

Child safeguarding (CSG) Policy

SECTION 1: BACKGROUND

SCI-Myanmar (hereinafter referred to as “SCI-M”) implements a wide range of humanitarian and development programs across the country and in most States/Regions. We employ a very large number of staff, work with thousands of volunteers and collaborate with dozens of partners to provide essential services to support the most vulnerable and disadvantaged children and their families.

As a child-rights focused organization, SCI-M affirms its belief in the right of all children to be protected from all forms of abuse, neglect, exploitation and violence as set out in the UN Convention on the Rights of the Child 1989 (referred below as UNCRC). Though the government of Myanmar ratified the UNCRC in 1991, the UNCRC does not have constitutional status in Myanmar and there remain several disparities between the CRC and the Child Law 1993. As a result, since 2011 the Department of Social Welfare (DSW) has been undertaking a comprehensive review of the Child Law in order to address these gaps and strengthen children’s rights and protection under the law. The most recent draft law committed to recognize and implement the obligation to respect, promote, protect and fulfil the rights of the child in accordance with the United Nations Convention on the Rights of the Child, Optional Protocol on the Sale, Prostitution and Pornography involving children, United Nations Convention on the Rights of the Disabled in accordance with the Constitution. A revised Child Law can ensure better enforcement of the law and strengthen the child protection system.

Due to the very nature of its work, SCI-M staff, representatives and partners are in contact with children directly and indirectly in both professional and personal capacities. SCI-M believes that safeguarding children from any form of abuse and exploitation is a fundamental duty of all staff, representatives and partners.

SCI-M has developed this policy in order to minimize the risk to children associated with our programs and service delivery process as well as prohibit any inappropriate behaviour of our staff members and representatives towards children, to be in lined with Myanmar’s context. This policy shall be further supplemented by relevant local procedure and guidance for its effective implementation, additionally by SCI policies and guidelines.

SECTION 2: POLICY STATEMENT

SCI-M is fully committed to safeguarding children who come in contact with the organization from any form of harm, abuse and exploitation.

SCI-M policy requires:

- That everyone associated with the organization is aware of the risks and consequences of child abuse and exploitation and their duty to respond appropriately.
- That anyone who represents our organization behaves appropriately towards children and never abuses the position of trust that comes with being a member of the Save the Children family
- That activities and programs are assessed and potential risks to children are reduced, mitigated or removed. The humanitarian intervention programs are given high attention because of their nature for potential risk.
- That the country program establishes procedures to facilitate reporting and responding to

SECTION 3: PRINCIPLES

safeguarding concerns.

This policy is informed by the set of key principles enshrined in the international convention of the UNCRC and the draft Child Law of the constitution of Republic of the Union of Myanmar. These principles include:

- **Non Discrimination and Inclusion:** All children are equal irrespective of their age, race color, sex, language, religious, political affiliation or beliefs, national, ethnic or social origin, property, disability, birth or other status.

- **Protection:** All children have equal right to protection from abuse and exploitation
- **Survival and Development:** Each child has a fundamental right to life, survival and development.
- **Participation:** Children have the right to express their views freely in all matters affecting them and their opinion will be given due consideration according to their age and maturity.
- **Best Interest of the Child:**

Based on the above principles SCI-M recognizes

- All child abuse involves the abuse of children's rights.
- The Best Interest of the child will be respected to ensure their well-being is secured with the maximum effort on the existing infrastructure of the country.
- Confidentiality of information will be respected. All Child Safeguarding concerns/reports/investigations will be dealt with on a need to know basis and all records will be held securely. Likewise communication will be confidential and secure.
- Any violation of this policy will be taken seriously and may potentially result in staff dismissal or partnership/volunteer agreement termination. For staff, any violation may be dealt under the disciplinary policy. Mistaken belief in the age of a child is not a defense.

SECTION 4: SCOPE OF THE POLICY

The

scope of this particular policy is focused on Save the Children that includes staff, staff of partners, volunteers, interns, consultants, casual workers and others who have a contractual agreement with Save the Children-Myanmar. It provides a framework of standards on which to base individual and organizational practices in relation to areas such as behaviour of staff to children, health and safety measures, recruitment, safe program designing, physical environment of facilities, disciplinary measures of misconduct etc.

SECTION 5: DEFINITION OF TERMS

Child is anyone under the age of 18 years¹

Child safeguarding: the term refers to the internal policy, standard practices and procedures to ensure that children who are in contact with SCI-M (according to the scope above) are not placed at risk from both intentional and unintentional harm.

Child Safeguarding includes but is not limited to the following types of concerns that harm children.

Harm: It is a term used by SCI to refer the physical injury that unintentional process or activities affect the child physically and emotionally. Examples: left out sharp construction materials, unsafe construction locations, uncovered toilet pits, unfriendly classrooms and play grounds, distributing expired food items, uncovered electric wire etc.

Child Abuse consists of anything that individuals, institutions or processes may do or fail to do which directly or indirectly harms children or damages their prospect of safe and healthy development into adulthood². The main categories of abuse are defined by WHO as Physical Abuse, Emotional Abuse, Neglect and Negligent Treatment, Sexual Abuse, and Exploitation.

- **Physical Abuse** involves the use of physical force (intentional or not) to cause actual or likely physical injury or suffering, (e.g. hitting, slapping, using a stick, shaking, pinching and kneeling for extended time.
- **Emotional or psychological** abuse includes humiliating and degrading treatment such as bad name calling/insulting, constant criticism, belittling, persistent shaming, solitary confinement and isolation, like locking up a child in a room.

¹ U.N Convention on the Rights of the Child 1989

² UK Commission of Inquiry into the Prevention of Child Abuse and Neglect 1996

- **Sexual Abuse** includes all forms of sexual violence. This includes but is not restricted to incest, early and forced marriage, rape, involvement in pornography, and sexual slavery. Child sexual abuse may also include indecent touching or exposure, using sexually explicit language towards a child and showing children pornographic material.
- **Sexual exploitation:** means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another³
Save the Children considers that:
 - sexual activity with a child with or without their consent is child abuse and crime
 - consensual sexual activity with a child over the legal age of consent of the country in which she/he lives and/or in which the offence occurs, but below 18 years (although not a crime) will be dealt with as a breach of this Child Safeguarding Policy and the Code of Conduct.
- **Exploitation:** The use of a child in work and other activities for the financial, social or political benefit of others. This includes but is not limited to child labor, domestic labor, trafficking, child prostitution, child or the recruitment of children in to the army. It covers situations that interferes with the child education or to be harmful to the child health or physical, moral or social development⁴.

SECTION 6: POLICY APPLICATION

This Policy applies to:

Staff: national and international who are full time, part time or intern.

Representatives: refer to a range of paid and non-paid individuals who have committed to work with or support the organization. This includes consultants, researchers, contractors, vendors, suppliers volunteers, casual workers, rental drivers, etc.

Visitors refers to a range of persons who are visiting SCI programs and may come into contact with children. This includes journalists, media people, celebrities, trustees, board members, sponsors and donors.

Partner agencies: partner organization who has a contractual agreement for the implementation of projects. Save the Children is committed to support partner organizations to develop their own or adopt this policy to make sure systems are in place for awareness, prevention, reporting and responding. This will focus more on civil society partner organizations who have an agreement with SCI-M.

Consequences of Violation of this Policy

All of the above must act in accordance with this policy in both their professional and their personal lives. Breaches of this policy and failure to comply with the responsibilities may led on the following actions:

- For SCI staff- disciplinary action leading to possible dismissal according to the disciplinary procedure in human resource manual.
- For representatives and partners lead up to and including termination of contact agreement.
- Where relevant- appropriate legal or other frameworks as per the national laws will be applicable to all.

³ Secretary General's Bulletin Special Measures for Protection from Sexual Exploitation and Sexual Abuse 2003 ST/SGB/2003/13

⁴ United Nations on the Rights of the Child 1989, Article 32

SECTION 7: RESPONSIBILITIES OF THE COUNTRY OFFICE SENIOR MANAGEMENT

SCI-M Senior management team is accountable to:

- The SCI –M policy is in line with the SCI Policy
- Ensure that policy, local procedure and relevant practical orientation guidance are developed for staff, representatives and partners as required for capacity building on their understanding.
- Ensure that focal points and managers are supported to implement the policy so that all staff and representatives are clear what steps to take where concerns arise regarding the abuse or exploitation of children.
- Ensure that staff who have reported child safeguarding concerns or are accused of child abuse are given appropriate care, support and protection in dealing with all aspects of the case including any safety concerns and potential reprisals which may arise from the incident or from the reporting of such concerns.
- Ensure that this policy is in congruence with or is integrated in other policies/manuals including recruitment and selection; whistle-blowing, disciplinary and grievance procedures, etc.
- Ensure that any concern or incident is investigated as per the SCI guidelines
- Ensure that any child involved in CS incidents are protected from further harm and is supported to recover from any physical and psychological trauma and confidentiality is maintained at all times.
- Ensure that the policy implementation is incorporated into all management systems that safe program is the center of program development and operation quality of the organization.
- Ensure that resource needed for the implementation of the policy are identified and mainstreamed across sectors and met.
- Ensure that child safeguarding risks are periodically assessed, managed adequately and senior management input provided as necessary.
- Ensure that lessons learnt in the general implementation of this Policy be used to review policy and develop best practices when appropriate.

SECTION 8: RESPONSIBILITIES OF THE STAFF AND REPRESENTATIVES

This policy encourage all staff and representatives to

- Promote a culture of openness in relation to child safeguarding issues, where any issues or concerns can be raised and discussed;
- Be aware of the situation which may present risks, plan and organize the workplace so as to minimize risks.
- Ensure that a sense of accountability exists between staff so that poor practice or potentially abusive behavior can be challenged;
- Make children and caregivers aware of what is acceptable and unacceptable behaviors, and what they can do if there is a problem;
- Report concerns that a child is a victim of child abuse or sexual exploitation immediately in accordance with the local reporting procedures.
- Ensure that all measures are taken to protect the child from further harm/abuse
- Undertake induction and training on this policy which is relevant and appropriate to your position.
- Cooperate fully and confidentially in any investigation of concerns when needed.
- Identify and avoid potential situations, which may lead to staff behavior being misinterpreted.
- Ensure when taking images of children examples photographs and videos that they are respectful, children are adequately clothed and take a consent of children, parents/guardian when using for publication.
- Ensure that any image or recorded case history of a child does not place him/her at risk or render him/her vulnerable to any form of abuse.

- Raise awareness about unacceptable cultural practices and positive alternative mechanism for those acts that affect children development like physical punishment, child labor, neglect treatment and others.

Implementation

SECTION 9: IMPLEMENTATION, MONITORING AND REVIEW

The country office designated person is responsible for leading the overall implementation of the policy in close collaboration with the country focal points across all geographical locations of SCI-M and other department representatives.

The senior management team is responsible on ensuring team structure of the focal points at each location of the country office is established and child safeguarding concern is reached with 24/7 for him/her.

Senior managers of each departments are accountable for the implementation and monitoring of the policy compliance as well as facilitating necessary support from the country designated person or focal points as necessary.

Monitoring

The country office senior management team is responsible for the overall monitoring of policy implementation across their supervision as well as the country program at large in close collaboration with the country designated person and focal points.

Review

The senior management team is responsible for leading the country program practice review/audit. The lessons learnt would be highlighted on the practice review to support the review of this policy. The policy is subject to review as necessary.

Annex I: Code of Conduct Pledge

All Save the Children staff and representatives are required to understand their responsibility to keep children safe by abiding by the following Code of Conduct that outlines rules of appropriate behavior when working with children. This is not an exhaustive or exclusive list.

I will never:

1. Hit or otherwise physically assault or physically abuse children.
2. Engage in sexual activity or have a sexual relationship with anyone under the age of 18 years regardless of the age of majority/consent or custom locally. Mistaken belief in the age of a child is not a defense.
3. Marry children under the age of 18. Mistaken belief in the age of a child is not a defense.
4. Exchange of money, employment, goods or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior, is prohibited. This includes any exchange of assistance that is due to beneficiaries of assistance.⁵
5. Develop relationships with children which could in any way be deemed exploitative or abusive.
6. Act in ways that may be abusive in any way or may place a child at risk of abuse.
7. Use language, make suggestions or offer advice which is inappropriate, offensive or abusive.
8. Behave physically in a manner which is inappropriate or sexually provocative.
9. Have a child/children with whom they are working to stay overnight at their home unsupervised unless exceptional circumstances apply and previous permission has been obtained from their line manager.
10. Sleep in the same bed as a child with whom they are working with
11. Sleep in the same room as a child with whom they are working unless exceptional circumstances apply and previous permission has been obtained from a their line manager
12. Do things for children of a personal nature that they can do themselves.
13. Condone, or participate in, behavior of children which is illegal, unsafe or abusive
14. Act in ways intended to shame, humiliate, belittle or degrade children, or otherwise perpetrate any form of emotional abuse
15. Discriminate against, show unfair differential treatment or favor to particular children to the exclusion of others.
16. Spend excessive time alone with children away from others in a manner which could be interpreted as inappropriate
17. Expose a child to inappropriate images, films and websites including pornography and extreme violence.
18. Place themselves in a position where they are made vulnerable to allegations of misconduct

Name: _____

Signature: _____

Date: _____

⁵ Secretary General Bulletin Special Measures for Protection from Sexual Exploitation and Sexual abuse 2003
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