited. Nepotism is understood to mean any activity that favours one's relative in relation to other persons having equal or better abilities.

Article 19
Transparency

1. CDIPs are required to support and promote transparency in regulations and action as one of the fundamental values. All rules and provisions providing for the rights and obligations of beneficiaries and individuals engaged at CDIPs must be precise, clear and posted on notice boards and online platforms of CDIPs / institutions within which they operate.⁷
2. All individuals engaged at CDIPs should recognise the value of transparency and availability of data on the performance of professional duties.
3. All individuals engaged at CDIPs who, due to their position or circumstances, have access to confidential data should ensure the confidentiality of such data. Confidential data are understood to mean any piece of information subject to secrecy stemming from the need to protect the rights of a beneficiary or individual engaged at CDIPs, which are, by virtue of CDIP policies or decision of a relevant authority issued in pursuance of such policies deemed confidential. Confidential data may not be disclosed to a third party unless in case of a legal and professional obligation to disclose such information in the interest of the beneficiary.⁸

Article 20
The right and duty to pursue continuing education and lifelong learning

⁶ A conflict of interest may be caused, for example, family ties, close friendship, intimate relationships, antagonism, etc.

⁷ All information on CDIP financial and professional activities should be available to the public by way of publishing CDIP financial and performance reports.

⁸ Persons outside of or within CDIPs without authorised access to confidential data.

1. All individuals engaged at CDIPs have the right and duty to pursue continuing education and seek to improve the quality and level of their own expertise and professionalism in their area of work. CDIPs are required to ensure all engaged individuals the same opportunities of continuing advancement and lifelong education without favouritism on any grounds.
2. Individuals engaged at CDIPs plan for and propose a plan of professional development on an annual level and report, on an annual level, on the new knowledge and competences acquired, including the method of the implementation thereof in practice.

Article 21
Professional advancement

1. Any evaluation of the professional performance and competence of any individual engaged at CDIPs should be objective and unbiased, and based on transparent criteria that are defined in advance. The evaluation of the conditions for advancement should be based exclusively on the criteria that are directly relevant to the activity performed or professional duties, i. e. the expertise, talent, professional merits and outcomes of the prescribed work tasks.
2. Any form of direct or indirect discrimination in the process of the evaluation of professional advancement conditions and the advancement procedure itself shall be prohibited.
3. CDIPs are required to ensure equal opportunities for all engaged individuals to advance on the basis of professional merits.

Article 22
Accountability to CDIPs

1. The professional performance of all individuals engaged at CDIPs should contribute, to the extent possible, the achievement of CDIP tasks.
2. Individuals engaged at CDIPs should take care of the good and interests of CDIPs. To this end, the following shall not be tolerated:
 - a) intentional hindrance of CDIP activities;
 - b) any form of action (lobbying, abuse of office, etc.) the purpose of which is to ensure benefits for individuals or groups to the detriment of objective professional criteria;
 - c) negligent use of the property of CDIPs and preventing or hindering other individuals engaged at CDIPs to use the property;

- d) the use of the property of CDIPs for personal, commercial, political, religious, social and other purposes outside of CDIPs without a special approval;
- e) encourage other individuals engaged at CDIPs to fail to observe CDIP rules;
- f) intentionally present personal views as CDIP official views for the purpose of personal benefit;
- g) use the CDIP name and logo in private activities to unduly create an impression of CDIP professional authority;

Article 23

Public statements

1. All individuals engaged at CDIPs have the right to public statements provided the CDIP manager has approved of the statements in writing. In addition, the CDIP manager may consult the director of the institutions within which the CDIP operates with regard to the statements.⁹
2. When giving a statement in the public, all persons engaged at CDIPs authorised to give public statements must clearly state that they are presenting CDIP views. In all forms of public statements and activities in which they act on behalf of CDIPs, individuals engaged at CDIPs are expected to bear themselves in keeping with the highest ethical and professional standards.
3. When giving public statements, individuals engaged at CDIPs may not undermine the confidentiality of the work or state any other information that might be detrimental to the work of the CDIP work and image.

Article 24

Accountability in respect of the management and founders

1. All individuals engaged at CDIPs are required to observe the principles and provisions of the Code of Ethics and high professional standards in communication and relations with the management and founders of CDIPs.
2. All actions of individuals engaged at CDIPs should be directed at maintaining the team relations with the management and timely performance of duties by way of observing the deadlines set by the management and/or founders.

Article 25

Accountability to society

⁹ The term "public statement" is understood as statements to the press, electronic and social media.

1. All individuals engaged at CDIPs are required to maintain positive relations with society and observe different views and attitudes while protecting the interests of CDPs, beneficiaries and associates.
2. All individuals engaged at CDPs should take care of the wellbeing of the entire community by way of observing the principles of humanity in their approach to the members of the community.
3. In their relations with society, all persons engaged at CDIPs are required to observe the provisions and principle of this Code of Ethics, as well as high professional standards.

BODIES RESPONSIBLE FOR THE OVERSIGHT OF THE IMPLEMENTATION OF THE CODE OF ETHICS

Article 26

Overall duty to monitor and implement the Code of Ethics

1. Within their purview, all bodies of CDIPs and institutions within which CDIPs operate are required to take care of their competences, observe and improve of the ethical standards in CDIPs, implement the Code of Ethics and notify the commission on ethics of any failure in respect thereof. The bodies have the authority to interpret the provisions of the Code of Ethics and apply them objectively.
2. Educational inspectors and experts of the Pedagogical Institute are responsible for ensuring objective oversight of the implementation of the Code of Ethics and notifying the commission on ethics of any case of non-observance thereof.

Article 27

Advisory body for the interpretation and implementation of the Code of Ethics

1. Commissions on ethics shall be set up in CDIPs for the purpose of CDIP counselling and implementation of ethical standards in individual areas. Their responsibility is to issue opinions on principal issues, including the compliance with the principles and provisions of the Code of Ethics in specific cases. These commissions shall appoint management council of the institutions within which CDIPs operate for a term of 4 years; these management councils shall be comprised of a representative of the Ministry of Education, Science, Culture and Sports, a representative of the Ministry of Health, Labour and Social Welfare, a

representative of the Pedagogical Institute and two independent experts in the area of inclusion¹⁰ who are not engaged at CDIPs or institutions within which CDIPs operate.

2. In addition to the commissions on ethics in CDIPs, standing or ad hoc commissions on ethics may be set up within the Ministry of Education, Science, Culture and Sports and/or the Ministry of Health, Labour and Social Policy, as appointed by the relevant minister.
3. The commissions on ethics shall have one chairperson, who is appointed by the management council of the institutions in which CDIPs¹¹ operate, or the relevant minister.¹² The chairperson shall be appointed from among the members of the commission on ethics from the ranks of the independent experts in the area of inclusion.

Article 28

Procedures before the commission on ethics

1. A procedure before the commission on ethics is initiated by way of an application for an opinion on compliance with the principles and rules of the Code of Ethics concerning an act or behaviour.
2. The application for an opinion may be filed by individuals engaged at CDIPs, educational inspectors, expert advisers from the Pedagogical Institutes, beneficiaries or third parties, on their own initiative or as recommended by other bodies¹³. The application is filed with the chairperson of the commission on ethics or, where a commission on ethics is not in place, the Ministry of Education, Science, Culture and Sports and/or the Ministry of Health, Labour and Social Policy.
3. The application for an opinion must be specific and describe, in clear and precise terms, the following:
 - a) the matter of principle in question, and/or
 - b) specific circumstances of the case and action or behaviour in respect of which an opinion is being sought relative to the principles and rules of the Code of Ethics.
4. All relevant documents and material, including citations of the provisions of the Code of Ethics in respect of which the specific opinion is being sought may be attached to the application.

Article 29

¹⁰ The independent experts must come from different local governments of Una-Sana Canton.

¹¹ In case of the commission on ethics referred to in Article 19 Paragraph 1

¹² In case of the commission on ethics referred to in Article 19 Paragraph 2

¹³ Other bodies may include the bodies of the institutions within which CDIPs operate or the bodies of the relevant ministries.

Action of the Commission on Ethics

1. In pursuance of the application referred to in Article 20, the chairperson of the commission on ethics shall convene a session of the commission within 30 days as of receipt of the application.
2. The commission may request the applicant to provide additional clarifications or information. Where the application concerns a specific case, the commission may ask the interested persons to provide their response and clarifications. Where the applicant demands that the ethics of the behaviour of an individual engaged at CDIPs be examined, the individual in question must be given an opportunity to respond to the respective allegations and state his or her arguments.
3. On behalf of the Commission, the clarifications referred to in Paragraph 2 herein may be demanded by the chairperson of the commission without convening a session of the commission to discuss the issue.
4. At the sessions of the commission, the members discuss the matter that is subject to the procedure, take positions on the content of the opinion to be issues and select a member of the commission who will draft the opinion on the basis of the discussion.
5. The commission on ethics may issue an opinion only in response to the allegations and information provided in the application, attachments to the application and additional clarifications and statements provided by the applicant and other persons. The commission's role is not to verify the allegations from the application or statements, nor does it have an investigating authority to establish facts on its own initiative. Where the allegations of facts from the application and the allegations of facts from the response differ, and the truthfulness of the contentious allegations cannot be verified on the basis of the material submitted during the procedure, the commission shall note the circumstances in its opinion and limit its position to the matter of principle.
6. Where an application seeks an opinion on the compliance of an act or behaviour with the provisions of the Code of Ethics as expressly specified therein, the commission on ethics must issue its opinion in respect of such provisions; however, it has the authority to expand it to the compliance of the behaviour with other principles and rules of the Code of Ethics.

Article 30

The opinion of the Commission on Ethics

1. On the basis of the application and other information received, the Commission on Ethics shall issue an opinion and deliver it to the applicant and relevant ministries.¹⁴

¹⁴ The Ministry of Education, Science, Culture and Sports; the Ministry of Health, Labour and Social Policy

2. When drafting an opinion, all members of the Commission should seek to reach a consensus. Where they fail to reach a consensus, the opinion shall be issued on the basis of the majority position.
3. The opinion shall be issued in writing within 60 days as of the date of receipt of the application. Where the Commission has requested additional clarifications and information, the deadline shall be counted as of receipt thereof; however, the opinion must be issued no later than 90 days as of receipt of the application in any case.
4. An opinion issued by the commission must include the following information:
 - a) a summary of the application and the matters discussed by the commission;
 - b) the allegations of the principles and rules of the Code of Ethics which the commission examined in response to the application;
 - c) the position of the commission as to whether the behaviour specified in the application is compatible with the Code of Ethics or not;
 - d) the arguments for the opinion;
 - e) whether the opinion has been adopted by a unanimous vote or not.
5. Where the opinion finds that certain behaviour is contrary to the principles and rules of the Code of Ethics, such an opinion may also include:
 - a) an assessment of the level of non-compliance and gravity of the breach of the ethical principles caused by such behaviour;
 - b) a position of the Commission concerning the ways in which the non-compliance with the Code of Ethics could have been avoided and/or measures that might help avoid such violations of the Code of Ethics in the future;
6. Where the opinion has not been reached by a unanimous vote, the members of the Commission whose positions differed from the position of the majority, are authorised to attach their differing opinions to the opinion of the Commission.
7. Notwithstanding the above, where the commission finds, based on the application and other information received, that it is not possible to issue an opinion, that it is not competent for issuing an opinion or if, on any other grounds, it is unable or unwilling to issue an opinion, the chairperson of the commission shall notify the applicant and relevant ministries thereof, within the time frame referred to in Paragraph 3, and detail out the reasons thereof. In such a case, further action as to the application shall be decided by the relevant ministry.
8. Where the opinion of the Commission finds a breach of the Code of Ethics, further action against the breaching party of the Code of Ethics shall be the responsibility of the relevant ministries, which shall take all necessary measures to protect the interests of CDIPs, beneficiaries, other individuals engaged at CDIPs, and ensure further CDIP activities free from any violation of the Code of Ethics.

TRANSITIONAL AND FINAL PROVISIONS

Article 31

The Commission for Ethics

1. Commissions on ethics shall be appointed within three months as of the effective date of the Code of Ethics.
2. Pending the appointment of the commissions, their responsibilities shall be performed by the relevant line ministries.

Article 32

Effective date

The Code of Ethics shall take effect on the day on which it is posted on the notice boards and/or web sites of the institutions within which CDIPs operate, or no later than the day on which CDIPs commence their operations.