



CHILD SAFEGUARDING POLICY

Child Safeguarding Policy

1.0 Background

Mercy-USA for Aid and Development recognizes the value of children and their intrinsic rights to life, to be protected from abuse and exploitation and to have their privacy protected, among others. Children, as one of the primary beneficiary groups of Mercy-USA's programming worldwide, are at the heart of both its lifesaving and development programming.

The UN Convention on the Rights of the Child (CRC) states that all children, without any exception, have equal rights to survival, health, education, participation and protection. Mercy-USA is thus committed to protecting and ensuring the safety and dignity of all children and securing their rights. To that end, Mercy-USA ensures that all children, irrespective of age, ethnic group, gender, religion, sexual orientation, disability or identity, are accorded the same protection and are entitled to equal access to its essential and lifesaving services offered. Disadvantaged children, such as those from minority groups or with disabilities, face additional needs that are explicitly identified and incorporated in Mercy-USA's program design to ensure additional measures are taken to support their accessibility to, and inclusion in, the respective program.

Mercy-USA commits to delivering its programs in a manner that is safe for all children it serves and to actively help protect all children with whom it comes into contact. To that end, Mercy-USA is committed to this Child Safeguarding document, which consists of a set of policies, procedures and practices employed by everyone at Mercy-USA to ensure it is a child-safe organization.

Mercy-USA acknowledges and appreciates the public documents and other international NGOs from which it borrowed definitions and other content to inform the development of this policy, including Save the Children, World Vision, UNICEF, the Convention on the Rights of the Child (CRC), and others.

2.0 Definitions

A **child** is considered anyone who is under 18 years of age (as per the CRC).

Child Abuse is considered an act which involves the direct or indirect harm of children, including damages to their prospects of safe and healthy development, by individual/organizational actions, institutions or processes. The following are the main categories of Child Abuse:

- A. **Physical Abuse:** The use of physical force that causes or is likely to cause physical injury or suffering (such as hitting, shaking, burning, female genital cutting, torture, etc.). This also includes the hiring of children for child labor, and spending excessive or unnecessary time alone with a child in a secluded area that is mentally, physically, socially or morally harmful to children or that interferes with their schooling.
- B. **Emotional Abuse:** Any humiliating or degrading treatment of a child, such as derogatory name calling, belittling, persistent shaming or criticism, solitary confinement and isolation.
- C. **Neglect/Negligence:** Persistent failure to meet a child's basic physical and/or psychological needs, such as by failing to provide adequate food, clothing or shelter, failing to prevent harm, failing to ensure adequate supervision or failing to ensure access to appropriate medical care or treatment.
- D. **Sexual Abuse:** All forms of sexual violence, including incest, early marriage, forced marriage, rape, involvement in pornography, sexual slavery, indecent touching or exposure, using sexually explicit language towards a child and showing children pornographic material. This also includes fondling, holding, kissing or hugging children in an inappropriate or culturally insensitive way.

Mercy-USA has in place a policy and code of conduct on **Sexual Exploitation and Abuse** (see Annex A), which refers to any actual or attempted abuse of a position of vulnerability, power or trust for sexual purposes, such as profiting financially, socially or politically from the sexual exploitation of another. This encompasses sexual exploitation of child beneficiaries in exchange for access to services or aid.

3.0 Policy Components

The following guidelines, documents and supporting procedures constitute the Child Safeguarding Policy:

1. The Child Safeguarding Policy Core Document
2. Annex A – Sexual Exploitation and Abuse Policy
3. Annex B – Communication on Children Guidelines
4. Annex C – Child Protection in Site Visits Guidelines
5. Annex D – Child Abuse Reporting Form
6. Annex E – Background Check Authorization

4.0 Responsibilities

This policy (including all of the components in section 3.0) applies to and must be signed by all **representatives of Mercy-USA**, including:

- employees
- volunteers
- interns
- consultants
- board members
- sub-contracted partners
- independent contractors
- those who work with children on behalf of Mercy-USA
- those who have access to sensitive information about child beneficiaries of Mercy-USA.

This policy and the objectives therein will be verbally communicated through a brief orientation to the following stakeholders so that they are made aware of the policy, but not required to sign as they are not direct Mercy-USA representatives:

- Community committee members (i.e. health facility committees, school committees, beneficiary selection committees, etc.)
- Program site visitors (to be oriented by officer in charge of site, such as facility in-charge of health facility or headmaster of primary school).

All Mercy-USA representatives are to be trained on this policy within the first two weeks after induction to Mercy-USA and will take a refresher training every two years, which is the joint responsibility of **Managers** and **HR**.

All **Mercy-USA representatives** are expected to conduct themselves in a manner consistent with these policy obligations. Any violations of this policy will result in disciplinary action, including termination of contract and other legal remedies.

The **Child Safeguarding Focal Point(s)** (hereby CS Focal Point) in each Mercy-USA country head office will be charged with receiving any suspected or confirmed incident reports, as outlined below in Section 6.3. The CS Focal Point will be a designated person (or persons) within Mercy-USA and appointed by the Senior Management, such as the HR Coordinator. The CS Focal Point can be 1-3 individuals (chaired by 1 person if a group) and is responsible for resolving reported cases of abuse

committed only by Mercy-USA representatives, and not by external parties (explained below in Section 6.3).

The **field level CS Focal Points** will be charged with disseminating, overseeing implementation and sensitizing representatives of Mercy-USA on the policy at the field level. They will also serve as the primary points of contact for all external and internal parties at the field level for information about the policy. The head of the field office (i.e., Field Coordinator) and head of site/facility (i.e. Facility In-Charge of health facility) will be appointed as the field level CS Focal Points. Where there are no staff members present (such as the school/health facility committees), the CS Focal Point will be defined by the SMT on a needs basis. The field level CS Focal Points will also be responsible for mounting key excerpts of this policy document (as shared by the regional office CS Focal Point) on a strategic and visible part of the wall of each facility/site, including health facilities and schools for consumption by all Mercy-USA representatives and beneficiaries.

The **Senior Management** of Mercy-USA is charged with enforcing this document and working with the CS Focal Point to address any violations of it, including taking active steps to identify violations, respond to cases of abuse and continuously review applicable policies and procedures to identify gaps or weaknesses. The SMT will review this policy on an annual basis to make any necessary amendments to improve its comprehensiveness and effectiveness, as well as continuously spearhead the development of initiatives to make Mercy-USA a more child-safe organization, such as developing minimum standards required at each facility (i.e. health facility/school) to ensure it is child-safe.

5.0 Recruitment

Child protection must be addressed in job descriptions, application forms, interviews and in references (including asking about previous work with children) for adequate child protection screening of all candidates wishing to work with Mercy-USA, including staff, community committee members, volunteers and independent contractors. Job descriptions and Terms of Reference for vacancies will include a clause on compliance with the Child Safeguarding policy. During recruitment, a disclosure statement will be included to outline that if an employee is discharged by Mercy-USA for violations of this policy, Mercy-USA can disclose information if requested by a prospective employer, in accordance with applicable law and/or customs.

Every prospective Mercy-USA employee for a position involving interaction with children or access to children's personal information must agree to undergo a criminal background check, as permissible in their jurisdiction and market. HR must send a background check authorization (see Annex E) to the prospective employee, who must then complete and return the form with a hand-written signature (not electronic). Mercy-USA must then initiate and clear the background check before recruitment can take place, and save the record in a file. Any former conviction of a crime against children automatically disqualifies the candidate for working with Mercy-USA.

Where the context does not allow feasible or trustworthy background checks, formal exemption approval by the Country/Regional Director must be required and alternative checks must take place, such as employee reference checks involving questions about knowledge of any past child abuse, consulting local authorities or councils about any known past child abuse or requesting a good conduct/clearance certificate or no history of a criminal record certificate issued by the police.

6.0 Incidents of Child Abuse

6.1 Prevention of Incidents

6.1.1 **Two-adult rule:** during activities or services where children are involved, two or more adults should be involved to supervise the activity, where feasible.

- 6.1.2 No child shall be taken alone in a Mercy-USA vehicle, unless absolutely necessary and with parental/guardian and managerial consent.
- 6.1.3 No Mercy-USA representative may stay alone overnight with a child beneficiary (unless part of their immediate or extended family) at any location.
- 6.1.4 No Mercy-USA representative may place themselves in a vulnerable position with children.
- 6.1.5 No Mercy-USA representative may discriminate against, exclude or favor particular children.
- 6.1.6 Personal child information that is captured, stored or sent through electronic, online or mobile devices must be password protected.
- 6.1.7 Mercy-USA shall conduct criminal background checks (or alternative checks, where police checks are not feasible) on all Mercy-USA representatives and any visitor to Mercy-USA's programs.
- 6.1.8 All program design processes will include assessment and analysis of child protection threats and resources in the proposed area of operation, and how these may be affected by the proposed program.
- 6.1.9 Any sub-award or partnership agreement by Mercy-USA with another organization will include a clause on child protection to ensure that the partner also complies with this policy.
- 6.1.10 Any communication, including images or information about children, must comply with the communication guidelines in Annex B.
- 6.1.11 Any visitor to Mercy-USA projects involving children in any way must comply with the visitor guidelines in Annex C and must receive information about appropriate conduct.

6.2 Reporting on Incidents

- 6.2.1 If a child is in danger or harm, call the appropriate local authorities immediately (if it will not further endanger the child).
- 6.2.2 Every Mercy-USA staff and representative are responsible for, and obligated to, report any suspicious or confirmed cases of child abuse or child protection concerns involving any Mercy-USA representative.
- 6.2.3 Suspected or confirmed violations of this policy must be immediately reported to the country head office CS Focal Point within 24 hours of the incident with a copy provided to HQ at safeguarding@mercyusa.org through an incident report, using the form in Annex D. If preferred, this can be submitted anonymously.
- 6.2.4 All records and reports must be preserved and filed safely, and kept confidential to the extent possible.
- 6.2.5 If an incident is committed by the CS Focal Point(s), the case must be reported directly to the Country/Regional Director.
- 6.2.6 All reports will be investigated by the country head office CS Focal Point and SMT, with a decision made, action taken and response to the reporter of the incident within a maximum of 2 weeks of the report being received.
- 6.2.7 If an incident is committed by someone not affiliated with Mercy-USA (any external party), the Mercy-USA representative aware of this incident is still required to report it as per the procedure described above. The CS Focal Point and SMT will review the case and, if deemed appropriate and safe, will make a formal referral to the authorities.
- 6.2.8 Where there are widespread harmful local practices not involving Mercy-USA staff, such incidents will be reported on a regular basis and Mercy-USA will work with relevant local authorities, religious leaders, women and children's groups and other stakeholders to sensitize the community against such practices. This process will be documented and filed.

6.3 Responding to Incident Reports

- 6.3.1 Upon receiving an incident report, the CS Focal Point is responsible to lead the investigation. An initial assessment will be conducted and a full account of the matter will be recorded on section 2.0 of the child abuse reporting form.
- 6.3.2 Where evidence supports, the CS Focal Point is responsible for informing Senior Management.
- 6.3.3 The CS Focal Point and Senior Management must ensure the appropriate corrective actions and remedial measures are taken. They must seek professional advice and work with the HR to determine the next step.
- 6.3.4 Where relevant and safe, reporting to the local authorities should also take place.
- 6.3.5 In cases where the allegations relate to members of Senior Management, the CS Focal Point should investigate and if deemed credible, forward the report directly to Mercy-USA's headquarters.
- 6.3.6 In cases where the allegations relate to the CS Focal Point, the Country/Regional Director will receive the report and immediately suspend (with pay) the employee to allow for the investigation to take place by the Senior Management. If the allegation is found to be supported by evidence, the Country/Regional Director and Senior Management must perform duties 3 and 4 above and dismiss the staff member. If there is no evidence to support the allegation, the staff member will be recalled and briefed.

7.0 Acknowledgment of Compliance

This policy will be translated in the local language to ensure full understanding prior to signing.

Noncompliance with this policy will be taken seriously. Mercy-USA reserves the right to refer criminal offences to police or other authorities.

The following statement confirms understanding of and compliance with this policy:

"I have received, read and understood the Child Safeguarding Policy and agree to fully adhere to the expectations and provisions therein. I am fully aware that should I fail to comply with the policy, I will be liable to dismissal and/or legal remedies commensurate to the offence.

I testify that I have not been involved in any form of child abuse before.

I promise to respect, honor and protect children at all times during my work through my conduct, the language that I use and by immediately reporting child protection violations of which I am aware. To show my consent and commitment to comply with the policy, I hereby sign this declaration."

Name: _____

Position: _____

Relationship with Mercy-USA: _____

(i.e., current employee, prospective employee, intern, volunteer, contractor, donor, partner, etc.).

Signature: _____

Location: _____

Date: _____

1.1 Scope

Mercy-USA has established a Sexual Exploitation and Abuse (SEA) complaint mechanism which enables both beneficiaries and staff to make SEA complaints and seek redress in a safe environment. The mechanism is intended to be effective, accessible and safe for users. Any such cases are reported to immediate line managers in the program locations, and, in the event that the managers are the offenders, then the case is reported to the Human Resource Department at the country/regional head office. Mercy-USA will operate a similar inclusive redress system with any sub-partners.

2.1 Procedure

Mercy-USA's Human Resources Departments sensitize all staff on the expectations and requirements of the Sexual Exploitation and Abuse Policy. It is emphasized that in program implementation it is necessary to sensitize stakeholders especially the beneficiaries on the existence of the Code of Conduct and set reporting/communication mechanisms for SEA cases. Mercy-USA cautions that in principle, sexual relations between humanitarian workers/Mercy-USA staff and beneficiaries of assistance are strongly discouraged because they are based on inherently unequal power dynamics. This also includes sex for help or help for sex under any circumstances.

Mercy-USA staff members are given an orientation on SEA, including exploring definitions of sexual exploitation and abuse, its causes and consequences with the aim to reinforce the ethical behavior of the organization's staff. The Mercy-USA Employment Policy also stipulates that any manner of sexual harassment is prohibited, leading to disciplinary actions including termination of employment with the organization. All staff members are also obliged to sign the SEA policy, an example of which is included below (Mercy-USA SEA Code of Conduct Compliance Form). Any sub-partners are expected to follow the same procedures, with strict adherence to the policy.

At the Country/Regional office, there is a focal team comprised of the management staff with the Human Resources Department as the lead. This team acts as the focal point for all issues relating to SEA in their area(s) of operation. The team handles such issues and gives guidance on the way forward in dealing with all SEA matters and possible investigations.

3.1 Mercy-USA SEA Code of Conduct Compliance Form

All Mercy-USA for Aid and Development personnel, contractual workers and volunteers must uphold the highest standards of professional and personal conduct. At all times, Mercy-USA staff and contractual workers must treat the local population with respect and dignity, in particular vulnerable groups such as women and children.

Sexual exploitation and sexual abuse (SEA) are acts of unacceptable behavior and prohibited conduct for all Mercy-USA staff. SEA damages the image and integrity of Mercy-USA and erodes confidence and trust in the Organization.

Sexual exploitation and abuse by Mercy-USA employees or contractual workers constitute acts of gross misconduct, and are, therefore, grounds for termination of employment;

- 1) Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defense;
- 2) Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading, or exploitative behavior, is prohibited. This includes exchange of assistance that is due to beneficiaries;

- 3) Sexual relationships between Mercy-USA workers and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of our humanitarian aid work;
- 4) Where a Mercy-USA worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in Mercy-USA or not, he or she must report such concerns via established Mercy-USA reporting mechanisms.

All Mercy-USA staff must contribute to an environment that prevents sexual exploitation and abuse. Executives and Managers have a particular responsibility to develop systems and cultivate an environment that prevents SEA and ensures strict compliance with the Code of Conduct. Mercy-USA personnel are obligated to report any concerns regarding sexual exploitation and abuse by a fellow worker through the established reporting mechanisms.

Any violation of the Code of Conduct will be considered as serious misconduct. SEA activities will be investigated and may lead to drastic disciplinary measures, including suspension, immediate or summary dismissal.

I have read and understand this Code of Conduct and will comply fully with it.

Name of Employee/Contractor	Signature:	Date:	Location:
Name of Witness	Signature:	Date:	Location:

Annex B – Communication on Children Guidelines

1.0 Background

Mercy-USA has a responsibility to expose injustices and human rights violations faced by children in humanitarian crises in order to compel people, donors, organizations and governments to act. However, we must not exploit children or harm their dignity or humanity in an effort to raise funds or awareness. We must also not place children at risk of exploitation, retribution or stigmatization by reporting on their circumstances. We must therefore practice “ethical reporting – serving the public’s interest for trust without compromising the rights of children” (UNICEF).

2.0 Interviewing Children Guidelines

- 2.1 Ensure that there is an adult/parent/guardian present during the interview.
- 2.2 Ensure that the child and guardian are aware that they are talking with an interviewer and explain the purpose and use of the interview, and where the story will be disseminated.
- 2.3 Obtain permission from the child and the guardian for the interview, video and/or photographs without any coercion through signature of a formal release. Copies of this signed form must be retained and filed. This release can be verbal, in the presence of at least two other adult witnesses, if not possible to be signed in an emergency context.
- 2.4 No payments or compensation are to be given to the child or guardian for the interview, footage or consent.
- 2.5 Do no harm to the child; avoid judgement and cultural insensitivity, including questions, attitudes or comments that endanger or humiliate the child, or reactivate pain, grief or trauma.
- 2.6 Do not ask the children to promote products or to tell a story that is not their own.
- 2.7 Limit the number of interviewers/photographers involved in the interview and ensure that the child feels comfortable and does not feel pressured in any way.

3.0 Photo and Video Guidelines

- 3.1 A release is required which informs the parent/guardian of the intended use of the photo/video and the extra protection of high-risk children. This release can be verbal, in the presence of at least two other adult witnesses, if not possible to be signed in an emergency context. If signed, copies of this signed form must be retained and filed.
- 3.2 Ensure the photos and videos are clear, convey a story with a clear beginning, middle and end, and convey an emotion or action. Describe the context and ensure it is compelling.
- 3.3 Never take photos of nude children.
- 3.4 Ensure the dignity of the child—convey the child as a brave survivor, not a helpless victim. The child, family or community should be the hero in the story, not any outsiders.
- 3.5 Never depict a child in serious health or danger without care (for example, a crying baby alone or children with fresh wounds).

4.0 Reporting on Children Guidelines

- 4.1 Do not stigmatize the child or describe the child in a way that exposes them to harm, discrimination or rejection.
- 4.2 Provide accurate context for the child’s story and/or images.
- 4.3 Do not give information that can lead to a child being identified or traced by others. Provide region or district level information only, not village level or their school. Only use their first name.
- 4.4 Always change the name and obscure the visual image if the child is high-risk; such as a victim of sexual or physical abuse or exploitation, an asylum seeker, refugee or IDP, orphaned or abandoned, charged or convicted of a crime, a current or former child soldier, is HIV positive, is infected with a deadly disease or does not wish to be named.
- 4.5 If changing the child’s name to protect their identity, ask the child during the interview which name they would prefer. If the child does not give a preference, then consult someone from the local community to select a culturally appropriate name.
- 4.6 Verify the accuracy of the child’s statements with other children and/or adults.

- 4.7 If the child may be at risk, report on the situation generally speaking for children rather than specifying the individual child in the story.
- 4.8 Never create a hypothetical tragic situation of what will happen if Mercy-USA “does not help.”

5.0 Interview/Photo Release Form

In support of Mercy-USA’s mission and without any expectation of compensation, I give consent to Mercy-USA to:

- a. use my child’s first name (unless a high-risk child);
- b. interview, film, photograph, video record my child (unless a high-risk child);
- c. use my child’s image, interview statements, excerpts of statements and original creations (i.e., child’s stories, poems or artwork) in Mercy-USA’s publications (print and online) for educational, awareness raising and/or fundraising purposes.

This consent, indicated by my signature below, will not expire nor does it require additional permission from me.

Name and signature of parent/guardian:* _____

Child’s Name: _____

Child’s Age: _____

Date: _____

Location: _____

**If consent form has to be read to the parent/guardian by a Mercy-USA representative or community leader, please also sign below:*

I certify that I have read this release form in full to the parent/legal guardian, whose signature appears above.

Name and signature of Mercy-USA representative/community leader: _____

Annex C – Child Protection in Program Visit Guidelines

1.0 General Procedure

- 1.1 Any visitor to a Mercy-USA site must be trained on the Child Safeguarding policy and sign the acknowledgement of understanding and compliance with the policy. Visitors include

staff, interns, consultants, volunteers, vendors, policymakers, talent, corporate partners, donors, board members, journalists, etc.

2.0 Prior to Site Visit

- 2.1 Every visitor must inform the Mercy-USA field focal person of their planned visit to the site at least 2 days in advance.
- 2.2 Under no circumstances may a visitor arrive at a program or site unannounced, whether or not children are present.
- 2.3 Mercy-USA must review expectations of the site visit with the visitor, including signed acknowledgement of the Child Safeguarding Policy. This signed copy should be retained in files; if the visitor participates in multiple visits then the policy needs to be signed only once per year.
- 2.4 Mercy-USA must explain the Communication Guidelines to visitors and others involved in the site visit, including caregiver/parents/guardians of children, and obtain the signed release form for photos/videos/stories of the child, as per the Communication Guidelines.

3.0 During Site Visit

- 3.1 Adhere to the two-adult rule as outlined in the Child Safeguarding Policy, wherein two or more adults are required to supervise all activities involving children.
- 3.2 Children must never be left alone with a visitor.
- 3.3 The visitor must not exchange personal information with any child, including address, phone number, email or social media contacts.
- 3.4 The visitor must dress appropriately and in a culturally acceptable way.
- 3.5 The visitor must show respect for local culture, and human and child rights.
- 3.6 Do not share the child’s name, photo or any other information on personal social media. Do not share the child’s full name or location on professional social media during or after the site visit, and turn off devices that automatically populate the location (geo-tagging) on social media.
- 3.7 No visitor may stay overnight with child beneficiaries (unless part of their immediate or extended family), in any location.
- 3.8 Visitors may not visit the child’s home unless they have both:
 - a) Obtained consent from the child’s guardian, and
 - b) The child’s guardian is present during the visit.
 If not, the visit must take place in a communal and public location.

Annex D – Child Abuse Reporting Form

1.0 Mercy-USA Representative’s Account

Name of Mercy-USA Representative	
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Submitting the Report:*	
Date of incident:	
Time of incident:	
Location of the incident:	
Type of incident: (Physical, Emotional, Neglect or Sexual abuse)	
Brief description of incident:	
Relevant actions that are currently taking place:	
Date of report submission:	

**Leave blank if wish to remain anonymous*

Leave part 2.0 blank for the CS Focal Point to fill.

2.0 CS Focal Point's Account:

Name of Reporting CS Focal Point(s):*	
Date Received Report:	
Mode of Receiving Report:	
Details of Investigation:	
Sources of Information Consulted:	
Detailed Account(s) of Incident and Relevant Sources:	
Final Findings:	
Actions Taken:	

Recommendations for Way Forward:	
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**Leave blank if wish to remain anonymous*

Annex E – Background Check Authorization Form

I hereby give consent to Mercy-USA for Aid and Development to conduct a thorough background check with regards to child abuse, including consulting the police, other relevant authorities, community leaders and/or former employers. I understand that should I have any history of child abuse, I will not be granted employment or visitation rights of any kind with Mercy-USA.

Position/Duty/Visit Requested: _____

Name: _____

Signature: _____

Date: _____

Location: _____