

IDLO Child Protection Policy

Introduction

With its mission to strengthen the rule of law and promote good governance around the world, the International Development Law Organization (“IDLO” or the “Organization”) is committed to the prevention of child abuse and the protection of children.

The IDLO Child Protection Policy (the “Policy”) sets forth IDLO’s values, principles, and beliefs with respect to child protection and describes the measures that IDLO will take to meet its commitment to protect children. All IDLO employees are required to act in conformity with this policy and IDLO will not work with any individual or entity that acts inconsistent with this policy.

Our Values, Principles and Beliefs

- Our primary consideration is the best interests of the child.
- IDLO’s programs are implemented consistent with the “do no harm approach.”
- All child abuse involves the abuse of children’s rights.
- All children have equal rights to protection from abuse and exploitation.
- The situation of all children must be improved through promotion of their rights as set out in the UN Convention on the Rights of the Child, its Optional Protocols and relevant ILO Conventions and Recommendations. This includes the right to freedom from abuse and exploitation.
- Child abuse is never acceptable.
- We have a commitment to protect children that come in contact with our employees, and partners.
- When we work through partners, they have a responsibility to meet minimum standards of protection for children in their programs.

Scope and Application

This Policy supplements, and should be read in conjunction with, the “Code of Conduct of the International Development Law Organization,” as well as the regulations and rules of employment and other applicable policies. The Policy applies to all Employees who must comply with the terms of this Policy with respect to any and all activities and operations involving the Organization.

Any IDLO Employee who suspects or becomes aware of child abuse as defined in this Policy committed by an IDLO Employee or individuals or entities with which IDLO has contracted or otherwise does business, must report it promptly to IDLO Management (e.g. the employee’s supervisor, Director, Country Director or highest country representative, Office of the General Counsel, and/or Internal Auditor/Compliance Officer).

IDLO will take disciplinary action against any Employee found to have engaged in child abuse, exploitation or neglect, or other conduct in violation of this Policy, including possible termination of employment and reporting to law enforcement. IDLO will similarly take appropriate action with respect to any child abuse, exploitation or neglect or other conduct in violation of this Policy involving individuals or entities with which IDLO does business, including possible termination of the relationship and reporting to law enforcement.

Definitions:

The following definitions will apply to this Policy:

Child: A child is defined as any person who has not attained the age of 18 years.

Child abuse, exploitation, or neglect: Constitutes any form of physical abuse; emotional abuse or ill-treatment; sexual abuse; neglect or insufficient supervision; trafficking; or commercial, transactional, labor, or other exploitation resulting in actual or potential harm to the child's health, well-being, survival, development, or dignity. It includes, but is not limited to: any act or failure to act which results in death, serious physical or emotional harm to a child, or an act or failure to act which presents an imminent risk of serious harm to a child.

Emotional abuse or ill treatment: Constitutes injury to the psychological capacity or emotional stability of the child caused by acts, threats of acts, or coercive tactics. Emotional abuse may include, but is not limited to: humiliation, control, isolation, withholding of information, or any other deliberate activity that makes the child feel diminished or embarrassed.

Exploitation: Constitutes the abuse of a child where some form of remuneration is involved or whereby the perpetrators benefit in some manner. Exploitation represents a form of coercion and violence that is detrimental to the child's physical or mental health, development, education, or well-being.

IDLO Employee: Includes employees, consultants, contractors, interns, volunteers and any other person in a similar relationship with IDLO.

Neglect: Constitutes failure to provide for a child's basic needs by someone responsible for the care of a child in the absence of the child's parent or guardian.

Physical abuse: Constitutes acts or failures to act resulting in injury (not necessarily visible), unnecessary or unjustified pain or suffering without causing injury, harm or risk of harm to a child's health or welfare, or death. Such acts may include, but are not limited to: punching, beating, kicking, biting, shaking, throwing, stabbing, choking, or hitting (regardless of object used), or burning. These acts are considered abuse regardless of whether they were intended to hurt the child.

Sexual Abuse: Constitutes sexual activity with children (persons under the age of 18) regardless of the age of majority or age of consent locally; fondling a child's genitals, penetration, incest, rape, sodomy, indecent exposure, and exploitation through prostitution or the production of pornographic materials.

Domestic and International Law Relating to Child Abuse, Exploitation, or Neglect

Almost all countries have laws criminalizing child abuse, exploitation, or neglect. While the privileges and immunities accorded to IDLO and its Employees in certain countries where IDLO operates may render such laws inapplicable to IDLO and its Employees as a legal matter, it is the policy of IDLO to respect all such laws. IDLO Employees found to have violated local law relating to child abuse, exploitation, or neglect can expect IDLO to waive any applicable privileges and immunities if requested by local law enforcement authorities. Additionally, a number of IDLO donor countries have specific child abuse protections in their grant agreements with IDLO. IDLO is committed to fully implementing all such undertakings and this Policy is not intended to derogate from or limit those undertaking in any manner.

The UN Convention on the Rights of the Child and its related Optional Protocols have been joined by most countries of the world and include comprehensive commitments to protect children from all forms of physical or mental violence, injury or abuse, neglect, and maltreatment or exploitation, including sexual abuse. IDLO is committed to supporting these Conventions and acting consistent with their provisions and with the Conventions and Recommendations of the International Labour Organization. IDLO is also committed to supporting and acting consistent with UN and other international efforts to prevent and eliminate child, early, and forced marriage.

IDLO's Child Protection Rules

We will meet our commitment to protect children from abuse, exploitation, or neglect by promoting awareness, prevention, reporting, and appropriate responses through the effective implementation of this Policy.

In general it is inappropriate for IDLO Employees to:

- spend excessive time alone with children with whom they are working away from others;
- take children with whom they are working to the employee's home, especially where the child will be alone with the employee.

Specifically, IDLO Employees must:

- treat children in a manner that is respectful of their rights and take their best interest into account;
- report child abuse, exploitation or neglect in accordance with IDLO's rules for reporting misconduct;
- ensure compliance with the host country and local welfare and protection laws, international standards, and IDLO's Child Protection Policy. Where these laws, standards and rules are different or inconsistent, IDLO employees must comply with whichever gives greater protection to children;
- consider child safeguarding measures in project planning and implementation to determine potential risks to children that are associated with project activities and operations;
- comply with IDLO's guidelines, applicable laws, regulations and customs regarding the photographing, filming, or other image-generating activities of children;
- not hire or work with individuals who have engaged in child abuse, particularly personnel whose work brings them in direct contact with children;
- ensure that allegations of child abuse are investigated and managed in accordance with IDLO policies and rules for reporting misconduct; and,
- keep the details of reported cases of abuse confidential, except to the extent necessary to prevent, investigate, and punish abuse.

It is important for IDLO Employees and others affiliated with IDLO in contact with children to:

- be aware of situations which may present risks and manage these;
- plan and organize the work and the workplace so as to minimize risks;
- as far as possible, be visible in working with children and ensure the presence of another adult;
- ensure that a culture of openness exists to enable any issues or concerns to be raised and discussed;

- ensure that a sense of accountability exists between staff so that poor practice or potentially abusive behavior does not go unchallenged;
- talk to children about their contact with staff or others and encourage them to raise any concerns; and
- empower children - discuss with them their rights, what is acceptable and unacceptable, and what they can do if there is a problem.

IDLO Employees and others affiliated with IDLO must never:

- engage in child abuse, exploitation or neglect;
- hit or otherwise physically assault or physically abuse children;
- develop physical/sexual relationships with children;
- develop relationships with children which could in any way be deemed exploitative or abusive;
- act in ways that may be abusive or may place a child at risk of abuse;
- use language, make suggestions or offer advice which is inappropriate, offensive or abusive;
- behave physically in a manner which is inappropriate or sexually provocative;
- have a child/children with whom they are working visit or stay overnight at their home without the written approval of their parent or guardian and the presence of another adult in the home;
- sleep in the same room or bed as a child with whom they are working;
- condone, or participate in, behavior of children which is illegal, unsafe or abusive;
- act in ways intended to shame, humiliate, belittle or degrade children, or otherwise perpetrate any form of emotional abuse;
- discriminate against, show differential treatment, or favor particular children to the exclusion of others;
- expose children to pornography or view pornographic materials involving children;
- ignore signs that anyone is engaging in these prohibited activities.¹

When reporting on and responding to allegations of child abuse, exploitation, or neglect, IDLO Employees will ensure that they:

- take seriously any concerns raised;
- take positive steps to ensure the protection of children who are the subject of any concerns;
- support children, staff or other adults who raise concerns or who are the subject of concerns;
- act appropriately and effectively in instigating or co-operating with any subsequent process of investigation;
- are guided through the child protection process by the principle of 'best interests of the child';
- listen to and take seriously the views and wishes of children; and
- work in partnership with parents/caregivers and/or other professionals to ensure the protection of children.

Measures to Ensure IDLO's Commitment to Child Protection Is Met

- All IDLO Employees are obligated to abide by this Policy as a condition of

¹ This is not an exhaustive or exclusive list. The overarching principle is that Employees should avoid actions or behavior which may constitute poor practice or potentially abusive behavior with respect to children.

employment.

- All IDLO partners must abide by provisions in contracts, sub-grants or other agreements requiring the prohibition of child abuse.
- All IDLO Employees will be briefed on this Policy upon joining IDLO, which will be made readily accessible to all employees.
- Contact details for reporting possible child abuse, exploitation, or neglect will be made available on IDLO's intranet site for reporting suspected child abuse.
- All reports of possible child abuse, exploitation, or neglect as well as any violations of this Policy will be promptly investigated and, if substantiated, result in appropriate disciplinary measures.
- Training, learning opportunities and support will be provided by IDLO as appropriate to ensure commitments are met.

Additional Guidance, Review, and Amendments

Please contact IDLO's Office of the General Counsel (OGC), the Internal Auditor/Compliance Officer, or the Country Director (or highest country representative) for additional guidance in interpreting or applying this Policy, or to suggest improvements. The Policy will be reviewed annually by OGC. Any amendments to the Policy must be authorized by the Director-General.

January 2017