

TRANSPARENCY INTERNATIONAL SRI LANKA

Child Protection Policy

Policy Statement

This policy affirms Transparency International Sri Lanka's (TISL) fundamental belief that children have the right to be protected and free from abuse and exploitation and it seeks to address the protection of children in all levels and scope of the work of TISL. The policy will be revised regularly to ensure it remains relevant and complies with law of the country. TISL further believes that the protection of children from abuse and exploitation is the responsibility of all those who participate in the workspace of TISL, including, but not limited to staff, Interns/volunteers and independent contractors.

To whom & where it applies

This policy applies, but is not limited to: Board members, Managers, Supervisors, Employees, and Affiliates (Example: applicants, partners, clients, vendors, interns, sub-grantees, consultants, resource persons and independent contractors etc.).

An assessment of a partner's own Child Protection Policy and capacity and /or compliance with this policy will be a criterion in entering into any partnership and contractual arrangement.

This policy provides expectations of the practical steps TISL will take to prevent child abuse and exploitation and it demonstrates TISL commitment to protect children from harm and abuse. It is the utmost responsibility of employees and anyone affiliated with TISL to contribute to an environment where children are protected and free from abuse and exploitation. Therefore, this policy applies to conduct at TISL premises, activities, events, workshops, and at any other time when involved with TISL operations.

Definitions

There are four main types of child abuse and they are physical abuse, sexual abuse, neglect and emotional abuse.

- Physical abuse

Physical child abuse is the non-accidental infliction of physical injury to a child.

Characterized by injury, such as bruises, lesions and fractures that result from hitting (hand, stick, strap, or other object), punching, shaking, kicking, beating, choking, burning, throwing, stabbing or otherwise harming a child.

- Sexual abuse

Sexual abuse is any sexual behavior with or sexual exploitation of a child.

There are three main types of sexual offenses against children: Rape, molestation, distribution or production or possession of child pornography. Sexual abuse includes rape, oral sex by or to adult, genital contact with no instruction, fondling in a sexual manner, indecent exposure, Production, distribution or possession of child pornography, use of a child in prostitution or pornography.

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- Neglect

Neglect is a pattern of failing to provide for a child's basic needs. It is abuse through omission; of not doing something resulting in significant harm or risk of significant harm

There are four types of neglect: physical neglect, medical neglect, educational neglect and emotional neglect.

- I. Physical neglect: Failure to provide food, weather appropriate clothing, supervision, a safe and clean home.
- II. Medical neglect: Failure to provide the necessary medical or dental care for a child's condition.
- III. Educational neglect: Failure to enroll a school-age child in school or to provide necessary special education. Allowing excessive absences from school.
- IV. Emotional neglect: Failure to provide emotional support, love, and affection to a child. Exposure of a child to spousal, pet, or drug and alcohol abuse.

- Emotional abuse

Emotional child abuse is any attitude, behavior, or failure to act that interferes with a child's mental health or social development.

Emotional abuse can range from a simple verbal insult to an extreme form of punishment. This may include telling children that they are worthless, flawed, unloved, unwanted, endangered, or only of value in meeting another's needs.

Emotional abuse is almost always present when another form of abuse is found.

- Child

For the purpose of this policy, a child means any human being below the age of eighteen years.

TISL recognises that:

- the welfare of the child is paramount.
- all children, regardless of age, disability, gender, racial heritage, religious belief, sexual orientation or identity, have a right to equal protection from all types of harm or abuse.
- some children are additionally vulnerable because of the impact of previous experiences, their level of dependency, communication needs or other issues.

Section below can be used to identify acceptable and unacceptable behaviors with children.

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Acceptable Behaviors for TISL staff and affiliates when working with children:

- Treat children with respect regardless of race, colour, sex, gender, gender identity, sexuality, sexual orientation, age, indigeneity, national, ethnicity, language, religion, political or other opinion, disability, property, displacement, caste, poverty, class or socio-economic status;
- Conduct themselves in a manner appropriate with their position representing of TISL in all their dealings with children;
- Immediately raise concerns regarding a child's safety or wellbeing in accordance with TISL's Reporting Procedures and observe procedural fairness when engaged in decision-making;
- Be visible when working with children and, wherever possible, ensure that another adult is present when working in the proximity of children;
- Listen to children and allow them to be engaged in decisions that may affect them;
- Immediately report concerns or allegations of child abuse in accordance with appropriate TISL procedures;
- Comply with all relevant Sri Lankan legislation, including laws in relation to child labour;
- Immediately disclose all charges, convictions and other outcomes of an offence, which occurred before or occurs during the association with TISL that relate to child exploitation and abuse;

Unacceptable behaviors for TISL staff and associates when working with children

It is unacceptable to:

- use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate;
- engage children in any form of activity that is demeaning, offensive, sexually provocative, abusive or culturally inappropriate or insensitive;
- engage children in any form of sexual activity or acts, including paying for sexual services or acts;
- invite unaccompanied children into your own home, unless they are at immediate risk of injury or in physical danger;
- sleep close to unsupervised children unless absolutely necessary, in which case employee must obtain his/her supervisor's permission, and ensure that another adult is present if possible;
- show favouritism through the provision of gifts or inappropriate attention to a child;
- behave provocatively or inappropriately with a child;
- Use any computers, mobile phones, or video and digital cameras inappropriately, and to exploit or harass children or to access child pornography through any medium (see also 'Use of children's images for work related purposes below);
- conduct physical punishment or discipline of children;

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- 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.

The Photograph Policy for Using Children's Images

When photographing or filming a child for work related purposes, we must:

- Before photographing or filming a child, assess and comply with local traditions or restrictions for photographing or filming a child.
- Before photographing or filming a child, obtain consent from the child and of a parent or guardian of the child and explain how the photograph or film will be used.
- Ensure photographs, films, videos and DVDs present children in a dignified and respectful 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 or text descriptions do not reveal identifying information about a child when sending images electronically or publishing images in any form.
- Ensure images of children available for public use do not reveal any identifying information about a child when sending images electronically or publishing images in any form.
- Conceal the identity of vulnerable and at-risk children. Do not show a vulnerable child's face or represent them in any way that may lead to their identification.
- Not identify children as survivors of sexual exploitation, gender-based violence or abuse.
- Not reveal an individual child's status as a person living with HIV, TB or any other serious health conditions without written consent.

Incident Reporting & Investigation

This policy requires mandatory reporting of any suspected or alleged incidents of child exploitation or abuse or non-compliance with the TISL Policy and Code of Conduct. The report should be made to the Chair of the Board of Directors or Executive Director (ED) or Senior Manager Human Resources of TISL as soon as possible after the event/occurrence. The person receiving the report will be responsible for reporting to the respective authorities.

- **Reporting to Donors**

TISL will comply with reporting requirements identified by donors.

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- **Investigation**

Below mentioned TISL complaint mechanism may be used for both employees and affiliates and complainants from outside the organization (communities with whom we are working). A Formal complaint or report of non-compliance of this policy must be filed in writing as soon as possible after the event. In the case of external complainants, the person receiving the report may assist the complainant to write the report if necessary. Complaint shall be signed by the complainant and sent to the Chair of the Board of Directors, Executive Director or Senior Manager Human Resources and marked "Confidential".

- If the receiver of the complaint thinks that the victim is in imminent danger, then immediate action can be taken to take the complainant to a place of safety and mitigate the harm.
- If the complaint is pertaining to physical or sexual abuse or physical or medical neglect, immediate action would be taken to ensure that the victim is taken to a State hospital for the inspection by a Judicial Medical Officer of Health and for emergency care, while informing the child's parent or guardian.
- If the complaint is regarding the emotional abuse or neglect of a child, steps would be taken to inform the child's parent or guardian and facilitate psychosocial assistance to the child.
- TISL will follow any donor contractual requirements to report.
- If the complainant wishes, a formal complaint can be filed anonymously.
- Once the formal complaint is filed either the Chair of the Board of Directors or ED (instigator of the report) shall appoint a three-member Investigative Committee.
- The Investigative Committee shall comprise of the Chair of the Board of Directors or ED, a male and a female staff member.
- The investigative Committee will determine how the alleged offender will be informed of the nature of the complaint.
- The Investigative Committee shall interview parties involved and any witnesses whilst safeguarding the interest of the child/children. During investigative interviews, parties have the right to be accompanied by a support person. In addition, TISL will ensure that a qualified Child Psychosocial practitioner is present to facilitate the inquiry with the child.
- The investigators must complete the investigation and produce a full report within 15 working days of receiving the complaint. If the report is delayed, the instigator of the investigation should be informed.
- The Chair of the Board of Directors or ED in consultation with the Senior Manager Human Resources will, within 10 working days of receiving the investigation report, determine what action, including appropriate disciplinary action if any, is to be taken based on the findings of the report produced by the Investigative Committee.
- This decision and the rationale for the decision shall be communicated in writing to both parties and the Investigative Committee.

Note: In conducting the investigation, the committee and every party involved in the process will safeguard the best interest of the child/children.

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The Rights of an Alleged Offender

Alleged offender has the following rights:

- To be informed that a complaint has been filed and the nature of the complaint. Identities may be withheld as determined by the Instigator of the Investigation.
- To respond to the allegation(s).
- To be accompanied during investigative interviews by another support person.
- To be informed in writing of the decision of Chair of the Board of Directors or ED on what action, if any, will be taken and the reasons for the decision.
- To discuss the matter with an Advisor.

Maintaining Records

Human resources and/or Senior Manager Human Resources shall keep and maintain all the records, documents, evidence or any other relevant document relating to the complaint/s marked as “confidential” and according to the Right to Information Law (Sri Lanka). The findings of any investigation and action taken should be included.

Breach of Policy

Breaches of this policy will be investigated in accordance with disciplinary procedures and contractual agreements. Where deemed appropriate, a referral may be made to statutory authorities for criminal investigation under the law of the country. Breaches may incur sanctions including disciplinary action leading to possible dismissal, termination of all relations including contractual and partnership agreements, and where relevant, appropriate legal or other such actions.

Recruitment & Screening

TISL will undertake necessary steps to verify the integrity of the employees of the organization. Following process will be followed by the organization in the recruitment process.

- Job descriptions required for all positions, which describe key selection criteria and outline tasks and accountabilities. If the post requires direct contact with the children or community this will be noted.
- Applicants required to submit details of their background such as dates and places of employment, education and other highlights.
- No offer of appointment is made by TISL before the background check of an applicant has been completed.
- A minimum of two verbal referee checks required for all preferred candidates. This includes short- and long-term positions, interns, volunteers and consultants. The candidate’s most recent employer/supervisor must be one of these referees. TISL verifies the identity of the referee and makes direct contact with each.

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- All applicants are required to disclose any criminal record or, if relevant, record of disciplinary sanctions he or she may have, with the exception of minor traffic offences. While employment will not be granted to candidates who fail to disclose this information, TISL treats the disclosure of inaccurate or incomplete information with regards to any acts/incidents of child exploitation or abuse as misconduct. TISL reserves the right to withdraw any offer of employment or to terminate any contractual engagement if the applicant is found to have provided untruthful information concerning any condemnation regarding acts/incidents of child exploitation or abuse.
- All staff required to provide proof of identity including relevant qualifications and one of the following: birth certificate, passport, drivers license.
- Employment contracts will make the penalties clear for failure to comply with the PSEAH Policy and Child Protection Policy.
- All employees are subject to a probationary period depending on the length of the contract.
- TISL will maintain a record of staff members found to have been convicted for acts of SEAH and/or child exploitation or abuse or who have received a disciplinary measure or sanction imposed by any existing or former employer, or any lawful authority in Sri Lanka.

Monitor and review the policy and procedure

The implementation of procedures will be regularly monitored and reviewed by the Senior Management of TISL. The policy will be reviewed every 5 years or whenever there is a major change in the organisation or in relevant legislation.

Training

As a part of the prevention of child exploitation or abuse, and in order to raise awareness, TISL Board members and employees will receive an induction and yearly refresher training on the Child Protection Policy. Affiliates will be briefed and/or receive a training at the time of the signing of the contract and upon request. Responsibilities, obligations and process that need to be followed in implementing this policy will be discussed during the training.

This training, will serve staff and affiliates to be aware of the ethical values referred to in the current policy, specifically with respect to situations of vulnerability. Training will include awareness of suspicious situations, as well as to recognize the signs of child exploitation or abuse, and provide practical information on how to assist victim/survivors of child exploitation or abuse, if signs of child exploitation or abuse are identified or if a victim approaches them to complain about child exploitation or abuse.

Risk based approach

TISL is committed to safe programming and effective risk management. A major focus of work that TISL will undertake is focused on community and youth engagement. With this, there is always a possibility of inflicting unintended harm, particularly in relation to vulnerable populations. To ensure that these risks are mitigated, TISL will:

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- Ensure protection and safeguarding are always considered in programme/chapter risk assessments.
- Ensure that due diligence and/or capacity assessments of partners include an assessment of partners' implementation of key safeguarding and risk policies including Child Protection Policy.
- Risks are reduced through recruitment and screening processes and ensuing a culture of transparency within the organization so employees and associates feel able to discuss concerns.

Communication

TISL will publish the Child Protection policy on the website and office premises and when events are held with communities and youth, will explain the policy and who any concerns can be reported to.