

Mülteci
Hakları
Merkezi

Refugee
Rights
Turkey

Refugee Rights Turkey
Child Safeguarding Policy

Approver: Ethics and Compliance Manager - Deputy Director

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MÜLTECİ HAKLARI MERKEZİ – REFUGEE RIGHTS TURKEY

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RRT CHILD SAFEGUARDING POLICY

1. Introduction

This Child Safeguarding Policy is developed to further emphasize the responsibilities of all Refugee Rights Turkey (“RRT”) members, representatives, employees, and volunteers described in the Code of Conduct concerning direct contact and interaction with child and minor beneficiaries. This document is complementary to RRT's Code of Conduct and PSEA (Preventing Sexual Exploitation and Abuse) policies.

Accountability is of utmost importance for RRT to achieve its mission. We recognize the inherent power disparity between agencies and affected communities, which increases the potential for abuse and exploitation. In light of these vulnerabilities, RRT is committed to being accountable and ensuring the establishment and maintenance of an operational environment that aims to prevent and deter any intentional or inadvertent actions or omissions by RRT personnel that could put children at risk of harm or abuse.

Child safeguarding and child protection are two terms that are sometimes used interchangeably but do not in fact refer to the same concept. Child safeguarding refers to making an organization safe for children and includes a set of policies, procedures, and practices introduced and implemented to make every activity safe for all children. Child protection, on the other hand, is about making the world safer for children, referring to the system and the law which are in place to keep children safe. It includes the procedures that take place once a child has been identified as being at risk.

Taking into consideration the distinction mentioned above, RRT Safeguarding policy has been written to outline the actions we commit to taking in order to make our organization a safe space for children. On the other hand, RRT's "Child Protection Policies" encompass all the actions our organization takes to ensure that children have access to the protection they need (including direct support activities, capacity building, advocacy, etc.).

This document should be read in conjunction with:

1. Refugee Rights Turkey’s (RRT) statute, laying down its work and activities and workplace internal directives,
2. RRT’s Code of Conduct,
3. RRT’s Feedback and Complaints Policy,
4. RRT’s Anti-Corruption and Conflict of Interest Policy,
5. RRT’s Prevention of Sexual Exploitation and Abuse Policy,
6. RRT’s Personal Data Protection and Processing Policy,
7. RRT’s Internal Complaints Policy,
8. RRT’s Guideline for the Investigation of Reports of Suspected Misconducts.

Any breach of this policy will be viewed as a significant infringement, resulting in disciplinary action, up to and including summary dismissal, as well as any other legal remedy available.

2. Definitions

Best Interest of the Child: Children have the right to have their best interests as a primary consideration in all actions that concern them.

Child: Anyone under 18 years of age.

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 not limited to, child labor.

Do no harm: "Do no harm" is a principle which has been used in the humanitarian sector but is equally applied to the development field. It refers to organization's responsibility to minimize the harm they may be causing inadvertently as a consequence of their organizational activities.

Exploitation: The actual or attempted abuse of a position of vulnerability, power differential, or trust for the benefit of the individual leveraging their position, power, privilege, or wealth to engage a child in labor, domestic servitude or forced criminality.

Emotional Abuse: Harm to a child's emotional, intellectual, mental, or psychological development. This may occur as an isolated event or on an ongoing basis. Emotional abuse includes but is not limited to any humiliating or degrading treatment (e.g., bad name-calling; threats; yelling, screaming, or cursing at; teasing; constant criticism; belittling; persistent shaming; etc.), failure to meet a child's emotional needs, and rejecting, ignoring, terrorizing, isolating, or confining a child.

Physical Abuse: Non-accidental use of physical force that inadvertently or deliberately causes a risk of actual injury or suffering to a child. Physical force includes but is not limited to hitting, shaking, kicking, pinching, pushing/pulling, grabbing, burning, female genital mutilation, torture, and other physical acts. Physical injury or suffering may include but is not limited to bruises, marks, soft tissue swelling, hematomas, fractures, sprains, dislocation, burns, damage to organs, death, permanent disfigurement, and any other non-trivial injury.

Sexual Exploitation & Abuse (SEA): All forms of sexual violence and coercion, sexual solicitation, manipulation, or trickery including incest, early and forced marriage, rape, involvement in or exposure to indecent images/video (aka pornography), sexual slavery/trafficking, and statutory rape. Sexual abuse may include but is not limited to indecent touching or exposure, explicit sexual language towards or about a child and grooming. Sexual abuse does not always involve touching. Sexual Exploitation is any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes including but not limited to profiting monetarily, socially, or politically from the sexual exploitation of another. The sexual exploitation and abuse of children under the age of 18 is child abuse and a policy violation. It constitutes a criminal offense under the Turkish Penal Code.

3. Commitments

As per RRT's Code of Conduct, RRT is committed to observing the "best interest of the child" principle in all legal assistance interactions and interventions involving children and minors. All RRT staff always seek to care for and protect the rights of children, and act in a manner that ensures that their best interests shall be the paramount consideration. Abuse, neglect, exploitation, and violence against children is prohibited. All RRT staff must ensure that children's safety and well-being is always protected, and must prevent and respond to child abuse, neglect, exploitation, and violence. RRT staff shall never ignore or disregard any suspected or disclosed child harm or abuse by a colleague, including those within partner organizations. Such concerns should be immediately reported via established reporting mechanisms.

RRT also commits to:

- Treat children with respect and equally, regardless of their age, sex, language, religion, opinion, or nationality, ethnic or social origin, status, class, caste, sexual orientation, disability, or any other personal characteristics.
- Maintain a culture of communication and create trust with the children and their families.
- Create a safe environment for children and their families by paying attention to cultural sensitivities and gender appropriate delegation.
- Use non-violent and positive behavior while assisting children.
- Encourage children and communities to speak openly about their interactions with adults and with each other.
- Empowers children by informing them of what is acceptable and unacceptable behavior by staff and associated personnel.
- Inform children of their right to report any worrying situations and how they can raise a concern.
- Empower children so that they are in a position to better protect themselves.
- Ensure that information concerning children, families and communities remains confidential.
- Analyses risk when organizing activities and programs involving children and plan for ways of mitigating risk.

As per RRT's Code of Conduct, sexual relationships between its staff members and persons of concern are prohibited even though these relations are not exploitative or abusive. Such relationships may undermine the credibility and the integrity of RRT and of the staff members involved. RRT would like to further underline that **Sexual activity with children (that is all persons under the age of 18) is prohibited. Mistaken belief in the age of a child is not a defense.**

In order to safeguard the integrity, wellbeing and health, RRT staff shall:

- Never exchange money, job, goods or services or humanitarian aid for sexual favors or subject the child to any other kind of humiliating, degrading or abusive behavior.

- Never touch children or use language 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).
- Never act in ways that will negatively affect a child's sense of self-confidence or self-worth.
- Never condone, or participate in, behavior with children which is illegal, unsafe or abusive.
- Never exploit a child for labor (for example through domestic work or running errands).
- Never discriminate against, treat children unequally or unfairly for example by favoritism and excluding others.
- Never invite a child or their relatives to her/his home (it is not an excuse that child is unaccompanied and do not have a place to stay) or develop a relationship with a child (and/or their family) which may be considered outside normal professional boundaries.
- Never visit a child's home without prior authorization from senior manager and visit a child's home outside the job requirements.
- Never meet with the child outside the office hours in the office without the prior authorization of senior manager.
- Never be under the influence of drugs or alcohol while working with children.
- Never engage in any commercially exploitative activities with children including child labor or trafficking.
- Never show favor to particular children to the exclusion of others (for example, promising a child gifts).
- Never take photos or videos of children unless manager asks or assign them to do so. (If a child wants to be taken photo with the RRT staff it is necessary to take written informed consent from the relatives of a child.)
- Never publish a story or image which may endanger the child, their family or community.
- Never watch, publish, produce, or share pornography showing children, and/or show pornographic material to children.
- Never 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.
- Never use photos or post unofficial pictures or information about children on personal websites or social networks (such as Facebook, Instagram, etc.).
- Never maintain contact with beneficiary children and their families via social networks, unless a specific RRT project requires them to do so, and they have been given explicit permission.
- Never take children to places where there is alcohol (In other words, RRT employees are obliged to be professional in domestic and international travels within the scope of legal consultancy services. When necessary, children should be taken to places suitable for their age, and never cause a situation that would put their safety at risk in any way).
- Never turn a blind eye, ignore or fail to report any concern, suspected violation or violation of Code of Conduct, PSEA Framework or Child Safeguarding Policy.

4. Prevention and Deterrence

To ensure that RRT is safe for children; RRT promotes awareness and prevention mechanisms to mitigate the risk of or actual harm that may come to children by representatives across all programming, operations, and activities:

Awareness: To prevent, report, and respond to safeguarding concerns, all representatives receive contextualized support. The expectation that representatives comply this policy is communicated to them.

Prevention: Through awareness raising, implementation of procedures, and good practice, representatives demonstrate an understanding of the risks to children within and across programs and operations, and engage effective strategies to mitigate harm, abuse, and exploitation. Staff and managers will receive support to ensure that they create a safe, healthy environment where children's rights are respected, and child abuse is prevented.

Reporting: All RRT representatives know how to report and who to contact when any concern arises.

5. Child Safeguarding training and education

RRT understands that staff and associates need to understand safeguarding policies, acceptable and unacceptable behavior towards children, their safeguarding roles and responsibilities, and how and to whom they have to report when concerns or incidents arise.

As part of the orientation program for all newly hired employees at RRT, training sessions are conducted by the Ethics and Compliance Manager, covering RRT Code of Conduct, PSEA, and Child Safeguarding policies. These training sessions are also followed by refresher courses provided to the entire team every six months to ensure ongoing awareness and compliance.

Furthermore, as an integral part of the orientation program, certain online courses are made mandatory for teams working closely with children. These courses are provided by different platforms and include the following:

1. **Summary of Prevention of Sexual Exploitation and Abuse:** This course is available in English, Arabic and Turkish. It can be accessed at: <https://agora.unicef.org/course/view.php?id=28696>
2. **Safeguarding Essentials:** This course is available in English, Arabic, French, and Spanish. It can be accessed at: <https://kayaconnect.org/course/info.php?id=1424>
3. **Safeguarding:** The course is available in English and Arabic. Accessible on: <https://kayaconnect.org/course/info.php?id=1651>
4. **Child Safeguarding in Coordination of Education and other clusters:** This course is aimed specifically at education cluster or education in emergencies working group coordination teams, but it is also relevant to those working in other clusters and sectors. It is available in English and French. Accessible on: <https://kayaconnect.org/course/info.php?id=3948>

Additionally, ongoing efforts are being made to create a library of training materials and essential readings related to child communication techniques, child protection, and safeguarding for teams working closely with children at RRT. This library will serve as a valuable resource to further enhance the knowledge and expertise of our staff members in safeguarding and child protection matters.

6. Complaint and Investigation

RRT is committed that the RRT's Feedback and Complaint Mechanism and RRT's Internal Disciplinary Mechanism is safe, gender-sensitive, and appropriate to the context. They carry out timely, impartial, independent, and fair investigations for allegations of sexual exploitation and abuse.

As per RRT's zero tolerance policy, perpetrators shall be held accountable for their actions.

Confidentiality interests and the interests of survivors shall be considered before and during all cases. Protections from retaliation will be offered. Survivors shall be appropriately updated on the process and informed of available support.

RRT is committed to be particularly vigilant to any sign or evidence coming from the community where they work and immediately report any case to the RRT's Feedback and Complaint Mechanism. This includes both specific complaints and rumors regarding possible exploitation or abuse by a member and/or other external persons or even when the institutional affiliation of the perpetrator is unknown.

In cases involving children, all decisions made regarding the prevention and response to allegations falling within the scope of this Policy are guided by the best interests of the child and the right of the child to participate and to be heard.

7. Application of the Policy

7.1. Staff Responsibility

RRT staff must apply the standards of the policy in their conduct, promote its application throughout the organization, contributing to the creation of a culture of compliance, and avoiding and correcting any behavior which contravenes it. All staff members are obligated to report any wrongful acts or suspected wrongful acts in alignment with the RRT Internal Complaints Policy. To facilitate the reporting process, the communication channels specified in the policy must be utilized for submitting reports. These reports will be diligently assessed and investigated following the procedures outlined in the "RRT Guideline for the Investigation of Reports of Suspected Misconducts" document.

No-one who reports in good faith any facts or activities through these channels will be the target of reprisals nor will they suffer any other adverse consequence as a result. RRT considers knowingly making a false report to constitute a violation of this policy. Doing so will result in disciplinary action up to and including the possibility of termination of employment or termination of the violating party's contract and/or business relationship with RRT.

7.2. Safe Recruitment and Selection

Safe Recruitment means using recruitment processes that help keep children safe, including robust safety checking. RRT will only recruit representatives who are suited to work with children. Strict child-safe recruitment practices apply to all candidates, which include but are not limited to comprehensive background screening thorough interviewing procedures, and robust reference checks.

The Child Safeguarding Policy is signed by all staff and is a binding commitment that the employee agrees to and is committed to following all safeguarding policies and procedures, both in their professional and personal interactions with children.

7.3. The Role of Ethics and Compliance Manager

The responsibilities of Ethics and Compliance Manager include promoting the awareness and application of this Code, developing, and disseminating the procedures developed by it, and assisting anyone who wants to use this mechanism in resolving any doubts in its interpretation. You must cooperate with Compliance and use it to help you apply the Policy.

7.4. Review

RRT hold overall accountability for this Policy and its implementation. They are responsible for ensuring the policy is reviewed every year and updated if necessary. This policy document is reviewed each June of the year by Ethics and Compliance Manager and approved by RRT Management. Staff is notified of the changes via e-mail. During the meetings held regularly by the Ethics and Compliance Manager with the staff, information about the policy document is provided and questions about the content are answered. RRT reserves the right to make changes to the document when it deems necessary, without waiting for the annual review.

8. Reference Documents

This policy document is fully in compliant with relevant national legislation as well as key international legislation. RRT was inspired by and benefitted from following key guiding documents, statements and standards, and make the utmost effort to fully comply with principles set forth. As of the date of review of this policy document, this policy is fully compliant with the following:

- Relevant Turkish laws and policies including Turkish Constitution, Turkish Civil Law (Law No. 4721), Child Protection Law (Law No. 5395) and Turkish Penal Code (Law No. 5237).
- Convention on the Rights of Child, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>
- UNHCR Guidelines on Assessing and Determining the Best Interests of the Child, 2018 Provisional Release: <https://www.refworld.org/pdfid/5c18d7254.pdf>
- Inter-Agency Guidelines for Case Management and Child Protection: A GUIDE FOR POLICY & PROGRAMME MANAGERS AND CASEWORKERS, JANUARY 2014, available at: http://www.cpcnetwork.org/wp-content/uploads/2014/08/CM_guidelines_ENG_.pdf

- Core Commitments For Children in Humanitarian Action, UNICEF, October 2020, available at: [https://www.unicef.org/media/130411/file/CCS%20\(English,%20full\).pdf](https://www.unicef.org/media/130411/file/CCS%20(English,%20full).pdf)
- The Alliance for Child Protection in Humanitarian Action, Child Protection Minimum Standards in Humanitarian Action, 2019, available at: <https://spherestandards.org/resources/minimum-standards-for-child-protection-in-humanitarian-action-cpms/>
- United Nations, Committee on the Rights of the Children, General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, May 2013, available at: <https://digitallibrary.un.org/record/778523?ln=en#record-files-collapse-header>
- UNICEF (2016) *Policy on Conduct Promoting the Protection and Safeguarding of Children* <https://www.unicef.org/supply/documents/policy-conduct-promoting-protection-and-safeguarding-children>