

Transparency International

Mongolia



Child Protection Policy and Procedures

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Introduction

The purpose of the Transparency International Mongolia is to take action to combat corruption and prevent criminal activities arising from corruption so as to help build a world in which government, politics, business, civil society and the daily lives of people are free of corruption. Our values are transparency, accountability, integrity, solidarity, courage, justice and democracy.

Since its inception in 2003, TI-Mongolia has focused on raising awareness and drawing attention of the general public and the politicians on the devastating consequences of corruption, took active part in development of the National Anti-Corruption Program and the Law against Corruption, and have done its utmost to ensure and accelerate establishment of the anti-corruption agency.

Transparency International – Mongolia (hereafter called *TI-M*) has developed a child protection policy in order:

- To protect children engaged in *TI-M*'s programs from all forms of abuse and exploitation;
- To protect employees and representatives from false or malicious allegations of misconduct;
- To protect *TI-M* from being held liable for the failure to take "reasonable steps" to prevent or protect children from abuse.
- To comply with the Australian Government's Child Protection Policy for the aid program.

TI-M is committed to protecting the safety and wellbeing of children.

We uphold the rights and obligations of the United Nations Convention on the Rights of the Child and are dedicated to protecting children from harm, exploitation and abuse. Through the identification and management of risks that may lead to harm of children, *TI-M* aims to provide the safest possible environments for any children with whom it works. We encourage child-safe practices within our organisation with the aim of children experiencing zero harm as a result of our programs.

1. Policy Overview

TI-M understands that it has a fundamental duty of care towards protecting children engaged within its programs and activities and is committed to the safety and protection of children from all forms of abuse and exploitation. This Child Protection Policy recognises that children can be extremely vulnerable, especially in situations of poverty and/or humanitarian crisis or conflict and need to be protected.

TI-M will use a risk management approach to minimise the likelihood of child abuse and provide clear and practical guidelines for staff and representatives responding to child abuse and managing complaints.

This Policy has been developed to adhere to international standards such as the United Nations Convention on the Rights of the Child as well as the Australian Government's Child Protection Policy for the aid program (2013). This Policy operates in conjunction with common and statute law and does not exclude or replace the rights and obligations of any individual under the Constitution of Mongolia. This Policy should be seen as a component of the broader ethical framework and Code of Conduct of *TI-M*. Disciplinary processes are a means to establish and maintain an ethical, efficient and effective organisation and should not be seen in isolation from the overall goals of the company.

2. Purpose

This Child Protection Policy aims to achieve the following:

To protect children from harm, exploitation and abuse, by adopting a goal of children experiencing 'zero harm' as a result of our programs. This will be achieved by identifying and managing the risks associated with working with children, and ensuring that internal procedures are in place and known by staff for handling complaints related to child protection;

To protect *TI-M* staff and representatives from undue suspicion or incorrect allegations by having a clear and transparent reporting system; and

To protect *TI-M's* organisational integrity and reputation, as well as that of its partners, by deterring child sex offenders with a sound Child Protection Policy and related procedures.

This policy outlines

- definitions of child abuse and other relevant terms;
- outline child protection legislation, conventions and guidelines;
- *TI-M's* set of commitments to child protection;
TI-M's risk management approach to minimising the likelihood of child abuse and exploitation;
- *TI-M's* Code of Conduct governing interaction with children
- *TI-M's* practical reporting procedures and response mechanisms.

3. Scope

This Policy applies to:

TI-M Staff including volunteers and interns;

TI-M Associates including contractors, sub-contractors, travelling board members, trainers, group leaders and facilitators; and

TI-M visitors such as programme participants and/or accompanying dependants and family members.

4. Definitions

Child means every person below the age of 18.¹

Child abuse is the physical, sexual, emotional mistreatment or neglect of a child resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power.

Child protection is an activity or initiative designed to protect children from any form of harm, particularly harm arising from abuse, neglect or exploitation.

¹ As defined by the Convention on the Rights of the Child (United Nations, Article 1).

Physical abuse of a child is when a person purposefully injures or attempts to injure a child from an interaction or lack of interaction which is reasonably within the control of a person in a position of responsibility, power or trust over the child. This may take the form of slapping, punching, shaking, kicking, burning, shoving, grabbing or choosing not to assist a child when a situation is causing them physical pain. There may be a single incident or repeated incidents.

Emotional abuse of a child is any action that is not physical but that has a negative effect on the social, intellectual or emotional development of a child. Emotional abuse is categorised loosely as the chronic behavioural pattern directed at a child whereby a child's self-esteem and social competence is undermined or eroded over time. It can take the form of name-calling, threatening, belittling, ridiculing, intimidating, isolating, ignoring or other non-physical forms of hostile or rejecting treatment towards the child.

Neglect of a child is the failure to provide the child with the basic necessities of life such as food, clothing, shelter, education, supervision emotional development and/or protection from foreseeable harm in the context of resources reasonably available to the family or caretakers of the child and to the extent that the child's health and/or development are at risk.

Sexual abuse of a child is when a person who is in a position of responsibility, trust or power over a child involves the child in sexual activity which is intended to gratify or satisfy the needs of the other person and which the child does not fully comprehend, is unable to give informed consent to, or is not developmentally prepared and cannot give consent. This can include contact acts (such as rape or sexualized touching) or non-contact acts (such as exposure to pornography or taking sexualized photographs of the child).

Domestic violence is a pattern of assaultive and/or coercive behaviours conducted within the family environment or domestic (home) environment which can include physical abuse, sexual abuse, emotional abuse and/or economic coercion.

Child Exploitation is when a child is used in work or other activities for the benefit of others. This includes, but is not limited to, the **commercial sexual exploitation of children** whereby a child is sexually abused in return for cash or for kind and **child labour** whereby a child is forced to work or perform other acts to an extent detrimental to the child's physical, social or mental development.

Guiding Principles of this Policy

This Policy is based upon the following guiding principles:

- **Zero tolerance** of child abuse;
- Recognition and promotion of children's **best interests**;
- Sharing **responsibility** for child protection;
- Use of a **risk management** approach to prevent child abuse; and
- **Report and respond** to all incidents of child abuse.

5. TI-M's Commitments

TI-M is committed to implementing and maintaining child protection measures to the highest standard. These include:

- In all contracts involving TI-M, all parties agree to abide by the requirements of this Policy;
- Child protection risks are included in all project and activity risk assessments;
- Culturally specific issues relevant to child protection will be incorporated into project specific risk management strategies, training and response procedures;
- Preventative child protection measures are implemented to the highest standard;
- Comprehensive child-safe recruitment and screening processes are employed;
- Child protection training is regularly provided to relevant TI-M employees and representatives;
- A child protection Code of Conduct exists and is understood and signed, wherever applicable, by all TI-M employees and representatives that are bound by it;
- Clear and current reporting procedures exist and are known by TI-M employees and representatives;
- National laws and processes and local resources are taken into account within reporting and response mechanisms;
- No person is permitted to work with children if they pose an unacceptable risk to children's safety or wellbeing;
- All employment contracts involving TI-M outline that TI-M has the right to dismiss, suspend or transfer to other duties personnel who breach the child protection code of conduct; and
- The highest levels of confidentiality and sensitivity are employed pending an official investigation of an incident.

6. The Child Protection Code of Conduct

Acceptable Behaviours

TI-M personnel shall:

- Treat children with dignity and respect regardless of ethnicity, race, gender, age, language, religion, political or other opinion, disability, or other status;
- Conduct themselves in a manner appropriate with their position representing of TI-M in all their dealings with children;
- Immediately raise concerns regarding a child's safety or wellbeing in accordance with TI-M'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;
- Comply with all relevant Mongolia 's legislation and legislation of the host country, including labour laws in relation to child labour; and/or
- Follow organisational policy and guidelines regarding the safety of children.

Unacceptable Behaviours

TI-M personnel shall not:

- Use language or demonstrate behaviour towards children that is inappropriate, harassing, abusive, demeaning, sexually provocative, or culturally insensitive;

- 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 their home, unless they are at immediate risk of injury or in physical danger;
- Access child pornography through any medium;
- Sleep in close proximity to unsupervised children;
- 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;
- Exclude or favour a particular child;
- Use equipment including but not limited to computers, mobile telephones, video or digital cameras to capture images inappropriately and without the consent of the child and his/her parent or guardian;
- Physically assault, discipline or punish children; and/or
- Touch a child in an inappropriate or culturally insensitive manner. Personnel in direct medical care positions are to follow Australian and/or overseas industry best practice guidelines.

7. The Photograph Policy for Using Children's Images

When photographing or filming a child for work related purposes, *TI-M* personnel must:

- Assess and comply with local traditions or restrictions for reproducing personal images;
- Obtain legitimate consent from the child or a parent or guardian of the child. As part of this an explanation as to how the photograph or images will be used must be given;
- 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;
- Ensure file labels do not reveal identifying information about a child when sending images electronically; and/or
- Ensure images of children available for public use do not reveal any identifying information.

8. Reporting and Incident Response

Reporting Child Abuse

Any suspicion or disclosure of child abuse must be immediately reported to the relevant Manager, Mr ED Batbayar Ochirbat, or if unavailable, Mr Munkhjargal Enkhbaatar. All incidents will be reported and managed in accordance with the *TI-M's* Child Protection Incident Reporting Process. **(Refer to Appendix 2).**

Guidelines to responding to Child Abuse Allegations

1. *TI-M* takes all allegations of child abuse by *TI-M* personnel, seriously;
2. All allegations will be thoroughly investigated; and
3. Where an incident has been reported the following procedures will be followed:

For non-critical incident allegations

A non-critical allegation of child abuse is one which does not pose immediate risk to a child supposing the allegation was true. These incidents may well be critical in nature but the time frame for responding is not as immediate; an example is accessing child pornography.

1. The incident will be documented and investigated in accordance with the *TI-M* Incident Reporting and Response Procedure;
2. the incident will be investigated with full respect for the privacy of the accused and the alleged victim and information will be dispersed on a “need to know” basis with the primary concern being the rights and welfare of the people involved;
3. the accused person will be given an opportunity to express their views/opinions/version of facts;
4. the views of the alleged child victim will be considered in light of the documented evidence that children rarely lie about abuse; and
5. where the incident is reasonably proven to have occurred, appropriate disciplinary measures will be taken, including, but not limited to:
 - Warning; and/or
 - Suspension; and/or
 - Dismissal.

The disciplinary measure will depend on the nature and severity of the offence and will be at the discretion of the relevant Manager and will be fully documented and reported to *TI-M's* office.

For critical allegations

A critical allegation is an allegation whereby there may be an immediate risk to the welfare of a child should the allegation be found true – an example is inappropriate sexual activity.

1. Where the allegation involves a violation of either the laws of the country in which the incident occurs, or the laws of Mongolia, the incident will immediately be reported to appropriate authorities and the person will be suspended from employment pending an investigation;
2. All efforts will be taken to ensure the confidentiality and rights of the accused person and information related to the incident will only be shared on a “need to know basis”;
3. If the incident involves a breach of the Code of Conduct (but is not a violation of national laws), the accused person may be suspended pending an investigation;

4. where a breach of the Code of Conduct is found to have occurred, all circumstances will be considered and the appropriate action will be taken;
5. where an allegation is found to be false or unfounded, all efforts will be taken to ensure the rights of the accused person is upheld;
6. Where allegations amount to a violation of laws of Mongolia, privacy will no longer be applicable unless deemed necessary to uphold the rights of the victim.
7. Where appropriate in investigations, *TI-M* will consider and take into account legal advice as well as advice from any responsible authorities.

9. Recruitment and Reference Checking

TI-M will not knowingly permit any person to be employed or engaged as a volunteer if they pose an unacceptable risk to children.

In addition:

- All new *TI-M* personnel are required to provide an appropriate current police check (criminal record check) or make a statutory declaration as to their criminal record history (see appendix 1).
- At least two verbal reference checks with former employers / referees will be conducted. Verbal referees cannot include partners, spouse and/or other relatives. For any position deemed to be working with children, referees will be asked about the applicant's suitability for the role to work with children and/or to have regular unsupervised contact with children. Referees will be asked whether they hold any concerns about the applicant, or if complaints were made about the applicant, in connection with working or having contact with children.
- For any position working with children new personnel will be required to provide written disclosure regarding whether they have been charged with child exploitation offences in the past.
- Applicants are required to provide documentation to prove their true identity.
- For any position working with children the interview process for candidates at *TI-M* should include behaviour based interview questions that relate directly to working with children to probe the applicant's attitude, experience and approach to working with children relevant to the post applied for. Where appropriate, questions may be taken from the list below:
 - ✓ Have you worked/volunteered with children in a similar position before? What did you like about it? What did you find difficult?
 - ✓ How have you handled children who did not want to participate in an activity?
 - ✓ Do you mind being supervised?
 - ✓ What motivates you/why do you want to work with children in this program?

10. Child Protection Education and Training

All new *TI-M* personnel will receive:

- A Child Protection Policy induction by the responsible manager. The induction should include a discussion regarding the responsibility of *TI-M* and the individual, to build and maintain a child-safe organization, and appropriate behaviour when interacting with children or child-sensitive material.
- A copy of *TI-M's* Child Protection Policy and associated procedures.

Declaration of Commitment

TI-M's Program Officer Mia Bates shall be the person in charge of introducing the policy to the TI-M staff, making sure they understand the policy wholly. The signed copy of the policy shall be kept at the TI-M office.

By signing this document, I indicate my understanding and acceptance of the provisions outlined within the document. I understand my legal and ethical obligations as detailed within the document. I understand that a breach of this Policy and/or Code of Conduct may provide grounds for my employment with *TI-M* to be terminated. I also understand that a breach of this Policy and/or Code of Conduct could result in criminal prosecution.

I declare that:

- I have read and understand *TI-M's* Child Protection Policy.
- I will work within the procedure as laid out in *TI-M's* Child Protection Policy.
- I will report any suspected child abuse by others immediately
- I have not been accused or convicted of any offence involving physical or sexual abuse of children or young people.
- I understand that if a complaint is brought against me regarding the abuse of children whilst I am engaged in *TI-M* activities, the allegation will be thoroughly investigated in cooperation with the appropriate authorities.
- I understand that it is my responsibility as a person engaged by *TI-M* to avoid actions or behaviours that are abusive or exploitative of children or actions that could be construed as such.
- I authorise *TI-M* to undertake any necessary enquiries, including criminal record checks and reference checks as part of my appointment and recruitment process.
- I confirm my willingness to participate in *TI-M* training sessions on child protection.

Date	Name	Position	Signature
03 Dec 2018	Urantssetseg Ulziikhuu	Business Integrity/ MUSD Officer	
03 Dec 2018	Munkhsangyal Enkhbaatar	Deputy director	
03.12.2018	Ana Polgar	INTER	
03.12.2018.	Anudari Badrach	Admin staff	
03-12-2018	BATBAYAR OCHIRBAT	TIED	
03.12.2018	Mia Bates	Project officer - volunteer	

NB: All staff are to sign in the appropriate space above to declare their commitment to the policy

Appendix 1: Statutory Declaration of Criminal Record Form

Statutory Declaration of Criminal Record Form

Applicant's Name:		Role applying for:	
Have you ever been charged or convicted of any offence?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please provide details:			

Please note: if you are applying for a position where you will have regular contact with children, (this may be frequent or infrequent), you are required to give details of **all** convictions or criminal offences and cautions, or pending prosecutions.

Have you ever been dismissed from employment or had any disciplinary action taken against you which may be related to work with a child/children under 18 years of age?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please provide details:		
Have you received any formal reprimands, final warnings, or cautions from the police?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please provide details:		
Is there any other information which may be relevant to your application e.g. pending prosecutions	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please provide details:		
Signature:	Date:	

Appendix 2: Child Protection Incident Reporting Sheet

CHILD PROTECTION INCIDENT REPORTING SHEET

Please fill out as many sections as possible with as much detail as you can. This form is confidential.

Location:
Your name:
Your position:
Child's name:
Age/date of birth:
Child's address (if known):
Name of Parents/guardians/carers and addresses (if known):
Date and time of incident:
Member of staff involved in incident (if any):
Place where incident occurred:
Your observations:
Details of Concern/ Suspicion/ Incident: Describe what happened: time, dates, names of person(s) involved, behaviour or physical signs observed, any other details:
Details of any conversation with the child:

Action taken so far (if any):	
External agencies contacted (date and time)	
Police Yes/no	If yes – which station: Name and contact number: Details of advice received:
Social services Yes/no	If yes – which one: Name and contact number: Details of advice received:
[insert name of organisation] 's child protection officer or child focal point person/manager:	Name and contact number: Details of advice received:
Local authority:	If yes – which authority: Name and contact number: Details of advice received:
Other:	Which organisation: Name and contact number: Details of advice received:
Signature:	
Print name:	
Date:	

