

# CHILD SAFEGUARDING

<b>Effective Date</b>	02/24/2020	<b>Version</b>	2	<b>Version Date</b>	02/24/2020
<b>Responsible Team</b>	Ethics Team				
<b>Supersedes</b>	V. 1				
<b>Policy Type</b>	Tier 1	<b>Policy Number</b>	n/a		

**POLICY**

## 1. Purpose

- 1.1. At Mercy Corps, we believe all children regardless of their or their parents age, sex, gender, sexual orientation, race, religion, different capacities, social and economic conditions, political or other opinion, national or social origin, property, birth or other status have a right to be protected from all forms of harm, abuse, neglect and exploitation. Mercy Corps will not tolerate the abuse of children (defined as anyone under the age of 18) in any form.
- 1.2. Mercy Corps has a special obligation to ensure the safety and dignity of all children it comes into contact with through its work. This policy reinforces our commitment to the best interests of children. This policy states Mercy Corps' expectations regarding team member conduct with children and what conduct is prohibited. It also states the process and procedures Mercy Corps will maintain to ensure that team members uphold its standards and how cases of misconduct are identified, reported, and addressed in an appropriate and timely manner.

## 2. Scope and Application

- 2.1. This policy applies to: Mercy Corps Global, Mercy Corps Europe, and Mercy Corps Netherlands, their subsidiaries and affiliate organizations (collectively, "Mercy Corps"); Members of the Mercy Corps' Board of Directors, officers, management, employees, seconded employees, interns and volunteers, (collectively "Team Members"); Sub-recipients, partner organizations, contractors, outside experts (including attorneys), consultants, agents, representatives, and any other organization or individual that acts on Mercy Corps' behalf or at Mercy Corps' direction (collectively "Partners"); and visitors to any Mercy Corps facility, which includes photographers, filmmakers, journalists, researchers, private donors and prospective donors, and anyone else hosted by Mercy Corps or visiting Mercy Corps' implemented or financially supported programs (collectively "Visitors").
- 2.2. This policy applies to the above parties in all locations, at all times, both during and outside of working hours, and applies to current and past conduct.

### 3. Policy Statements

- 3.1. Mercy Corps expects all of its Team Members, Partners and Visitors to adhere to the highest standards of accountability and professionalism, which requires honest, ethical and non-abusive or exploitative conduct. Mercy Corps expects management to fully enforce adherence to this standard.
- 3.2. Consistent with our mission, Mercy Corps expects all of its Team Members, Partners and Visitors to treat all children (defined as anyone under the age of 18), including members of the community and participants within our programs, with respect and dignity and to always act in the best interests of their physical and emotional well-being, and never engage in conduct that could be perceived as abusive or exploitative
- 3.3. Mercy Corps expects its Team Members, Partners and Visitors to be constantly looking out for the best interests of its program participants and especially the children with whom it works, to identify and minimize risks of harm, abuse or exploitation by others and to report and ensure follow up any time a Team Member, Partner or Visitor has reason to believe that a child is being harmed, abused or exploited by a Mercy Corps Team Member, Partner or Visitor
- 3.4. Consistent with these principles, Mercy Corps has zero tolerance for and abhors conduct towards children that is exploitative or abusive. This includes conduct or attempted conduct that is or could be reasonably perceived as abusive, whether physically, emotionally or verbally abusive, sexual in nature, exploitative or neglectful (see the Definitions section for details on what conduct would qualify under these terms).
- 3.5. All sexual or romantic activity with children (persons under the age of 18) is prohibited at all times (both during and outside of working hours) and in all places, regardless of the legal age of consent in the country. Mistaken belief in the age of a child is not a defense. Sexual activity with a child will result in termination of employment, and the pursuit of any other available legal remedy.
- 3.6. Mercy Corps expects and requires Team Members who are aware of specific facts that would lead them to suspect that another Mercy Corps Team Member, Partner or Visitor is engaged in child abuse or exploitation to report such behavior. Team Members who are aware of exploitation and/or abuse of children by Team Members, Partners or Visitors and who do not ensure that such allegations are reported may be subject to discipline up to and including termination.
- 3.7. Persons who make good faith reports of suspected abuse or exploitation of children carried out by Mercy Corps Team Members, Partners or Visitors will not be retaliated against for their reporting even if later the allegations prove unfounded. Knowingly making false reports can, however, be grounds for disciplinary action.
- 3.8. Team members who violate this policy will be subject to disciplinary action, up to and including termination, and may be ineligible for rehire. They may also be subject to criminal prosecution. Partners who violate this Policy are in breach of any contractual agreements and may have their agreements terminated and/or prohibited from working with Mercy Corps in the future and possible criminal prosecution for any criminal conduct.
- 3.9. Mercy Corps provides a means for reports of child abuse and exploitation to be surfaced, including through anonymous reporting, and ensures that all reports of child abuse or exploitation by Mercy Corps Team Members, Partners or Visitors are independently reviewed

and, if they appear potentially credible, fully investigated by trained professional investigators, reported to donors in accordance with donor requirements, and reported to law enforcement (see Mercy Corps Ethics Complaint and Whistleblowing Policy for details on how to report). Mercy Corps will also ensure that children victims (or alleged victims) receive timely referrals for medical or psychosocial services.

- 3.10. This policy is intended to ensure compliance with all laws, regulations and donor requirements, including the international standards in the UN Convention on the Rights of the Child. Should any law or donor requirement exceed the requirements in this policy, the donor or legal requirement will prevail.

## 4. Required Procedures

- 4.1. Mercy Corps ensures compliance with this policy through the following actions as implemented through appropriate processes and procedures:
  - 4.1.1. All potential new Team Members undergo child-safe screening before they are hired;
  - 4.1.2. All Team Members are informed and trained on what conduct this policy requires (via code of conduct training) and their responsibilities under this Policy, including what is child abuse and how to report it, and all Team Members certify that they have understood this policy and agree to abide by it;
  - 4.1.3. Where appropriate and when in direct contact with children, consultants, experts, contractors, agents, representatives and Visitors (including journalists and researchers) are informed of the requirements of this Policy;
  - 4.1.4. For each program, Mercy Corps identifies the risk of harm to children and incorporates reasonable risk mitigation measures into the design and operation of the program (a risk-based approach) to ensure the risks of harm to children are minimized to the extent reasonably possible;
  - 4.1.5. Contractual agreements or memoranda of understanding with Partners include obligations to adhere to this Policy and any additional donor-required provisions relating to child safeguarding, and Partners have the capacity to ensure their compliance with this policy, including, if necessary, training for Partners and additional monitoring;
  - 4.1.6. Images, interviews and videos of children are only taken after understanding their potential impact on the safety, dignity and well-being of children, and in a manner that ensures respect for children, including respect for their privacy, and in compliance with applicable laws;
  - 4.1.7. Identifiable images and stories of children are only obtained and used after receiving informed consent from their parents/guardians provided in writing, when possible, and after they are informed of how their images or story will be used; for children over 14 years of age, in addition to parental/guardian consent, informed consent will be obtained directly from the child, in writing, when possible.
  - 4.1.8. Identifying information of children program participants will not be disclosed without their and their parent/guardian's written permission unless the sole reason for such disclosure is the well-being or protection of the child;
  - 4.1.9. Personal identifying information is stored in a properly secured manner;
  - 4.1.10. Mercy Corps' computers, cameras, telephones, video recorders or network systems are not used to view or share sexually explicit images of children;
  - 4.1.11. Program participants and communities we serve (including children, where applicable) are informed about Mercy Corps commitments under this Policy and how to report any suspected child abuse or exploitation by Mercy Corps Team Members, Partners or Visitors;

- 4.1.12. Team Members, Partners, Visitors, program participants (including children, where applicable) and communities can anonymously (if they choose) report all forms of child abuse or exploitation by Mercy Corps Team Members, Partners or Visitors and that all such reports are quickly provided to Mercy Corps' global Ethics Hotline;
- 4.1.13. All reports are confidentially, independently and thoroughly investigated by an investigator trained in how to conduct investigations into child abuse or exploitation and in a manner that ensures, to the extent possible, protection of the child;
- 4.1.14. All reports are disclosed to donors as and when the donor requires. If reports include allegations of criminal misconduct, they are also disclosed to law enforcement; and
- 4.1.15. Any Team Member, Partner or Visitor accused of child abuse or exploitation is, at a minimum, removed from access to children until the investigation determines that they do not pose a threat.

## 5. Definitions and Acronyms

- 5.1. **“Child”**: A person under the age of 18 years of age, in accordance with the definition of a child in Article 1 of the United Nations Convention on the Rights of the Child, 1989.
- 5.2. **“Abuse”**: Includes a range of behavior from physical abuse, emotional ill-treatment, sexual abuse, neglect or insufficient supervision, and trafficking to 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 present an imminent risk of serious harm to a child. It also includes attempted abuse.
  - 5.2.1. **“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.
  - 5.2.2. **“Emotional abuse”**: Constitutes injury to the psychological capacity or emotional stability of the child caused by acts, threats of acts, or coercive tactics. It may include bullying, harassing, insulting, intentionally humiliating, inappropriately controlling, isolating a child from family, intentionally degrading, and any other deliberate activities that are intended to make a child feel isolated, diminished or embarrassed.
  - 5.2.3. **“Sexual abuse”**: Forcing, coercing, enticing or convincing a child to take part in sexual activities. This may include, but is not limited to, fondling a child's genitals, penetration, rape, oral sex, indecent exposure or sodomy. It may also include involving children in looking at or being used to produce pornographic images or involvement in prostitution.
- 5.3. **“Attempted abuse”**: The intentional act of trying to engage in child abuse, whether it is physical, emotional or sexual abuse, but where for some reason the abuse does not actually take place.
- 5.4. **“Neglect”**: Allowing for context, resources and circumstances, neglect refers to a persistent failure to meet a child's basic physical and/or psychological needs that is likely to result in serious impairment of a child's healthy physical, emotional and mental development. It can include, but is not limited to, failures to supervise, protect from known harms, provide adequate nutrition, shelter or safe working/living conditions. It can also include acting in ways that may put a child at risk for exploitation or abuse.

- 5.5. **“Sexual exploitation”**: A form of sexual abuse that involves someone engaging, or attempting to engage, children in any sexual activity in exchange for money, gifts, food, accommodation, affection, status or anything else that they or their family needs or wants. This includes paying for prostitution.
- 5.6. **“Sexual Activity with a Child”**: All sexual contact or activity with anyone under the age of 18, in all places and at all times, both during and outside of working hours, regardless of the legal age of consent in the country. Mistaken belief in the age of a child is not a defense.
- 5.7. **“Other forms of child exploitation”**: The most common is commercial exploitation, in which a child is exploited in work or other activities for the benefit of others and to the detriment of the child’s physical or mental health, education, social or emotional development.

## 6. Roles and Responsibilities

- 6.1. Mercy Corps’ Ethics Team, under supervision of Mercy Corps’ General Counsel, is responsible for ensuring this Policy remains up-to-date, compliant with donor requirements, and effectively implemented. In particular, the Ethics Team is responsible for:
  - 6.1.1. Ensuring distribution of implementation guidance, training and orientation materials on this Policy;
  - 6.1.2. Working with Senior Management in all countries and areas where Mercy Corps operates on the implementation and compliance with this Policy in the areas of operations;
  - 6.1.3. Monitoring Mercy Corps’ global hotline and responding to and ensuring proper investigation and reporting of reports of violations of this Policy; and
  - 6.1.4. Leading a review of this Policy every two years and submitting recommendations for revisions for Board approval.
- 6.2. Senior Management in all countries and areas where Mercy Corps operates are responsible for:
  - 6.2.1. Overseeing the full implementation of this Policy in their area of operations, with the support of the Ethics Team, which includes ensuring Team Members are trained on this Policy, child-safe recruitment measures are in place and systems are in place to receive and respond to complaints under this Policy from Team Members, partners, program participants (including children) and communities;
  - 6.2.2. Ensuring that all allegations of child exploitation, abuse, or other violations of this Policy are immediately reported to the Ethics Team; and
  - 6.2.3. Creating and maintaining an environment and culture that promotes dignity and respect towards children and prevents any form of child exploitation and abuse.
- 6.3. Human Resources is responsible for ensuring that child safe recruiting processes are in place and that all Team Members undergo the code of conduct training and sign the certification.

## 7. Policy Governance

- 7.1. This Version 2 of the Policy was approved by the Mercy Corps Board of Directors, Mercy Corps Europe Board of Directors, and Mercy Corps Netherlands Board of Directors on February 24, 2020. This Policy may only be amended or changed with the approval of the Boards.

<b>Responsible Team</b>	Ethics Team
<b>Policy Owner</b>	General Counsel
<b>Policy Approver</b>	Mercy Corps Board
<b>Last Reviewed</b>	February 24, 2020
<b>Next Review Date</b>	February 24, 2021