

CHILD SAFEGUARDING POLICY AND PROCEDURES

Approved by the Council of ADC Memorial, November 2019

Introduction

Mission of Anti-Discrimination Center (ADC) Memorial is to defend the rights of victims of discrimination through proactive response to human rights violations, including advocacy, legal assistance, human rights education, research, and publications.

Strategic goals of ADC Memorial are the total eradication of all forms of discrimination; supporting adoption of anti-discrimination legislation; overcoming all forms of racism, nationalism; homophobia and other minorities' rights violation and promoting human rights education.

Children belonging to vulnerable minorities are one of the groups ADC Memorial focuses on; taking into account additional risks that the children face, in this Policy ADC Memorial declares principles and establishes procedures in order to prevent exposing children to the risk and abuse and/or react properly on the cases of abuse if any of them happen in relation of the work of the organization.

Principles

This Child Protection Policy is based on Keeping Children Safe Child Safeguarding Standards; the UN Convention on the Rights of the Child, 1989 (and its optional protocols); the UN Statement for the Elimination of Sexual Abuse and Exploitation and all child-related UN conventions; the national child protection legislation of Belgium and international good practice; the Ethical Code of ADC Memorial; the Working Regulation of ADC Memorial.

The principles being upheld by the ADC Memorial's child safeguarding policy:

- All children have a right to protection from harm.
- Everybody has a responsibility to support the protection of children.
- Organisations have a duty of care to children with whom they work, are in contact with, or who are affected by their work and operations.
- In case of working with partners on joined child related projects or campaigns, ADC Memorial shall help partners to meet the minimum requirements on protection of children.
- All actions on child safeguarding are taken in the best interests of the child, which are paramount.

Definitions and Terms

Child Safeguarding:

Child safeguarding is the responsibility that organisations have to make sure their staff, operations, and programs *do no harm* to children, that is that they do not expose children to the risk of harm and abuse, and that any concerns the organisation has about children's safety within the communities in which they work, are reported to the appropriate authorities.

'Do no harm' refers to organisations' responsibility to 'do no harm' or minimise the harm they may be doing inadvertently as a result of inappropriate programming.

Definitions of harm

Physical abuse: actual or potential physical harm perpetrated by another person, adult or child. It may involve hitting, shaking, poisoning, drowning and burning. Physical harm may also be caused when a parent or carer fabricates the symptoms of or deliberately induces illness in a child.

Sexual abuse: forcing or enticing a child to take part in sexual activities that he or she does not fully understand and has little choice in consenting to. This may include, but is not limited to, rape, oral sex, penetration, or non-penetrative acts such as masturbation, kissing, rubbing and touching. It may also include involving children in looking at, or producing sexual images, watching sexual activities and encouraging children to behave in sexually inappropriate ways.

Child sexual exploitation: a form of sexual abuse that involves children being engaged in any sexual activity in exchange for money, gifts, food, accommodation, affection, status, or anything else that they or their family needs. It usually involves a child being manipulated or coerced, which may involve befriending children, gaining their trust, and subjecting them to drugs and alcohol. The abusive relationship between victim and perpetrator involves an imbalance of power where the victim's options are limited. It is a form of abuse that can be misunderstood by children and adults as consensual.

Child sexual exploitation manifests in different ways. It can involve an older perpetrator exercising financial, emotional or physical control over a young person. It can involve peers manipulating or forcing victims into sexual activity, sometimes within gangs and in gang-affected neighbourhoods. It may also involve opportunistic or organised networks of perpetrators who profit financially from trafficking young victims between different locations to engage in sexual activity with multiple men.

Neglect and negligent treatment: allowing for context, resources and circumstances, neglect and negligent treatment refers to a persistent failure to meet a child's basic physical and /or psychological needs, which is likely to result in serious impairment of a child's healthy physical, spiritual, moral and mental development. It includes the failure to properly supervise and protect children from harm and provide for nutrition, shelter and safe living/working conditions. It may also involve maternal neglect during pregnancy as a result of drug or alcohol misuse and the neglect and ill treatment of a disabled child.

Emotional abuse: persistent emotional maltreatment that impacts on a child's emotional development. Emotionally abusive acts include restriction of movement, degrading, humiliating, bullying (including cyber bullying), and threatening, scaring, discriminating, ridiculing or other non-physical forms of hostile or rejecting treatment.

Commercial exploitation: exploiting a child in work or other activities for the benefit of others and to the detriment of the child's physical or mental health, education, moral or social-emotional development. It includes, but is not limited to, child labour.

A child is any person under the age of 18 years.

Scope and Risk Estimation

Although ADC Memorial does not work directly with children, the organisation will assess risk to children from all organisational functions and develop strategies to minimise those risks, if

there will be any. Meanwhile, there are the following situations of potential risk which this policy covered with special attention:

- On-line and off-line publications including visual ones related to children
- Missions on documenting Human Rights violations
- Projects/activities that might be carried out by partners and related to direct work with children (like camps, out of school activities, excursions etc.) where staff and/or associates of ADC Memorial might participate (by invitation, or in the framework of joint projects etc.)

This policy applies to all staff and associates. Associates includes:

- Contractors (consultants, volunteers and interns)
- Members of the organization
- Potential partners working on joint projects related to direct work with children

Code of Conduct

The organisation has introduced the Code of Conduct that guides all staff and associates in the situations of risk listed above.

All staff and associate must:

- treat children with respect regardless of race, colour, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status
- not use language or behaviour towards children that is harassing, abusive, sexually provocative, demeaning or culturally inappropriate
- not engage children under the age of 18 in any form of sexual intercourse or sexual activity, including paying for sexual services or acts
- wherever possible, ensure that another adult is present when working in the proximity of children
- not invite unaccompanied children into home, unless they are at immediate risk of injury or in physical danger; not sleep close to unsupervised children unless absolutely necessary, ensure that another adult is present if possible; inform a supervisor about such situations
- not use physical punishment on children
- not hire children for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury
- comply with all relevant Belgian and local legislation, including labour laws in relation to child labour
- immediately report concerns or allegations of child exploitation and abuse and policy non-compliance in accordance with appropriate procedures
- immediately disclose all charges, convictions and other outcomes of an offence, which occurred before or occurs during my association with Anti-Discrimination Centre Memorial that relate to child exploitation and abuse
- use any computers, mobile phones, video cameras, cameras or social media appropriately, and never to exploit or harass children or access child exploitation material through any medium

When photographing or filming a child or using children's images for work-related purposes, all staff and associate must:

- obtain informed consent from the child and parent or guardian of the child before photographing or filming a child, explain them how the photograph or film will be used

- ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive
- ensure images are honest representations of the context and the facts
- ensure file labels, meta data or text descriptions do not reveal identifying information about a child when sending images electronically or publishing images in any form.

Prevention and Reaction Principles and Procedures in the Situations of Risk

A. On-line and off-line publications including visual ones related to children

ADC Memorial has the Policy on Communication, Visibility and Publications where the general principles of use of visual materials are described, including principles of keeping safe the materials and personal data of filmed/pictured persons. This Policy contains the points related to safeguarding children. Meanwhile, staff members / associates dealing with publications are obliged to follow the Child Safeguarding Policy and Procedures as well.

Awareness of obligations, safe recruitment	A staff member/associate must follow the Code of Conduct, be aware of the Child Safeguarding Policy including reporting procedure; this obligation is included into employment contracts, mission instructions, job descriptions to be signed by a contractor.
Training/Education	Staff members / associates responsible for information work will be provided with a more in-depth training on the issue of child protection.
Publication design	Publications are planned taking into account the child safeguarding principles.

Reporting and Reaction procedure

1. Executive Director of ADC Memorial is responsible for implementation of the Child Safeguarding Policy and the Policy on Communication, Visibility and Publications; and plays the role of Child Safeguarding Officer (CSO) in the organization.
2. All concerns / doubts regarding disputable visual materials related to children shall be addressed to the CSO before publication. The CSO makes final decision on such materials and approves publication of them.
3. In case staff members / associates notice already publicised publication of inappropriate materials violating the Policies, the situation should be immediately reported to the CSO. If the CSO will be not available, then the staff members / associates should contact an assistant of the CSO, who will further try to reach the CSO. The name and contact details of this additional contact person would be provided in the attachment.
4. The CSO immediately takes an action (investigate if the publication in fact violates the Policy, delate the publication from ADC Memorial domain, investigate if the publication is not spread, etc.) and starts internal investigation according to the Working Regulations and the Ethical Code (in case of employment of this person) or according to the Ethical Code (in case of other forms of cooperation). Publication of inappropriate materials violating the Policies mentioned above without approval of the CSO lead to sanctions, up to dismissal / interruption of the contract.
5. In case of serious violation of the Policy (e.g. children pornography), the CSO will report immediately the case to the Board of ADC Memorial and to the external authorities responsible

for the children rights. The CSO will follow the taken actions by the external authorities and decide on further response to the staff/associates accordingly.

6. In case of online publication, taking its specification and potential reach, if the CSO will be not available within a next few minute after reporting of the concern, the assistant of the CSO has right to remove the content. Internal investigation will take place once the CSO would be available again.

6. If a person who reportedly violated the Policy is a staff member / associate of a partner organization, responsible managers are informed immediately by CSO about the situation and internal investigation is carried out by the partner organization. In case of serious violation of the Policy (e.g. children pornography), the CSO will report immediately the case to the external authorities responsible for the children rights.

B. Missions

Normally, a field researcher does not deal directly with children during missions. Meanwhile, due to the fact that situations of risk might happen during unpredictable field context, staff/associates participating in a mission are applicable to the following prevention measures:

Awareness of obligations, safe recruitment	A staff member/associate must follow the Code of Conduct, be aware of the Safeguarding Policy including reporting procedure; this obligation is included into employment contracts, mission instructions, job descriptions to be signed by a contractor.
Training/Education	Staff members / associates who are regularly involved into field missions will be provided with a more in-depth training on the issue of child protection.
Safe mission design	Missions are planned taking into account the child safeguarding principles.

Reporting and Reaction procedure

1. Executive Director of ADC Memorial is responsible for implementation of the Child Safeguarding Policy and plays the role of Child Safeguarding Officer (CSO) in the organization.
2. In case staff members / associates during a mission face inappropriate behaviour of another staff members / associates of ADC Memorial that violate this Policy and might lead to negative consequences for children, the situation should be immediately reported to the CSO. If CSO does not take appropriate measures, then the staff members / associates should contact a chosen person from the Board of ADC Memorial. The name and contact details of this additional contact persons would be provided in the attachment.
3. The CSO immediately takes an action (recalls the staff member / associate who reportedly violated the Policy from the mission, end the mission, etc.) and starts internal investigation according to the Working Regulations and the Ethical Code (in case of employment of this person) or according to the Ethical Code (in case of other forms of cooperation).
4. In case of serious violation of the Policy, the CSO will report immediately the case to the Board of ADC Memorial and to the external authorities responsible for the children rights. The

CSO will follow the taken actions by the external authorities and decide on further response to the stuff/associates accordingly.

5. If a person who reportedly violated the Policy is a staff member / associate of a partner organization, responsible managers are informed immediately by CSO about the situation; the person is recalled from the mission or/and the mission ends; internal investigation is carried out by the partner organization. In case of serious violation of the Policy, the CSO will report immediately the case to the external authorities responsible for the children rights.

C. Projects/activities that might be carried out by partners and related to direct work with children

Staff and/or associates of ADC Memorial might participate in projects/activities that might be carried out by partners and related to direct work with children (like camps, out of school activities, excursions etc.). In such potential cases, ADC Memorial shall cooperate with partners who have their own policies on child safeguarding, the following prevention measures shall be taken:

Awareness of obligations, safe recruitment	Staff member/associates must follow the Code of Conduct, be aware of the Safeguarding Policy including reporting procedure; this obligation is included into employment contracts / job descriptions to be signed by a contractor. All interviews should be well planned and include specific questions on child safeguarding, the candidate’s understanding of this and the organization’s commitment. The point on child safeguarding shall be included into advertisements, application form for a job, selection criteria. Candidates shall confirm that they were not convicted / are not in pending disciplinary procedures. Candidates shall confirm their identity and qualification / experience needed for direct work with children, including references from previous places of work.
Training/Education	All staff and associates will receive a short induction on child safeguarding at the time of their engagement with the organization in order to be able to protect children and to be fully aware of the procedure for reporting concerns. Staff with particular responsibilities relating to child safeguarding will be provided with a more in-depth training. Children and families shall be informed on the principles of child safeguarding and what to do if they have concerns about a child. All staff and children are aware of the designated Child Safeguarding Officer (CSO) who is responsible for receiving reports of concerns and advising on assessing and mitigating risk in line with the policy and procedures.
Safe projects / activities design	The activities / projects should be planned taking into account the safeguarding principles.

	<p>Support and counselling should be made available during the projects / activities related to direct work with children; including for those involved in the report and response.</p> <p>A list of organisations and professionals that can be contacted quickly to support reporting and responding to concerns should be elaborated and available (police, ombudspersons, child care, medical institutions, NGOs, local community etc.).</p>
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ADC Memorial partners that do not have their own child safeguarding policies should comply with ADC Memorial Child Safeguarding Policy and Procedures. ADC Memorial is willing to support them to develop their own documents

Reporting and Reaction procedure

1. Complaints from children or other persons who faced violations of the Policy are addressed to the CSO of the partner organization that carries out the project / activities. Executive Director of ADC Memorial, as a CSO from our side, should be immediately informed about the cases of violations. If the CSO will be not available, then the staff members / associates should contact an assistant of the CSO, who will further try to reach the CSO. If CSO does not take appropriate measures, the staff members / associates should contact a chosen person from the Board of ADC Memorial. The names and contact details of these additional contact persons would be provided in the attachment.
2. Allegations against staff members / associates would normally result in suspending them from their employment immediately subject to investigation of the issue.
3. The following instructions for receiving and documenting complaints from children should be in place:
 - Listen to and accept what the child or young person says but do not press for information.
 - Let the child or young person know what you are going to do next and that you will let them know what happens.
 - Do not investigate and do not inform, question or confront the alleged abuser.
 - Take the alleged abuse seriously.
 - Record carefully what you have heard on the reporting form.

Any report will be treated seriously and with confidentiality. The priority will always be the safety and best interests of the child. Identifying information about children will be shared on a 'need to know' basis only.

Any staff who raise concerns of serious malpractice will be protected as far as possible from victimisation or any other detrimental treatment if they come forward with serious concerns, provided that concerns are raised in good faith. Deliberate false allegations are a serious disciplinary offence and will be investigated. The subject of the complaint (alleged perpetrator) and all witnesses must cooperate fully and openly with internal and statutory investigations and hearings. Their confidentiality will be protected and information which could identify them will be shared on a 'need to know' basis only.

A prompt and appropriate response will ensure that the situation is not perpetuated and that all individuals involved are clear on issues and actions to be taken.

4. If the allegation is a criminal issue, this should be reported by the responsible manager of a respective organisation to the formal authorities before taking action or informing the alleged perpetrator. The CSO of ADC Memorial will inform the Board of ADC Memorial about the concern and follow up the external authorities on taken actions and decide accordingly on further response toward the alleged staff member/associates

5. If the allegation is not a criminal issue, an internal investigation should be conducted by the responsible manager of a respective partner organization according to its internal procedures. The

investigation should involve interviews of all parties involved including witnesses to gather all relevant details of the allegation.

Appropriate disciplinary measures should be taken by the CSO in the event that the allegation is found to be true. If the allegation is found to be without base, appropriate steps should be taken to minimise damage to the reputation of the individual accused.

Monitoring and review

Child safeguarding is incorporated into the organisation's risk register and annual reporting processes. Senior management and the staff will regularly review the risk register and organisation reports to ensure that child safeguarding measures are in place and effective.

This policy will be reviewed when it is shown necessary that additional issues need to be identified and addressed through this policy. Additionally, the review will take place at least every three years.

**Annex
Referral form - sample**

Child's name:

Case no:

Referral details:

Time:

Date:

Place:

Referrer's details:

Name:

Occupation:

Address:

Contact telephone no:

Relationship to child

Child's details (where available):

Name:

Age:

Date of birth:

Gender:

Contact/personal details (address, school, language etc.)

Identity no:

Status/whose legal responsibility:

Details of concern: what, who, where, when (*including child's words if possible*):

Alleged Perpetrator's details (if known):

Name:

Address:

Age:

Date of birth:

Employment details:

Nature of job:

Identify the employer:

Relationship, if any, to child:

Current location of alleged perpetrator:

Current safety of child including location:

**Has emergency medical attention been required?
Provided by:**

Who else knows? Include contact details.

Agencies:

Family members or other individuals:

Actions taken to date e.g. Referral to police, children's services, social welfare, other. Give contact details and date and time of action.

Referral taken by (where possible, line manager):

Name:

Position and Location:

Date:

Signature (on hard copy):

Action to be taken

Decision made by Director for immediate action as agreed in Child Safeguarding Policy? (Please specify who is to do what and when and give names and contact details of people to be contacted.)

Referral to police (if not, why not?) Yes/No

Referral to Local Authority for child protection /welfare Yes/No

Other action required to ensure child not at further risk from alleged perpetrator:

Referral for medical treatment/ to meet health needs Yes/No

Signature of person arranging above action: