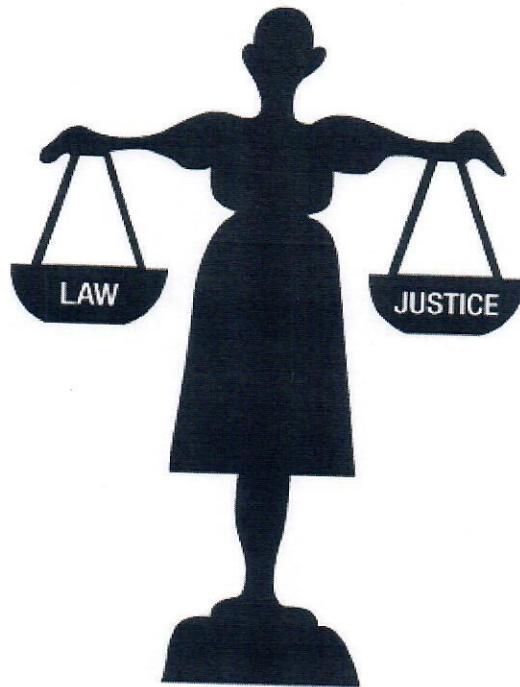


**TANZANIA WOMEN LAWYERS ASSOCIATION**



**THE CHILD SAFEGUARDING POLICY**

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**2018**

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## **1.0 Introduction**

Tanzania Women Lawyers Association (TAWLA) is a membership-based association founded in 1989 and officially registered in 1990 under the Societies Act (Cap 337 R.E 2002). The association was formed primarily as a guild for women lawyers in Tanzania geared towards promoting the professionalism of its members, and cause to advance legal and constitutional rights of women through legal aid provision. Later the organization aims and objectives advanced to advocating for gender equality, promotion of human dignity and gender justice through policy, legal and institutional reforms, community action and media engagement. TAWLA's "A society that respect and upholds the rights of women and children." Moreover, currently under its 2015 – 2019 strategic plan, TAWLA is working on four strategic objectives, which are; Provide sustainable access to justice for vulnerable women, Advocate for review of laws and policies hindering gender equality, Promote the professional advancement of TAWLA members and building the capacity of TAWLA for sustainable services.

## **2.0 Overall Policy on child safeguarding**

Child Safeguarding is the responsibility that the organization has to make sure the staff, operations, and programs do no harm to children. As a human rights organization, TAWLA is fully committed to promote the realization of children's rights including rights to access justice when they are in conflict with the law as such they are not exposed to the risk of harm and abuse. TAWLA believes that whenever children face or are about to face threats of harm, abuse or any kind of violation of their basic rights, it is our duty to ensure that we as an Organization respond and make sure that the best interests and dignity of the child are met and respected.

## **3.0 Purpose of the policy**

This policy sets out common values, principles, and beliefs and describes the steps that will be taken in realizing our commitment to protect children. It provides a framework for the organization's responsibility to ensure that children access to justice, ensuring that no child comes to harm as a result of their engagement with our organization and that the best interest of the child remains a priority.



Through our Child safeguarding policy, we aim to provide safe environments for children in all aspects of our work, making sure children are respected, treated without discrimination and supported to realize their rights. In advancement, through this policy, the organization will be committed to uphold the highest standard of behaviors in our working environment and ensure everyone we are working with (including partners, clients) have a moral and legal obligation to ensure children whom we are working with or who are the beneficiaries of our services and programs are at all times safe.

Therefore TAWLA needs a child safeguarding policy because;

- a) TAWLA as a human right-based organization recognizes children need to be protected. Developing a child safeguarding policy is a deliberate effort shown by TAWLA to protect a child against any abuse, harm, and discrimination and make sure children that we are engaged with or impacted with our programs are safeguarded.
- b) By developing this policy TAWLA will be automatically supporting Tanzania Child Development Policy, 1996; and the Law of Child Act, 200 that defines a child as any person under the age of 18 years and recognize children's protection needs as important element in order for them to grow well physically, intellectually, spiritually and morally
- c) Developing this policy is an initiative to put in place standard measures to protect children who receive TAWLA services (legal aid and those engaged in our programs). This policy describe clearly to TAWLA staff and anyone working with TAWLA, be it on permanent or temporary basis, about child safeguarding and any acts that are termed as against child protection.

#### **4.0 Our values and key principles**

This Child Safeguarding Policy aims at keeping Children Safe. It bases on our core objective, which is to provide legal aid to vulnerable women and children, and raise awareness of the rights of juvenile detainees and those involved in child labour. All international legal frameworks and the national laws that seek to protect a child in all settings guide this policy, and therefore it embodies all the principles of human and children rights.



Therefore, TAWLA's Safeguarding Policy is based on a number of values and principles, including:

- a) All the rights enshrined in the Convention on the rights of the child relating to non-discrimination, the best interest of the child as the paramount consideration in every decisions, the child right to life, survival and development as well as right to be heard.
- b) TAWLA exercises the principle of Zero Tolerance to any form of child abuse, exploitation and neglect.
- c) All children have equal rights to protection from any kind of abuse and exploitation;
- d) Children who are accused of breaking the law have the right to legal help and fair treatment in a justice system that respects their rights

#### **5.0 Definition of key terms used in this policy**

**A child:** Is any person below the age of eighteen (18) years. This definition is in accordance with the United Nations Convention on the Rights of the Child (CRC), the African Charter on the Rights and Welfare of the Child (ACRWC), the Law of the Child Act, 2009 and any other international instrument and domestic law that defines a child as such.

**Abuse:** Abuse is the deliberate act or series of actions, which lead to harm. This includes, but is not limited to, verbal, physical, sexual, emotional and psychological abuse

**Child abuse:** According to the World Health Organization, "child abuse" or "maltreatment" constitutes 'all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, 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.

**Physical abuse:**

Actual or potential physical harm perpetrated by another person, adult or child. It may involve hitting, shaking, poisoning, drowning and burning. Physical harm may also be caused when a parent or caretaker fabricates the symptoms of or deliberately induces illness in a child.

**Sexual abuse:**

forcing or enticing a child to take part in sexual activities that he or she does not fully understand and has little choice in consenting to. This may include, but is not limited to, rape, oral sex, penetration, or non-penetrative acts such as masturbation, kissing, rubbing and touching. It may also include involving children in looking at, or producing sexual images, watching sexual activities and encouraging children to behave in sexually inappropriate ways.

**Sexual abuse:**

forcing or enticing a child to take part in sexual activities that he or she does not fully understand and has little choice in consenting to. This may include, but is not limited to, rape, oral sex, penetration, or non-penetrative acts such as masturbation, kissing, rubbing and touching. It may also include involving children in looking at, or producing sexual images, watching sexual activities and encouraging children to behave in sexually inappropriate ways.

**Child sexual exploitation:**

a form of sexual abuse that involves children being engaged in any sexual activity in exchange for money, gifts, food, accommodation, affection, status, or anything else that they or their family needs. It usually involves a child being manipulated or coerced, which may involve befriending children, gaining their trust, and subjecting them to drugs and alcohol. The abusive

relationship between victim and perpetrator involves an imbalance of power where the victim's options are limited. It is a form of abuse that can be misunderstood by children and adults as consensual. Child sexual exploitation manifests in different ways. It can involve an older perpetrator exercising financial, emotional or physical control over a young person. It can involve peers manipulating or forcing victims into sexual activity. It may also involve opportunistic or organized networks of perpetrators who profit financially from trafficking young victims between different locations to engage in sexual activity with multiple men.

**Neglect and negligent treatment:** allowing for context, resources and circumstances, neglect and negligent treatment refers to a persistent failure to meet a child's basic physical and /or psychological needs, which is likely to result in serious impairment of a child's healthy physical, spiritual, moral and mental development. It includes the failure to properly supervise and protect children from harm and provide for nutrition, shelter and safe living/working conditions. It may also involve maternal neglect during pregnancy as a result of drug or alcohol misuse and the neglect and ill treatment of a disabled child.

**Emotional abuse:** persistent emotional maltreatment that impacts on a child's emotional development. Emotionally abusive acts include restriction of movement, degrading, humiliating, bullying (including cyber bullying), and threatening, scaring, discriminating, ridiculing or other non-physical forms of hostile or rejecting treatment.

**Commercial exploitation:** exploiting a child in work or other activities for the benefit of others and to the detriment of the child's physical or mental health,



education, moral or social-emotional development. It includes, but is not limited to, child labour.

**Access to justice:**

Access to Justice means different things to different people. In its narrowest sense, it represents only the formal ability to appear in court or public tribunal. Broadly speaking, it engages the wider social context of our justice system, legal structures and services, and the systemic barriers faced by different members of the community to access and benefit from these structures and services.

**Child protection:**

Child protection is the set of actions implemented by formal or informal structures, when a child is identified as being at risk of being harmed, abused, neglected or exploited. It should be seen as an element of child safeguarding.

**Child safeguarding:**

Is the responsibility that the organization have, to make sure its staff, operations, and programs *do no harm* to children, that they do not expose children to the risk of harm and abuse and that any concerns the organization has about children's safety within the communities in which they work are reported to the appropriate authorities.

**Commitment:**

Organizations' willingness to allocate resources of any kind, and devise its systems and structures towards fully and meaningful realization of this policy.

**Council:**

TAWLA Executive Council

**Do no harm:**

Refers to organizations' responsibility to minimize the harm that may happen inadvertently as a result of inappropriate programming. And harm shall be read to mean a negative impact

on an individual's physical, emotional, social, psychological or behavioral health and well-being. Violence, abuse, neglect, and exploitation often lead to an individual being harmed

**Management:** Refers to TAWLA Management team.

**Policy:** A statement of intent that demonstrates a commitment to safeguard children from harm and makes clear to all what is required in relation to the protection of children. It lays down safeguarding rules and procedure binding on the organization to help create a safe and positive environment for children and to show that the organization is taking its duty and responsibility of care seriously.

**Zero tolerance:** Exploitation, abuse and violence against children, by TAWLA staff, agents and associates is prohibited and that every transgression will be acted upon both internally and externally in an appropriate manner.

## **6.0 Scope of the policy**

- i) Unless specifically stated this policy applies to;
  - a) All staff Secretariat management, staffs, interns and volunteers
  - b) All those represent TAWLA as members, consultants or trainers
  - c) Beneficiaries; Legal aid clients and program beneficiaries
  - d) All our partners to the extent of their engagement with children benefiting from TAWLA services or programs be it individuals or organizations. In the case of the latter depending on the nature and duration of such partnership, TAWLA shall require that they subscribe to TAWLA Child Safeguarding Policies or adopt their own.
  
- ii) TAWLA actions shall be grounded on a zero tolerance for to any kind of child abuse by its member of staff, member or partner. It recognizes its responsibility to take all reasonable steps to promote safe practice and to protect children from harm, abuse, and exploitation.



In order to realize this objective, TAWLA is committing to align its management policies, structures, services, programs and projects to ensure they become consistent with the principles of safeguarding children rights. In addition, TAWLA, through this policy establishes measures that would ensure prevention of child abuse and exploitation; the reporting mechanism, and its attendant grievance handling procedure that addresses response to such complaints, along with designating focal points and committees for child related grievances.

#### **7.0 Implementation of our commitments**

- i) TAWLA is committed to implementing this policy through our internal procedures not limited to disciplinary procedures, recruitment procedures, and any other lawful means that ensure children are protected.
- ii) TAWLA shall, on periodic and consistent basis, engage in disseminating the present safeguarding policy to her staff, members and both internal and external stakeholders to ensure that there is maximum observance of the terms and rules laid down by the policy and those appended to this policy by the Code of Conduct.
- iii) TAWLA reserves the exclusive right to change this policy at any time and to expect adherence to the changed policy. Changes to or exceptions from this policy may only be granted by the TAWLA Executive Council and must be obtained in advance and in writing by way of the Council's resolution at any ordinary or extra-ordinary meeting convened for that purpose.

#### **8.0 Specific child safeguards measures:**

TAWLA shall institute a number of specific measures aiming at providing a web of protective environment for children working with and interacting with TAWLA's work at every level of the organization. The following are few measures that will be implemented to carry out the objectives of this Policy:

##### **8.1 Prevention:**

###### **a) Risk Assessment and Mitigation:**



At all times, and in every action, TAWLA shall conduct an assessment of risks of abuses its work is likely to pose to children with whom its agents interacts. To ensure this is implemented, TAWLA will develop the capacity of internal staff on the continuous basis, to conduct risks assessment, and integrating the identified risks as important elements in the design of its project interventions. This goes hand in hand with assessing the existing projects prior to coming in to effect of the present policy, in order to identify the existing risks and drawing the mitigation plan to minimize the impact of such likelihood.

**b) Safe Recruitment and personal responsibility:**

- i. TAWLA will ensure that it applies the highest standards in its recruitment and vetting policies across the organization before neither recruiting new staff members nor engaging any contractor or volunteer. This it shall do by first revising the Human Resource Policy, which addresses the Recruitment and Selection procedure in order to bring it in line with the terms of this Policy. Candidates for recruitment shall be checked for their suitability for working with children and their understanding of child safeguarding.
- ii. Protection checks, such as disclosure of previous convictions or police checks (if disclosure is unavailable), shall form an important part of TAWLA's recruitment policy. If police checks are impossible, other checks are put into practice and noted. Checking evidence of identity and the authenticity of qualifications, requesting self-declarations about previous convictions, and a minimum requirement of at least two references are carried out in all cases.
- iii. New Staff, volunteers, interns and consultants recruited by TAWLA will be informed with TAWLA's Child Safeguarding Policy and its requirements in an orderly and continuous manner. New staff members shall, having passed through interviewed which must be designed to examine their general understanding on the concepts of abuse and child protection, must in addition be availed an

appropriate induction on the subject to ensure that they have the highest attainable levels of proficiency regarding child safeguarding.

- iv. All TAWLA staff, partners, volunteers, interns, and members must abide to this policy as long as they are in direct contact with children who are beneficiaries of TAWLA services, grants or programmatic interventions.
- v. As far as staff compliance to policy is concerned, it is crucial that that is made a requirement and subjected to constant monitoring, which monitoring may be, but shall not limited to, included in the annual staff performance appraisals and evaluations.
- vi. TAWLA staff, volunteers, members and contractors shall at all time conduct themselves in a manner compatible with the aims of this Policy, and shall be bound upon signing this policy, and its Accompanying Code of Conduct (Annex 1) that is read as part to this Policy, ensure that work consciously of the existence of this Policy. For avoidance of doubt, plea of ignorance of the Policy shall not vindicate any person accused of wrongdoing to take up personal responsibility.
- vii. This Policy shall be construed to reinforce the terms and conditions of any other TAWLA's Social Safeguarding policies such as HIV/AIDS Policy, Gender Based Violence Policy and Child labour Policy and any other existing and future policy of similar nature.

**c) Education and Training:**

- i. In ensuring that the commitment to this Policy is maintained, TAWLA will devise mechanism for continuously providing training, capacity building and dissemination of the Child Safeguarding Policy to her staff and volunteers, members and partners.
- ii. TAWLA, being a child rights conscious association of legal practitioners, shall promote ideas aimed at developing internal expertise regarding child safeguarding, and shall use that expertise to spread the safeguarding practices to other local organizations partnering and sharing similar vision with TAWLA's.



- iii. Every workplace at the main office, and at all zonal and regional branches TAWLA will display in a conspicuous and visually appropriate formats (banners, posters, brochures, signposts etc) key features of the policy will be placed in place in all TAWLA offices.
- iv. Every workplace at the main office, and at all zonal and regional branches, TAWLA will display procedure for reporting possible child abuse and shall ensure that every staff member, a member or contractor have a contact details for Child Safeguarding designated reporting focal point.
- v. A soft copy and where necessary hard copy of the child safeguarding policy will be made available to individuals who are the target of this policy.
- vi. TAWLA, as part of its broad project interventions, shall include aspects seeking to teach children interacting with TAWLA about their rights. Children will be taught that, they have right to be safe and how to report abuse, this will sharpen them to think abuse is not their fault, and more likely to report an offender.
- vii. As part of prevention approach, TAWLA shall integrate aspects of child safeguarding in her packages of legal aid, and whenever possible will support the prevention through advocacy to improve child laws and policies.

**d. Safe Program Design**

- i. TAWLA shall at all times strive to design and implement projects and programmatic interventions which ensure maximum safety for children. For all projects relating and engaging children as beneficiaries or participants, TAWLA shall ensure their protection from abuse and exploitation is the primary consideration.
- ii. To achieve this objective stated in d(i), TAWLA will integrate risk assessment and strategies to minimize risks as an important control-check for suitability of any project proposal for funding, and project implementation plan across the project life-cycle, from planning to evaluation.

**e. Communication and Use of Child Images and personal information:**



- i. In TAWLA's use of information and visual images, both photographic stills and video, including use of children information in the social media, and any media and public awareness campaigns, will be guided by an overriding principle to maintain respect and dignity in the portrayal of children, families and communities.
- ii. TAWLA will always seek permission when taking photographs or video footage of individuals. Consent for taking and using photographs and case studies will be sought from parents and those with parental responsibility, or from the children directly when they are of sufficient age and understanding.
- iii. Special consideration will be given to photographs depicting children with disabilities, refugees and those in situations of conflict and disasters, to accurately portray context and maintain dignity.
- iv. TAWLA will explain to the subject the likely use of the images and ensure the consent for such use is obtained in no uncertain terms. Where there is objection to the use, that objection shall prevail over any compelling urge to use the information.
- v. In addition to these terms, TAWLA shall at all time material, seek to be informed and guided by the universally accepted standards, and widely acknowledged best practices of information dispensation involving children in all situations, including but not limited to children in emergency situations, children in conflict with the law, children in contact with the law as witnesses and victims, and children deprived of their liberties.

**f. Responsibility:**

- i. TAWLA reserves the exclusive right to change this policy at any time and to expect adherence to the changed policy. Changes to or exceptions from this policy may only be granted by the TAWLA Executive Council and must be obtained in advance and in writing by way of the Council's resolution at any ordinary or extra-ordinary meeting convened for that purpose.

**8:2 Partnerships:**

- i. In conduct of her business that require entering an agreement with any external

organization as a partner, TAWLA, to the extent possible and in circumstances allowing TAWLA to exercise control, such Agreements shall include a statement that partners who do not have a child safeguarding policy will either abide by TAWLA Child Safeguarding Policy or develop their own as a condition before the partnership can be formalized.

- ii. Any partner, in the course of business to which the interest of TAWLA is represented, shall be vicariously responsible for any damage or injury arising out of contravention of this Policy.

## **9:0 Reporting Obligation, Designation of Responsibilities, and Complaints Procedure**

### **9:1 Designation:**

- i. TAWLA shall designate from among its Senior or middle cadre staff, one person to be a Child Safeguarding Focal Point who shall be the contact person for all complaints arising as a result of this Policy. In an ideal situation and in fairly large organizations, the Child Safeguarding Focal Person would be someone selected from the Human Resource Section/Department, or someone working in Compliance Section/Department.
- ii. There shall be established within TAWLA management and staff structure, a Complaint Processing Committee, composed of five individuals appointed by the Executive Council. Once appointed, these individuals shall be serving in their personal capacity and their positions shall be non-delegable. The Committee Chairperson shall be selected from among members, and the Child Safeguarding Focal Person shall be ex-officio Secretary to the Committee.

### **9.2: Reporting Obligation**

- iii. It is the duty of every member of staff, member of the management including the Executive Council of TAWLA, volunteer, intern, long and short contractor, client, and a child who knows of any act, omission committed by any person while conducting the business of TAWLA in any capacity violates the provisions of this Policy.
- iv. Regardless of whether a person is directly discharging TAWLA's business at the time of commission, if that person is known to have committed any of the act falling under the description of the things mentioned in section 5 (definition section) or those prohibited by



the Code of Conduct or any other part of the policy, or any violations of apparent criminal nature prohibited by the penal laws of the country against any child with whom s/he holds a position of trust, shall be deemed to have violated the provision of this Policy.

- v. Where it appears impractical to report directly to the Child Safeguarding Focal Person, a person reporting complaint shall report to any other person in the TAWLA management, staff of any member of the TAWLA's Governance organs, and the person receiving the complaint shall promptly channel it to the Child Safeguarding Focal Person, in a manner that ensures maximum confidentiality, and respect of the dignity of the victim/survivor involved.

### **9:3 Complaints Processing Procedure**

- vi. Upon receiving the complaint, the Child Safeguarding Focal Person shall record the Complaint in a prescribed format, to be provided in the Reporting Form, as Annex B to this Policy, recording all details provided by the person complaining or reporting the complaint on behalf (whistleblower) of another person or child. Such details shall include but not limited to the names of the perpetrator, the day/date and time when an act has been committed, and if the such act has been ongoing, the records of such recurrences, and whether there has been any previous reports or records of wrongdoing to any other public body.
- vii. The complaints involving children shall be processed expeditiously, timely and effectively immediately upon receiving the complaint, recording it and convening the Committee meeting by the Child Safeguarding Focal Person within a period not later than 48 hours counting form the time of receiving such a Complaint.
- viii. The Committee shall inquire, deliberate and investigate the circumstances surrounding the complaints, including the authenticity of the Complaint, with the view of collecting more information and evidence, protecting the forensic evidence where relevant. Where it appears that the complaint is patently criminal in nature, the Committee shall cause the matter to be reported immediately to police without further ado.
- ix. Where the matter appear to latently contain criminal elements which however requires further information to reach conclusion, the Committee shall conduct inquiry to help it



- make observation for recommendation to the Executive Council.
- x. Where the matter relating to violation of this policy is brought before it for consideration, and where the matter is of such a nature that the Committee may have power to dispose of it without resorting to the police or judicial process (recognizing though that this may prove to be rare), the Committee shall be bound by the rules of natural justice and fair hearing, while respecting the rights of the accused, but at the same time putting the best interest of the child affected at the center and guaranteeing his/her right to participate and to be heard and their opinions to be considered and recorded as such.
  - xi. The Committee shall have the right to summon any person whom in its judgment considers a relevant witness for the smooth conclusion of the inquiry. Such person may include a person possessing peculiar expertise to allow the Committee to take advantage of the specialized knowledge regarding the matter before it.
  - xii. The Committee shall ensure child information is handled with utmost care and confidentiality, accelerating investigation by formal policing state institutions, facilitate victims/survivor access to support services, following and ensuring that perpetrators are brought before the law, ensuring the accused rights are respected and protected, and at all times, ensuring the organization's credibility is taken care of
  - xiii. At all times during the proceedings before the Committee, the business before the Committee shall be conducted in manner that ensures utmost confidentiality. The Committee shall adopt its own rules and procedure for guaranteeing secrecy, which may include where appropriate, administered its own-authored oath.
  - xiv. The Committee findings shall be given by way of written Report and Recommendations to the Executive Council of TAWLA not later than 7 days after its first convening.

**9:4 Measures Pending Disposition:**

- i. In the spirit of a zero tolerance, TAWLA will immediately suspend any employee, volunteer, intern, board member, consultant, a client who is alleged to have violated the Child Safeguarding Policy, pending the outcome of the investigation.
- ii. Where it is considered in the interest of justice not to temporarily discontinue the services of the accused staff member or any TAWLA person, interim measures shall be instituted

ensure the individual does not have further contact with the child until the investigation is concluded.

- iii. If for the purposes of conducting fair hearing before the Complaints Handling Committee during the investigation and hearing of the matter, that the employee or urgent would need access to TAWLA's information systems and infrastructure, in case the person so accused is the member of staff, s/he will only be allowed limited access to such systems sufficient to help him gather information only for the purposes of such investigation or hearing.

#### **9:5 Outcome of the Inquiry/ Hearing of the Complaint Handling Committee**

- iv. If, after conclusion of an inquiry by the Committee, and on its recommendation to TAWLA's Executive Council, the Council may make the following decisions:
  - a. Order the immediate termination of an employee, if that employee is of the category that is recruited by the Executive Council,
  - b. Instruct the Executive Director to terminate the contract of the employee, if the employee is of the category that is ordinarily recruited by the Secretariat,
  - c. Subject the employee to further disciplinary procedure where it is found that the act could not amount to an offence of criminal nature may still have been a breach of trust entrusted in the name of the organization to the individual.
  - d. Order a staff member to perform any act of self-contrition, in a manner only respecting his/her dignity and human rights, and consistent to the ideals of labour laws.
- v. Where the inquiry of the Committee proves that the act complained of can sufficiently prove criminal offence against the child, and it is satisfied that there are sufficient evidence for that recourse, the Committee shall recommend to TAWLA Executive Council to:
  - a. Report the matter immediately to the Law Enforcement Agency, i.e Police Department.
  - b. To hand over all collected evidence, including the records of proceedings of the Committee to the law enforcement agency investigating the matter.



- c. Instruct the management team and staff to cooperate with the Law Enforcement Agency at all times of investigation and trial where one is preferred, and work with prosecutors to ensure credibility of evidence.
  - d. Ensure at all time the identity of the child victim is upheld, and the dignity is preserved.
- vi. The Decision on an Inquiry conducted by the Complaints Handling Committee shall be made in writing, and the person accused of violation shall have the right to receive a copy of the committee proceedings and recommendations to TAWLA Executive Committee.
- vii. For the purposes of monitoring and evaluating the effectiveness of this Policy, TAWLA management shall have the rights to follow up on all subsequent proceedings of the matter originating from TAWLA internal reports, and documenting such details as may be relevant on regular basis.

**10:0 Non-Law related Interventions:**

- i. To institute such interim measures seeking to give the victim/survivor or complainant temporary relief and rehabilitation, including but not limited to, psycho-social support and counseling services, care and support including the care of the fit person of institution, and legal assistance where needed.
- ii. The support service other than legal shall not stop merely because the legal proceedings have come to a close. A child survivor of abuse, violence or exploitation shall be facilitated and assured of a long-term support post-trial, including access to community based rehabilitation and habilitation process.

**11:0 Monitoring and Evaluation:**

- i. To ensure effective implementation of this Policy, steps must be considered on how to monitor its implementation. The management must define management indicators for the Organizations by which it would be bound to report on every reporting circle.



- ii. Every project document must include a proposal on how it would integrate the principles and safeguards provided by this Policy, and develop indicators by which the project will be evaluated on.
- iii. The Human Resource Policy shall be revised to integrate the requirements of this Policy. Staff members, volunteers, managers, and interns shall be required to sign on this Policy, and to the Code of Conduct, against which they shall be assessed on during the staff performance appraisals.
- iv. The members of the Executive Council and TAWLA individual members shall by implication be deemed to subscribe to this Policy and the Code of Conduct. It shall be the Executive Council's responsibility to disseminate this Policy, and its attendant Code of Conduct by way of Executive Council Circular to TAWLA members.
- v. The Executive Director, through her Annual Report, shall report on the matters pertaining to the implementation of this Policy.
- vi. The Policy may be subject to review after every three years.

**12:0 Other Key Considerations:**

- i. Vexatious allegations may emerge even in the cases involving children, either made by children themselves, or initiated by adults posing as concerned but bearing ulterior motives. Handling of such cases must be attended with utmost care and absolute good faith.
- ii. Individual workers in isolation must not make decisions about child protection incidents. However in exceptional circumstances – such as a life-threatening situation – staff or volunteers may take whatever action they deem necessary to protect a child at immediate risk, but this must be reported as soon as possible in accordance with TAWLA reporting channels.
- iii. This Policy must be read in line with the other existing organizations policies attending to social safeguards, and other standards and rules. It must also be read in light of the existing legal framework, especially penal laws relating to sexual and related offences, the employment and labour laws, the Gender Based Safeguards, HIV/AIDS, Prevention of

Sexual Exploitation and Abuse.

- iv. To implement this Policy, TAWLA is must commit to setting aside resources that would ensure sufficient trainings are conducted, and dissemination is provided on an on-going basis, the printing of IEC materials and the work of the organs established for this purpose.
- v. The overall responsibility for the implementation of this Policy lies with TAWLA's Executive Council, and may delegate such powers as it may deem appropriate, to the management team.

**Approved**



**Chairperson**

6<sup>th</sup> December, 2018

**Date**



**Secretary**



## **Annex 1:**

### **The Code of Conduct**

TAWLA is committed to protecting children from abuse and exploitation. It will take all necessary actions to prevent and/or respond to children in such situations. Also will respond to all reports of actual or alleged abuse based on this Child Safeguarding Policy, irrespective of the nature of the referral, who the allegations are about or who the referrer is or where she/he is from.

This Code of Conduct includes guidance on ethical and proper standards behavior of TAWLA staffs, volunteers, interns, members and anyone representing TAWLA (Trainers or consultants) towards children. Everyone who is engaged with TAWLA is supposed to;

- a) Adhere to this Child Safeguarding Policy and Procedure and uphold TAWLA'S statement of commitment to child safety at all times
- b) Treat all children equally
- c) Be aware of what constitutes child abuse and exploitation (included in the Child safeguarding Policy) and understand its provisions.
- d) Know the signs of abuse and reporting any suspicious observations immediately to the responsible authorities
- e) Respect lines of authorities and reporting procedures.
- f) Respect the basic rights of children by facing fairly, honestly, and tactfully, and by treating them with dignity and respect.
- g) Be aware of the potential for peer abuse (e.g. bullying of children)
- h) If you observe children engaging in bullying behavior or other behavior that may put them at risk, you must act responsibly and if required report to the respective authorities
- i) Be concerned about the way in which your language, actions, and relationships with children could be perceived.
- j) Encourage and respect children's voices and views



- k) Limit access to and/or not expose children to any inappropriate electronic material and any vulnerable activity
- l) Ultimately, if you have any concerns about the welfare of a child or feel someone is behaving inappropriately around children, you have a duty to report your concern to the responsible authorities
- m) At all times respect the confidentiality of children's personal information.

**DON'T;**

- a) Not use language or behavior towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate
- b) Not engage children in any form of sexual activity or acts, including paying for sexual services or acts. Be aware that mistaken belief of the age of the child is not a defense.
- c) Refrain from hiring 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.
- d) Do not hit or otherwise physically assault children.
- e) Do not act intentionally in a way that may cause the child's delay in accessing justice.
- f) Never lose sight of the fact that you are with children - behave appropriately and use appropriate language at all times.
- g) Do not by any means round and for whatever reasons provide the contact or any information of a child we are engaged within our programs.
- h) Do not exchange personal contact details such as phone number, social networking sites or email addresses with a child we are engaged within our programs without the consent of her/his parents or guardians.
- i) Do not act in ways intended to shame, humiliate, belittle or degrade children, or otherwise perpetrate any form of emotional abuse.
- j) Do not discriminate against, show differential treatment of favor particular children to the exclusion of others.

This is not an exhaustive or exclusive list, the principle is that staff/volunteers/interns/ clients and partners actions or behaviors which may constitute poor practice or potentially abusive behaviors.

Moreover, it is important for all staff/volunteers/interns/clients/partners and others in contact with children to;

- a) Ensure the sense of accountability exists between staff so that poor practice or potentially abusive behavior does not go unchallenged.
- b) Empower children-discuss with them about their rights, what is acceptable and unacceptable and what they can do if there is a problem.



**Annex B: CHILD RIGHTS VIOLATION REPORTING FORM**

(A Report of the violation of this policy may be made orally, by the child victim or survivor against the alleged perpetrator to the Organization's Child Safeguarding Focal Person; or in writing by the person to whom the circumstances of such violations have been brought to his/her attention. Where the report is made directly to TAWLA's Child Safeguarding Designated Focal Point, or to any person in the TAWLA's employment, that other person shall report the same to the former, and the former shall record the facts so reported in a manner prescribed in this form).

Child's name: .....Case no:.....

**Incident details:**

Time:                      Date:                      Place:

**Referrer's details:**

Name:                      Address:                      Contact telephone no:

Occupation: \_\_\_\_\_

Relationship to child \_\_\_\_\_

**Child's details (where available):**

Name: \_\_\_\_\_

Age: \_\_\_\_\_                      Date of birth: \_\_\_\_\_                      Gender: \_\_\_\_\_

Address:

Home or Institution Address \_\_\_\_\_:





Name: \_\_\_\_\_

Address: \_\_\_\_\_

Age: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Employment details( If TAWLA's employee, consultant, volunteer or contractor: \_\_\_\_\_

Nature of job: \_\_\_\_\_

Identify if TAWLA or partner organization is the employer: \_\_\_\_\_

Relationship, if any, to child: \_\_\_\_\_

Current location of alleged perpetrator: \_\_\_\_\_

State if nature of job require regular contact with the child \_\_\_\_\_

**Current safety of child including location and custody:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Has emergency medical attention been required?**

**Provided by:** \_\_\_\_\_

Will follow up medical attention be necessary, or has been recommended? \_\_\_\_\_

**Who else knows? Include contact details.**

Agencies:

Family members or other individuals:

**Referral Action:**

**Actions taken to date** e.g. Referral to police, children's NGO services, social welfare, other. Give contact details and date and time of action.

**Referral taken by (where possible, TAWLA responsible CS focal person):**

Name: \_\_\_\_\_

Position and Location: \_\_\_\_\_

Date \_\_\_\_\_ Signature (on hard copy): \_\_\_\_\_

**Action to be taken**

A: Follow Up Legal/ Support Services Action:

**Decision made by Director for immediate action as agreed in Child Safeguarding Policy?** (Please specify who is to do what and when and give names and contact details of people to be contacted.)

Referral to police (if not, why not?) \_\_\_\_\_ Yes/No

Referral to Legal Service Provider \_\_\_\_\_ Yes/No

Referral to Local Authority for child protection /welfare services \_\_\_\_\_ Yes/No

**Other action required to ensure child not at further risk from alleged perpetrator:**

Referral for medical treatment/ to meet health needs \_\_\_\_\_ Yes/No

**B: Internal Procedure Follow up:**

Matter reported to the Complaints Handling Committee \_\_\_\_\_ Yes/No

Alleged Perpetrator temporarily suspended from service until matter determined \_\_\_\_\_ Yes/No

**Recommendation by the Child Safeguarding Designated Focal Person:**

Reporting the matter to the Law Enforcement Agency \_\_\_\_\_ Yes/No

Convening the CS Child Complaints Handling Committee \_\_\_\_\_ Yes/No

Reporting the matter to other Child Protection Organs in the district \_\_\_\_\_ Yes/No

Suspend the Alleged Perpetrator pending investigation \_\_\_\_\_ Yes/No

Immediately recommend Perpetrator's Disciplinary Hearing with the view of summary dismissal \_\_\_\_\_ Yes/No



Recommend child be removed from the current care to other alternative care for safety \_\_\_\_\_ Yes/No

Signature of person arranging above action: if other than the Child Safeguarding Designated Focal Person

Name and Signature \_\_\_\_\_

Position and Title \_\_\_\_\_

Time and Date \_\_\_\_\_ -

Signature of the Child Safeguarding Designated Focal Person

Name and Signature \_\_\_\_\_

Time and Date \_\_\_\_\_ -