



## 2021 WORLD CONGRESS ON JUSTICE WITH CHILDREN

### CHILD SAFEGUARDING POLICY AND CODE OF CONDUCT<sup>1</sup>

The World Congress on Justice with Children is committed to uphold the rights of the child to be free from all forms of violence and discrimination, as enshrined in the United Nations Convention on the Rights of the Child (UN CRC).

The World Congress organisers, namely Terre des hommes Foundation (Tdh), Penal Reform International (PRI) and the International Association of Family and Youth Judges and Magistrates (IAFYJM), and all partners strive to ensure that activities conducted in the scope of the Congress uphold international standards on child safeguarding and do not, in any way, harm, abuse, or commit any act of discrimination or violence against children.

#### 1. Purpose of the Policy

This Policy aims to ensure that:

- 1) The rights of children we work with are protected from any form of violence and discrimination arising from their involvement in our programs and activities;
- 2) All those who work with us have the understanding, internalization, skills, and support needed to safeguard the children they are in contact with; and
- 3) The procedures are in place to prevent and deal with discrimination and violence against children in connection to this activity.

#### 2. Application of the Policy

This Policy applies to all attendees of the World Congress, whether as organisers, workshop convenors or participants.

#### 3. Terms and Definitions

When used in this document:

**“Child”** refers to any person below 18 years old, as defined by Article 1 of the UN CRC, irrespective of the age of majority in their country, or the country where they are located or living

**“Child Safeguarding”** refers to the responsibility that organisations have to make sure their staff, operations, and programmes do no harm to children, that is that they do not expose children to the risk of harm and abuse, and that any concerns the organisation has about children’s safety within the communities in which they work, are reported to the appropriate authorities " This includes both preventative actions to minimise the chances of harm occurring, and responsive actions to ensure that incidents which may happen are appropriately handled. Safeguarding implies a wider duty of

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<sup>1</sup> Acknowledgements : This Code of Conduct has been adapted from the Conduct developed by Child Rights Coalition Asia for purposes of online meetings and events, integrating specific elements from the Terre des hommes Child Safeguarding Policy.



care towards children rather than just upholding their right to protection (as defined in the UN Convention on the Rights of the Child, 1989) – but it is primarily concerned with harm and wellbeing, rather than with the promotion and protection of child rights generally.

“**Child Safeguarding Team**” refers to the designated group of individuals to receive child safeguarding concerns or complaints during the conduct of the activities involving children.

“**Discrimination**” refers to the unjust treatment of children on the basis of the children's or their parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, health, birth, sexual orientation, gender identity and expression, family composition, or other status.

“**Violence against Children**” refers to all forms of physical or mental violence, injury and abuse, neglect and negligent treatment, maltreatment, or exploitation, whether accepted as ‘tradition’ or disguised as ‘discipline.’ It can be in any of the following forms:

- “**Physical Violence**” or the deliberate use of physical force that can be fatal or nonfatal to children
- “**Mental Violence**” or psychological maltreatment, mental abuse, verbal abuse, and emotional abuse
- “**Sexual Violence**” or sexual activity or attempted sexual activity imposed by an adult on a child, including inducement or coercion of the child to engage in any unlawful or psychologically harmful sexual activity and sexual exploitation and abuse
- “**Neglect/Negligent Treatment**” or the failure to meet the children’s needs, to protect them from danger, and to obtain services for children

#### 4. Safeguarding policy and statements

The [Terre des hommes Child Safeguarding Policy](#) is the basis for keeping children safe during the World Congress.

The Tdh safeguarding policy is based on the following principles and beliefs:

- 1) All children have equal rights to protection and to have their wellbeing and participation promoted.
- 2) All actions regarding child safeguarding must be taken in the best interest of children. This includes an understanding that in all our pro-programmes and activities we must ensure that we respect children’s rights and do not cause harm.
- 3) Everybody has a responsibility for safeguarding.
- 4) We work in a transparent and open way where child safeguarding is made a priority, recognising that situations of abuse and harm are able to flourish when staff, volunteers, partners, children, families and community members do not feel able to raise their concerns.
- 5) All reports of concern regarding the safety and protection of a child will be taken seriously. Where necessary, appropriate steps will be taken to protect the child and to take action against the alleged perpetrator. This may include referrals to law enforcement and child protection agencies. In relation to allegations against staff, volunteers and partners, action may also include the suspension or termination of engagement or any type of cooperation.
- 6) No single organisation is able to safeguard children by working in isolation, and therefore we will work with other organisations, agencies (such as state departments and ministries with a mandate to protect children) and groups as necessary and appropriate.



- 7) We maintain confidentiality and do not disclose personal details of those involved in child protection concerns, including the names of those raising concerns unless it is necessary to pass on information to ensure that a child is protected (for example where a child may need specialist services or where a criminal offence may have been committed).
- 8) We raise awareness and influence others on the importance of safeguarding children, using our policy and procedures as a way of both highlighting our commitment and also of explaining our values. We will share our policy and procedures with others, and be open to feedback regarding its application and relevance.
- 9) We work within the framework of international and national laws and policies regarding safeguarding.
- 10) There is no one specific way of safeguarding children and promoting their rights. Solutions to protecting children need to reflect the culture and operating environment and the nature of activities being undertaken. However, culture can never be used as an excuse for abuse. While country delegations can propose amendments and modifications of the procedures, this must be done within the framework of requirements set down within this policy. It is not acceptable for a reduced level of safeguarding to be offered.

In addition, with respect to the particular context of the World Congress on Justice with Children, we:

- 1) Take seriously our responsibility to ensure the safeguarding of children during this activity.
- 2) Proactively communicate about our commitment to child safeguarding during the Congress, for example via the [Congress website](#) and on social media channels.
- 3) Include information about child safeguarding and how to report concerns at the beginning of each session during the World Congress, including putting the e-mail addresses of the Congress Safeguarding Team in the chatbox.
- 4) Are committed to taking all appropriate and timely corrective actions, including disciplinary, legal, or other applicable actions, in response to all suspicions and claims against this Policy. We will treat these reports with confidentiality to the extent permitted by Swiss law. Our response will be centered on the safety, social, physical, and psychological health of the child victims and/or witnesses.
- 5) Recognize that there is a digital divide in terms of access to devices, connectivity, digital skills, availability of support from adults, disability and gender, and that we can contribute in closing the digital divide in this activity by being considerate towards the situations of children and by providing support as much as we can.
- 6) Acknowledge that during this online activity, the children may be in different spaces – the online space and the physical space – and that we need to be considerate about the background noises and other elements in the physical space that are difficult to control.
- 7) Apply effective, child-friendly, and inclusive communication with children, taking into consideration that, when using online platforms, non-verbal cues through body language or facial expressions are difficult to communicate, observe, and receive; and written communication, through chat or typed messages, has risks of being misinterpreted due to the absence of non-verbal cues.

## **5. Reporting and Responding Mechanism**

A Child Safeguarding Team is responsible for receiving and responding to concerns or complaints regarding this Policy. They are appointed to this role with proper training and support to perform this task.



The Child Safeguarding Team is composed of:

Name	Role	Contact details
Alice Gentile	Referent & Safeguarding Specialist	concern@tdh.ch
Kristen Hope	Research, Advocacy & Participation Advisor	Kristen.hope@tdh.ch
Leila Fasseaux	Child Protection Specialist	Leila.fasseaux@tdh.ch
Julien George	Deputy Head of Delegation, Burkina Faso	Julien.george@tdh.ch

Any safeguarding concerns identified by participants during the Congress should be communicated to the Child Safeguarding Team.

Reports are handled by a neutral Safeguarding Incident Management Cell at headquarters. All reports are addressed and managed impartially and with strict confidentiality. Within 24 hours of receipt, the Safeguarding Incident Management Cell will be in contact with the victim(s)/survivor(s) and/or whistleblower(s). When relevant, the Cell will liaise with the managerial line to address the concern. Informed consent is sought at all stages of the process.

Action on cases raised through these channels will be decided on a case by case basis, based on the processes outlined in the Tdh Safeguarding policy, upholding the principles of impartiality and confidentiality.

The Child Safeguarding Team also has the responsibility to ensure that children involved in the World Congress are made aware – in an age and language-appropriate manner – of the Policy, including the procedures on raising a complaint.

In an online activity, the Child Safeguarding Team has the control/access to block or kick out anyone in the video conferencing platform who is violating this Policy. They can also be contacted outside the video conferencing platform if needed.

## 7. Safeguarding Code of Conduct

**As an attendee to World Congress on Justice with Children, I agree that I WILL:**

- 1) Adhere to the Tdh Child Safeguarding Policy
- 2) Contribute to creating a safe, inclusive, and gender-sensitive environment that is free from discrimination and violence against children, including neglect and physical, mental, and sexual exploitation and abuse
- 3) Treat children with respect and dignity and consider their best interests, irrespective of their race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, health, birth, sexual orientation, gender identity and expression, family composition, or other status.
- 4) Help children to take part in decisions which concern them according to their age and their level of maturity.



- 5) Listen to children's voices, give due weight to their ideas and opinions, and empower them so that they learn about and are able to exercise their rights.
- 6) Only address children and young people in an open and transparent manner and never by private chat function.
- 7) Be a positive role model to children and young people by displaying high standards of behaviour at all times.
- 8) Respect the children's privacy and confidentiality.
- 9) Seek the informed consent of children and of their parents/guardians prior to taking the children's photos or videos. I will also make sure that children are portrayed as human beings, rights holders, and partners in the development process in the photos and videos I will take.
- 10) Inform children and communities of their right to report any worrying situations and how they can raise a concern.
- 11) Raise any concerns, problems, or issues pertaining to child safety and well-being with the Child Safeguarding Team as soon as possible.
- 12) Immediately report any violations of this Policy to the members of the World Congress Safeguarding Committee.
- 13) Cooperate fully and confidentially in any investigation of concerns or allegations of discrimination and violence against children.

**I will NOT:**

- 1) Engage in any form of sexual relations with any-one under 18 years old, regardless of the legal age of sexual consent, the law and local customs. Mistaking a child's age is not a defence
- 2) Exchange money, job, goods or services or humanitarian aid for sexual favours or subject the child to any other kind of humiliating, degrading or abusive behaviour.
- 3) Engage in any behaviour or make suggestions in an inappropriate manner, to provoke, harass or degrade the child or show disrespect for cultural practices. This includes acting in a manner which is likely to have a negative impact on the child's confidence and feelings of self-worth.
- 4) Use language/images/emojis, make suggestions, or offer advice that is inappropriate, offensive, abusive, discriminatory, sexually provocative, or culturally insensitive.
- 5) Exploit a child for labour (including online sexual exploitation).
- 6) Discriminate against, treat children unequally or unfairly for example by favouritism and excluding others.
- 7) Develop a relationship with a child and/or their family which may be considered outside normal professional boundaries.
- 8) Be under the influence of drugs or alcohol while working with children.
- 9) Take photos or videos of children where children are portrayed as weak, isolated, vulnerable, and as victims. In addition, I will not take photos and images of children who are not fully clothed and of children in poses that could be interpreted as sexually suggestive.
- 10) Take and share screenshots of the online activity without the consent of all children in the photo.
- 11) Watch, publish, produce, or share pornography showing children, and/or show pornographic material to children.
- 12) Publish the child's last name or any personal information that could be used to identify a child's location.



- 13) Show the faces of children who are exploited sexually, victims of trafficking, abuse, in conflict with the law, linked to armed groups or who can easily be located even if their identity has been modified.
- 14) Represent children as victims (weak, powerless, unassisted, desperate, etc.).
- 15) Publish a story or image which may endanger the child, their family or community.
- 16) Maintain contact with children and their families via social networks, unless a specific Terre des hommes project requires me to do so and I have been given express permission.
- 17) Contact children or young people using the private chat function on Zoom.
- 18) Close my eyes to, ignore or fail to report any concern, suspected violation or violation of the Child Safeguarding Policy and the Code of Conduct to the Child Safeguarding Focal Point.

**I understand that,** in the event of suspicions or allegations of my violation of the Code of Conduct, World Congress organisers will take any action they deem necessary, which may include, but is not limited to :

- 1) Providing assistance for the victim and taking immediate steps to protect and support the child.
- 2) Attempting to establish the facts in the most objective manner possible (the presumption of innocence prevails) while protecting the reputation and confidentiality of the adults involved.
- 3) Undertaking disciplinary actions, which may result in my suspension or termination of contract.
- 4) Initiating judicial proceedings and/or reporting to the competent authorities any violation of the Code of Conduct which may breach national legislation.
- 5) Taking appropriate measures in order to ensure that such incidents do not occur again, for example, informing other organisations which may apply for professional references regarding the termination of contract due to violation of the principles of the protection of children (within the legislative framework applicable to the protection of information).
- 6) Being removed / kicked-out from online meetings and being banned from the World Congress online forum.