

Child Protection Policy

Introduction

Legal Action Worldwide (LAW) supports the rights of children and is committed to their safety and well-being and has a zero-tolerance policy and will not tolerate any form of abuse, exploitation, or harm carried out towards children (anyone under the age of 18).

This policy is to ensure that procedures are in place to protect children from deliberate or unintended actions that place them at risk of abuse, exploitation, discrimination or other harms carried out by any worker of Legal Action Worldwide LAW's staff members and those working with LAW share a common responsibility and commitment to the awareness, prevention and reporting of and responding to child abuse in the course of their work.

LAW's Child Protection Policy sets out common values, principles, and beliefs and describes the steps that will be taken to meet our commitment to protect children.

Scope

This policy applies to all part-time, full-time, and casual LAW employees, contractors, interns and volunteers (hereinafter: LAW staff or staff) as well as partner organisations and sub-contractors (hereinafter: partners) working with LAW on the implementation of projects.

Goal

Legal Action Worldwide is committed to preventing any form of sexual harassment, exploitation and abuse of children in the course of our work and responding robustly when these harms take place by addressing all forms of abuse – physical, psychological, sexual abuse, and neglect. This means that we take all concerns seriously and carry out timely and robust responses to allegations of abuse.

Purpose

The purpose of this Child Protection Policy is to:

- provide a management strategy to prevent child abuse and protect children in the course of our work; and
- provide LAW staff and partners with clear guidelines on what to do in the case of suspected child abuse.

Definitions:

Child

For the purpose of this policy, the definition of a child is “every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier”.

This is in accordance with Article 1 of the United Nations Convention on the Rights of the Child.

Child abuse

We define child abuse as all forms of physical or psychological violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including commercial exploitation, sexual abuse while in the care of parent(s), legal guardian(s) or any other person who has the care of the child, and also includes child marriage.

Child sexual abuse

We define sexual abuse as any actual or threatened physical intrusion of a sexual nature, whether by force or under unequal conditions, e.g. sexual assault, rape. LAW strictly prohibits staff and other representatives from engaging in any kind of sexual activity with children (anyone under the age of 18 years, or older if the local law indicates this). Mistaken belief of age is no defence.

Child sexual exploitation

We define sexual exploitation as “any actual or attempted abuse of power or trust for sexual purposes, including, but not limited to, profiting commercially, monetarily, socially, or politically from the sexual exploitation of another.”¹ This can represent a wide spectrum of examples, including but not limited to: invasion of someone’s sexual privacy; forced transactional sex; nonconsensual filming of a sexual act or exposure of genitals; online grooming; or knowingly spreading a sexually transmitted disease or infection. It is important to understand that sexual exploitation is not limited to sexual intercourse, as detailed in some examples above, and includes acts of intimidation of a sexual nature that are intended to cause discomfort and embarrassment.

Child marriage

We define child marriage as any formal marriage or informal union between a child under the age of 18 and an adult or another child.

Principles and values

The following principles and values reflect LAW’s stance on child protection:

- **Zero tolerance of child abuse:** LAW does not tolerate any form of child abuse, nor does it tolerate possession or access to any material that is abusive towards children. LAW will not knowingly engage anyone who poses a direct risk to children.
- **Recognition of children’s interests:** LAW recognises that some children are at greater risk of abuse. Of particular vulnerability are children with disabilities, children in conflict situations as well as migrant children or children without parents.

¹ UN Secretary-General’s Bulletin on protection from sexual exploitation and abuse (ST/SGB/2003/13).

- **Sharing responsibility of child protection:** When bidding for projects in association with firms that do not have a child protection policy, LAW will ensure that associate firms agree to adopt LAW's Child Protection Policy.

LAW's Commitment

LAW's commitment to child protection will be guided by the following:

- **Training and Awareness:** we will ensure that all LAW staff and partners, as well as stakeholders involved in projects, are aware of the problem of child abuse and the risks to children.
- **Prevention:** we will ensure, through awareness and adherence to best practices, that LAW staff and partners minimise the risks to children.
- **Monitoring and Reporting:** we will ensure that LAW staff and partners are clear on what steps to take where concerns arise regarding the safety of children.
- **Active response:** we will ensure that timely action is taken to support and protect children where concerns of abuse arise.

Further to the above, LAW will:

- not permit a person to work with children if it has been identified that they pose an unacceptable risk to children's safety or wellbeing;
- take all child abuse concerns seriously;
- take positive steps to ensure the protection of children who are the subject of any concerns;
- support children, LAW staff or other adults who raise concerns;
- act appropriately and effectively in initiating or cooperating with any subsequent process of investigation;
- prioritise the best interests of the child throughout the child protection process;
- listen to and take seriously the views and wishes of children; and
- work in partnership with parents/guardians and/or other professionals to ensure the protection of children.

Child Protection Procedures

The following procedures mainstream LAW's Child Protection Policy and Child Protection Code of Conduct:

- Both the Child Protection Policy and the Code of Conduct are an integral part of LAW's quality management system and the legally binding instructions it contains.
- All LAW partnership agreements and MOUs concerning projects that involve working directly or indirectly with children specify that LAW's Child Protection Policy must be applied by the partner organisation throughout the course of the project and that, if there is a breach, LAW will terminate the contract/services with immediate effect.
- Contracts for persons newly employed by LAW contain a provision foreseeing their dismissal if they breach the Child Protection Code of Conduct.
- Criminal record checks, as well as checks of character references, are conducted on staff who will have contact with children to ensure that they are not a risk to children.
- All risk assessments/monitoring and evaluation plans for projects involving children specifically identify risks to children and mitigation strategies.
- A copy of the child protection policy is posted on the LAW website.
- All project offices display procedures contact details for reporting possible child abuse.
- A reporting procedure has been put in place to investigate and deal with possible child abuse and is accessible to the public in relevant languages.
- All LAW staff attend child protection training consistent with the Child Protection Policy.

Guidelines for reporting suspected or actual abuse of children

Reporting Principles

Reporting suspected or actual child abuse is mandatory for all staff, volunteers, consultants and sub-contractors. No LAW staff or partner will prejudice their own position or standing with LAW by responsibly reporting someone who they believe is breaking the Child Protection Code of Conduct. Responsible reporting also means that any person making a report should bear in mind that all concerns are allegations until they have been fully investigated. For this reason, it is important for anyone raising a concern to follow the specific reporting guidelines set out below. In particular, confidentiality is expected within the reporting chain.

Confidentiality

Maintaining confidentiality throughout the complaints process is essential. LAW is committed to working with survivors/complainants and all others involved in an incident management process in a confidential and respectful manner. Breaches of confidentiality undermine confidence and trust in LAW's complaints management processes and in the organisation itself.

From the point of disclosure to the final outcome of any investigation, every effort will be made to maintain and promote confidentiality in order to protect the safety and privacy of everyone

involved. As such, information should only be shared on a need-to-know basis – that is, only those who need to be informed so they can support an investigation or because they hold overall accountability will be given information, and they will receive only as much information as they need in order to be effective.

If information is shared confidentially which relates to a child or suggests that someone's life is in danger, then action will need to be taken outside of standard confidentiality procedures in order to ensure that everyone is safe. This will be managed on a case by case basis, and the safety and best interest of the child in question is always paramount. As noted above, only those who need to know will be informed so they can take effective action.

Reporting Procedures

All concerns should be raised within country to the Programme Manager (Country Director) (hereinafter senior managers) or with the Global HQ (Head of HR/Operations Director). Any information provided to the senior manager will be handled with strict confidentiality. The senior manager will take appropriate action to protect children based on the details of the information provided and the operational context. LAW staff who are under investigation may be suspended from projects involving children or transferred to other duties. Responsible LAW staff will be sanctioned or dismissed if a breach of the Child Protection Code of Conduct can be proven conclusively.

Discussions held with a senior manager should focus on:

- evidence that the Child Protection Code of Conduct has been broken;
- the identified risks to the child/children;
- measures for safeguarding children and minimise risk; and
- action/next steps.

Discussions between LAW HQ and senior managers in response to child protection concerns should focus on:

- An assessment of the reported concerns and support needs
- Whether, and at what stage, the issue should be reported to external bodies
- Appropriate response, e.g. disciplinary process or urgent action if children are judged to be at risk.

Senior managers should feel able to consult and seek support from other colleagues as necessary. In all partnership agreements and MOUs for projects that involve the provision of direct or indirect services to children, LAW requires partner organisations to apply LAW's Child Protection Policy and Code of Conduct as a minimum standard for the duration of the agreement/implementation period and to use similar reporting procedures for suspected violations thereof. Partner organisations must immediately report any suspected violation of the

Child Protection Policy or Code of Conduct to LAW and must keep LAW informed of the status and outcome of any investigation of a suspected violation. If LAW determines that this term of the agreement has been violated, LAW will terminate the contract/services with immediate effect.

Specific Reporting Guidelines

Any concerns, allegations or disclosures, whether by LAW staff or partner organisations, must be recorded in writing, signed and dated, and communicated as soon as possible to a senior manager who should inform HQ immediately. Records should be detailed and precise, focusing on what was said or observed, who was present and what happened. Speculation and interpretation should be clearly distinguished from reporting. All such records should be treated as extremely confidential. They should be passed only to the persons specified in these specific reporting guidelines. It is the responsibility of each individual in possession of the information to maintain confidentiality.

In certain instances, there will be the obligation for LAW and its staff to report concerns to the appropriate external bodies and/or donors. This will usually occur as a consequence of the reporting procedure. However, if urgent action is required in order to protect children then it may be prior to the reporting procedure.

Responding to concerns

In response to a violation of the Child Protection Policy or Code of Conduct, necessary action will be immediately taken to ensure that the Policy/Code is not broken again and/or that further abuse cannot take place. The best interests of the child and the desire to secure the best outcomes for the child should always govern decisions regarding what action should be taken in response to concerns.

All new LAW staff will have a provision in their to employment agreements for dismissal or transfer other duties if he/she breaches the Child Protection Code of Conduct. LAW's Executive Director, in consultation with the senior manager concerned, will ultimately decide what sanctions will be taken against breaches.

Some concerns may be so serious that they must reported to local authorities and police. In these circumstances, based on local guidelines, LAW will assess on a case-by-case basis what steps to take. If the concerns are reported to local authorities, LAW staff will assist the authorities wherever possible but may also need to make arrangements, possibly through the appropriate diplomatic representation, to seek representation for the person who has had allegations made against them.

In all partnership agreements and MOUs for projects that involve the provision of direct or indirect services to children, LAW will explicitly require partner organisations to apply LAW's Child Protection Policy and Code of Conduct as a minimum standard for the duration of the agreement/implementation period and to use a similar response policy for suspected or confirmed violations thereof. If LAW determines that this term of the agreement has been violated, LAW will terminate the contract/services with immediate effect.

Legislation

When handling child abuse complaints, LAW adheres to the laws of all relevant jurisdictions.

Training

LAW is committed to educating staff and others on the Child Protection Policy and on how to reduce risks and create child safe environments for children generally. We will promote practices which keep children safe in their interactions with LAW and in their own communities and provide information about child protection to the children and communities in which we work. This information will include procedures for reporting child abuse.

As part of its child protection training, LAW will:

- provide comprehensive written documents on LAW's Child Protection Policy and Code of Conduct to all new staff;
- incorporate extensive information on LAW's Child Protection Policy in the induction procedures for new staff;
- provide child protection training to staff who will work directly with children on an annual basis

Annex 1 – Code of Conduct

LAW staff and partners should use good judgement skills to avoid actions or behaviours that could be construed as child abuse. While implementing projects or engaging in other activities relating to LAW, staff and partners must:

- in the initial planning stage and at all subsequent stages of the planning, implementation and evaluation of projects involving children, work to identify and mitigate risks to children;
- treat children with respect regardless of race, ethnicity, nationality, sex, gender identity, sexual orientation, language, religion, caste, disability, birth status, or any other status or identity;
- not use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate;
- not engage children in any form of sexual activity or acts, including paying for sexual services or acts where, under the law(s) applicable to the child, the child is below the age of consent or the act(s) are an offence under relevant laws;
- wherever possible, ensure that another adult is present when working in the proximity of children;
- not invite unaccompanied children into their homes without the permission of their parent/guardian, unless they are at immediate risk of injury or in physical danger;
- not sleep close to unsupervised children unless absolutely necessary, in which case they must obtain the supervisor's permission and ensure that another adult is present if possible;
- use any computers, mobile phones, or video and digital cameras appropriately, and never exploit or harass children or access child pornography through any medium (see also 'Use of children's images for work-related purposes');
- refrain from physical punishment on children;
- refrain from hiring children for domestic or other labour;
- immediately report concerns or allegations of child abuse in accordance with appropriate procedures; and
- comply with all relevant legislation.

Use of children's images for work-related purposes

When photographing or filming a child for work-related purposes, LAW staff and partners must:

- before photographing or filming a child, assess and endeavour to comply with local traditions or restrictions for reproducing personal images;
- before photographing or filming a child, obtain written consent from the child's parent or guardian of the child. It must be explained how the photograph or film will be used and any possible risks to the child must be made clear;
- 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; and
- ensure that file labels do not reveal identifying information about a child when sending images electronically or publishing images in any form.