

# CHILD PROTECTION AND SAFEGUARDING POLICY

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## Introduction

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Komons Collective SLL (hereinafter KOMONS or the Organization) is an organization conceived to harness the potential of data, technology and collective action to confront the key challenges facing civil society. We have a unique expertise in digital analysis and media research, communications strategies and movement building that allow us to enhance collective intelligence and accelerate social change processes.

KOMONS considers that it is everyone's responsibility to promote the well-being of children, being aware that child abuse, in its various forms, constitutes a serious violation of children's human rights. According to the United Nations, "each year, half of the world's children – around one billion youngsters – are affected by physical, sexual or psychological violence because countries fail to follow established strategies to protect them".<sup>1</sup> This is reflected in the *Global status report on preventing violence against children 2020*<sup>2</sup>. In the same way, in the *World Report on Violence against Children* (2006) by Paulo Sérgio Pinheiro, Independent Expert for the United Nations Secretary-General's Study on Violence against Children, recalled that<sup>3</sup>:

*Recently, documentation of the magnitude and impact of violence against children shows clearly that this is a very substantial and serious global problem. It occurs in every country in the world in a variety of forms and set-tings and is often deeply rooted in cultural, economic, and social practices.*

In front of this situation, organizations should take appropriate measures to actively prevent and protect children from abuse. Hence the development of this **Child Protection and Safeguarding Policy (hereinafter, the Policy)**, with the aim of establishing a general framework for KOMONS staff, as well as for collaborating individuals and entities in the development of their activities and projects, following international standards for the protection of human rights.

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<sup>1</sup> *Countries fail to protect a billion children from violence each year, UN warns*, 18 of June 2020. Available in: <https://news.un.org/en/story/2020/06/1066622>

<sup>2</sup> *Global status report on preventing violence against children 2020*, June 2020, World Health Organization. Available in: <https://www.unicef.org/sites/default/files/2020-06/Global-status-report-on-preventing-violence-against-children-2020.pdf>

<sup>3</sup> *World Report on Violence against Children*, 2006, United Nations Secretary-General's Study on Violence against Children. Available in: [https://violenceagainstchildren.un.org/sites/violenceagainstchildren.un.org/files/document\\_files/world\\_report\\_on\\_violence\\_against\\_children.pdf](https://violenceagainstchildren.un.org/sites/violenceagainstchildren.un.org/files/document_files/world_report_on_violence_against_children.pdf)

## Principles

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This Policy is based on the following principles:

- All children have the same rights, being discrimination of any kind not admissible.
- Zero tolerance for any type of abuse, exploitation or violence against children. All minors must be protected from any kind of these behaviors, respecting their human dignity.
- The principle of best interests of the child must be respected in all matters affecting them, being paramount to any conflict or situation of mistreatment.
- The children's right to be listened, to express their opinions and to be taken into account must be respected.
- Confidentiality. Information relating to a situation of abuse will be treated as sensitive information, which will only be communicated if necessary, for reasons of security and protection of the child.
- Responsibility to ensure compliance with the prevention and protection measures of children contained in this Policy by KOMONS staff, as well as, by collaborating individuals and entities.
- Responsibility to ensure knowledge and application of current regulations on the prevention and treatment of children abuse in countries where KOMONS develops its activities and projects.

## Legal framework

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This Policy refers to international legislation on the rights of children.

At the international level, there are several treaties that should be highlighted:

- Declaration of the Rights of the Child, adopted by United Nations General Assembly, Resolution 1.386 (XIV), 20 November 1959.
- International Covenant on Civil and Political Rights, adopted by Resolution 2200A (XXI), on 16 December 1966, which provides for the right to protection measures for all children without any discrimination (art. 24.1).

- Convention on the Rights of the Child (CRC), adopted by the United Nations General Assembly on 20 November 1989, which sets out the principles and rights of children such as:
  - Right to non-discrimination (art. 2): Discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, economic position, physical impediments, birth or any other condition of the child, his parents or his previously legal representations is prohibited.
  - Principle of best interests of the child (art. 3): all measures concerning minors taken by any institution shall address the best interests of the child.
  - The right of the child to be protected from any form of physical or mental harm or abuse, neglect or negligent treatment, ill-treatment or exploitation, including sexual abuse, as long as the child is in the custody of the parents, a legal representative or any other person in his/her care (art. 19).

At European level, there are also different legal instruments for the protection of children, of which it is worth noting:

- The Charter of Fundamental Rights of the European Union, proclaimed in 2000, which addresses the rights of children in article 24.
- The Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, on 25 October 2007, which aims to prevent and combat the exploitation and sexual use of children and their child protection (art. 1).

## Key definitions

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The key concepts used in this Policy are as follows<sup>4</sup>:

**Child or minor:** any person under the age of eighteen unless, under the applicable law, the age of adulthood has been reached before (art. 1 of the CRC).

**Child abuse:** According to the World Health Organization, "any type of physical and/or emotional abuse, sexual abuse, neglect or inconsiderate treatment, or commercial or other exploitation that causes real or potential harm to the health, survival, development or dignity of the child in the context of a relationship of responsibility, trust or power".

***Main types of child abuse:***

**Physical abuse:** consisting of the deliberate use of physical force against a child so that it causes, or most likely causes, harm to his/her health, survival, development or dignity. This type of abuse includes all corporal punishment and all other forms of torture and cruel, inhuman or degrading treatment or punishment and some specific forms of physical abuse suffered, especially by children with disabilities, or, such as, forced sterilization of girls, among others.

**Psychological abuse:** consisting of mental abuse, verbal aggression or emotional neglect consisting of despising, scaring, threatening, exploiting, humiliating, discriminating or insulting the child, neglecting his/her needs, exposing the child to domestic violence, among other non-physical acts of rejection or hostile treatment. They are behaviors that will likely harm the physical or mental health of the child and will also affect his or her moral, social or spiritual development.

**Sexual abuse and exploitation:** Sexual abuse involves the participation of a child in sexual activities that he does not fully understand, in which he/she cannot consent with knowledge of the cause or for which he/she is not sufficiently developed and entitled to the protection of criminal law. Sexual abuse and exploitation include, but are not limited

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<sup>4</sup> The keys concepts to the policy are based in the definitions contained in the following Instruments:

- Convention on the Rights of the Child (CRC), approved by the Assembly General of the Nations United 20 November 1989.
- *General comment No. 13 (2011): The right of the child to freedom from all forms of violence, CRC/C/GC/13*, 18 April 2011, Committee on the Rights of the Child. Available in: [https://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.13\\_en.pdf](https://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.13_en.pdf)
- *Preventing child maltreatment: a guide to taking action and generating evidence*, 2006, World Health Organization and International Society for Prevention of Child Abuse and Neglect & World Health Organization. Available in: [https://apps.who.int/iris/bitstream/handle/10665/43499/9241594365\\_eng.pdf?sequence=1&isAllowed=y](https://apps.who.int/iris/bitstream/handle/10665/43499/9241594365_eng.pdf?sequence=1&isAllowed=y)

to: the incitement or coercion of a minor to carry out any illegal or psychologically harmful sexual activity; the use of a minor for commercial sexual ex-plotting purposes; child prostitution, sexual slavery, and the sale of minors for sexual purposes and forced marriage.

**Abandonment or negligent treatment:** Not meeting the physical and psychological or emotional needs of the child, not protecting the child from danger and not providing him/her with medical services, registering birth, not ensuring education, and other measures, when the persons responsible for his/her care have the means, knowledge and access to the services necessary to do so.

## Scope

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This Policy applies and it is mandatory to:

- a) All KOMONS' staff. Staff means any person who integrates the operational team of the Organization throughout its scope of action and the management board. Therefore "staff" also includes directly recruited personnel, volunteer staff, fellows or subcontracted personnel.
- b) Collaborating individuals and entities, including:
  - i) Partner organizations, counterparties and suppliers with which KOMONS collaborates in the development of its activities and projects.
  - ii) Other actors involved such as external partners, commercial agents, guests, visitors, and any other person or entity working on behalf of KOMONS.
- c) This Policy also involves children, guardians, parents, family members and individuals around them and institutions and organizations with which contact is made in the development of the Organization's activities and projects.

## Responsibilities

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KOMONS considers that it is a responsibility of all its staff to protect children, as well as to ensure compliance with this Policy in the development of its activities and projects. It is also a responsibility of collaborating individuals and entities.

All KOMONS staff, regardless of their position or role, are responsible for:

- Reading, comprehending and complying with this Policy.
- Preserving the best interest of the child in all decision-making
- Reporting any incident, complaint or suspicion regarding situations of abuse of a child directly or indirectly related to KOMONS.
- Avoiding any activity that may lead to, or suggest, a breach of this Policy.
- In case of doubt in relation to this Policy, seeking support directly from their direct hierarchical manager or through the management board.

**The management board of the Organization is responsible for:**

- This Policy, its implementation, maintenance, improvement and of the necessary measures to do so.
- Create a management culture that fosters an approach to safeguarding children's rights.
- Ensure to be receptive and act immediately and diligently if he/she is aware of any incident, complaint or suspicion regarding situations of abuse of a child or concern about the protection of children.
- To support the operational team in case it shows doubts or concerns regarding this Policy.
- Support any member of the operational team who expresses genuine concern that any situation of abuse of a child may be occurring in the development of the organization's activities and projects, inclusive or if that concern ultimately turns out to be erroneous.
- Is committed to reviewing the Policy periodically, at least every three years, or earlier when there are significant changes in legislation or within the Organisation that may affect this Policy.

This policy is mandatory and deviations to it are not allowed.

Both legal and disciplinary action will be taken if negligence or deliberate non-compliance with this Policy is demonstrated.

Any breach with respect to this Policy shall be foreseen as a serious misconduct which may include the dismissal or termination of the contract, as well as reporting the concern to the relevant safeguard authorities, and shall be notified immediately to the direct hierarchical manager or the member of the management board designated to such effect to carry out the relevant actions and follow-up.

## Policy content

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Preventing child abuse requires fostering an environment that promotes everyone's responsibility to prevent and report these situations. Therefore, KOMONS guarantees that the following actions will be carried out to fulfil its commitment to prevent and protect children from any situation of abuse:

### **a) Preventive actions**

#### **i. Actions related to staff recruitment**

- Safe recruitment and selection processes will be followed, including the necessary controls for those who work directly with or relate to children in any way.

#### **ii. Awareness-raising and training actions**

- All KOMONS staff must sign and comply with this Policy.
- All KOMONS staff will have access to a copy of this Policy.
- Abuse prevention will be included in the Organization's human rights training programs.
- When KOMONS work with other collaborating individuals or entities it will report on the content of this Policy to them.

#### **iii. Actions related to the media and digital environment**

- An informed consent of the child, parents or guardians will be obtained when it is necessary to capture their image through video, photography or audio recording for purposes related to the development of the activities and projects of the Organization, informing in detail the conditions of its use.
- Before capturing a child's image or audio, local traditions and restrictions relating to the reproduction of images or audios will be evaluated and respected.
- The protection of children shall be implemented by ensuring that they are represented in a dignified and respectful manner, without any action being interpreted being humiliating, degrading or in any way sexualizing.
- The privacy of children will be guaranteed, without possible disclosure of any personal data, identifying information or sensitive information.
- Complaints or concerns regarding inappropriate or inadequate use of images or audios of children will be registered.



## b) Responsive actions

### i. Complaint actions

- KOMONS staff shall report any incident, complaint or suspicion of abuse of children to their direct hierarchical officer or through the designated management board member for this purpose. Where suspicion is with a responsible or member of the management board, any other member of the management board who is not involved shall be informed.
- The report of a case of child abuse will be treated with due confidentiality given its sensitive information and will only be communicated to authorized persons and competent authorities.
- KOMONS is not an investigating authority. The cases shall therefore be referred to the competent authority in order to ensure adequate protection for the child.
- KOMONS management board shall develop a specific protocol for the communication and reporting of any situation of children abuse, which shall be handed over to all members of its staff as well as to collaborating individuals and entities.

## c) Support actions

- KOMONS does not tolerate any harm or retaliation against staff reporting any suspicious form of abuse or exploitation of children.
- The protection of children given a suspicion or verification of a case of abuse is essential. KOMONS will ensure that all necessary support measures are taken for the recovery and protection of the child.
- Support options will consist of first assistance by KOMONS staff and will make every effort to access other necessary support measures.
- KOMONS also wants to ensure healthy work dynamics, compatible with life, family, and personal development of its staff. In this sense, the Management Board has taken the following agreements:
  - Establish a culture of care within its staff, that meets the needs of caregivers of minors, the elderly or dependent persons.
  - Facilitate labor flexibility to attend care duties.
  - Facilitate work leave for care reasons, providing 3 days off per year to attend personal affairs.

- Take into consideration the care charges when defining the salary remuneration.

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*This Policy has been initially approved by the Management Board on 7<sup>th</sup> April 2021.*