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| **CHILD PROTECTION AND SAFEGUARDING POLICY** |

# Short profile of IDM

The Institute for Democracy and Mediation (IDM) is an independent, non-governmental organization, founded in November 1999 in Tirana – Albania. Its mission is to strengthen the Albanian civil society, to analyze and support the EU accession and development process in the country, and to help consolidation of good governance and inclusive policy making. IDM carries on its objectives through expertise, policy analysis, applied research, as well as through building capacities of key societal actors and developing partnerships for evidence-based policy alternatives. By combining the advantages of a knowledgeable think-tank and a resourceful operational non-governmental actor, the institute’s expertise extends in the following key sectors and thematic areas: Evidence-based and inclusive policy processes, good governance, anti-corruption reforms and integrity building; Consolidation of local democracy, accountability and transparency of local governance; Sustainable integrated development with particular focus on EU development policies; Security sector reform, specialized studies and applied research on a wide range of security issues, including violent extremism and religious radicalism; Development of civil society sector as a powerful actor to generate broad consent, values and positive change; Human capital development, management and result oriented performance; EU enlargement process with a specific focus on Western Balkans’ accession.

# Introduction

Ensuring the safety and protection of children and youth is an essential aspect of all our work. Unless individuals are safe and treated well, with dignity and respect, it is impossible for them to realize their full potential or to benefit fully from the development activities targeted at them. Children and youth engaged in project activities may be at risk of harm from organizations and institutions that intend to help them, either as a result of abuse and exploitation by individuals in positions of trust, or through their engagement in project activities in general.

Given our values and in light of widely recognized risks, the Institute for Democracy and Mediation (IDM) has developed this policy to promote protection for all the children and youth it supports through its work. It is an active commitment by IDM to undertake a coordinated response to protection issues throughout all its operations.

IDM is committed to creating and maintaining a safe and positive environment and acknowledges the responsibility to safeguard the welfare of all people directly involved with us, in accordance with the laws and regulations of the Republic of Albania. The IDM safeguarding policy and procedures apply to all children and youth involved in actions implemented by IDM.

IDM will encourage and support donors, partner organizations and institutions to demonstrate the same commitment to the principles and practice of equality, inclusion and safeguarding as set out in this policy and procedures document.

In order to safeguard children’s rights and safety, IDM has drafted this policy manual in line with the existing child protection legislation and practices in Albania. Therefore, we will abide to the country’s protocols and standard operation procedures when offering services or organising activities. The safeguarding policies and measures already will be mainstreamed in the entire projects, aiming to provide child-friendly and safe spaces to ensure child physical integrity and dignity as well as protection against violence, abuse and exploitation.

# Scope

* **For IDM staff and experts**

Compliance with this policy is mandatory for all IDM staff. For the purposes of this policy, ‘staff’ is defined as anyone who works for, or is engaged by IDM, either in a paid or unpaid, full time or part time capacity. This includes directly employed staff, contracted external experts, consultants and interns.

* **For IDM Board of Directors**

As the members of the Board act at all times in the best interests of IDM and the ultimate beneficiaries, they are expected to support the implementation of this policy. This expectation is made clear to the IDM Board of Directors through safeguarding updates during board meetings.

* **For Sub-Grantees of IDM**

Ultimately this policy is for the protection of all children and vulnerable youth we engage with through our Sub-Grantees/Sub-Recipient organizations. Thus, the principles and approaches set out in this policy also apply to sub-granting organizations with whom IDM works in a programme and grant management capacity.

# Principles

The guidance given in the policy and procedures is based on the following principles:

**Recognition of the best interest of children and youth**

All children and youth, regardless of age, ability or disability, gender, race, religion, ethnic origin, sexual orientation, marital or gender status have the right to be protected from abuse and poor practice and to participate in an enjoyable and safe environment.

All activities must be designed taking in consideration the well-being and interests of children, in all circumstances. We all have a shared responsibility to ensure the safety and well-being of all minors and will act appropriately and report concerns whether these concerns arise within the premises of IDM or in activities implemented by IDM in the wider community. In special circumstances, relevant personal information can be shared with law enforcement agencies if it is to keep a child or individual at risk safe from neglect or physical, emotional or mental harm, or if it is protecting their physical, mental, or emotional well-being.

**Recognition of the position of vulnerable children and youth**

The rights, dignity and worth of all individuals will always be respected. We recognize that ability and disability can change over time, such that some children and youth may be additionally vulnerable to abuse, in particular those individuals with care and support needs.

IDM believes that safeguarding vulnerable persons is the responsibility of all people and should play a part in preventing harm, and detecting and reporting neglect and abuse. Measures need to be in place locally to protect those least able to protect themselves (e.g. those living in special care facilities, hospitals, homeless people, victims of trafficking, psychiatric patients, etc.)

**Shared responsibility to support the protection of children and youth**

Participation in project activities is voluntary and both children and parents/caregivers make informed decisions regarding participation, including due consideration of the benefits and risks that could be associated with the activity. The child’s health, safety, well-being, and meaningful participation should guide the project team's efforts in designing child-friendly activities, striving to keep the best interests of children as top priority.

IDM encourages all members of the staff and Sub-Granting organizations to support and cooperate with parents/caregivers and ensure that parents or caregivers are duly informed on the scope of the activities their child will be participating in, when possible. In the event when IDM intends to help children travel to the venue of the activity, it is mandatory for the parents, caregivers or other legally required entity or individual, to give informed consent prior to the travel. Informed consent is also mandatory when photographing children with the intention of distributing the photos to a public audience, in compliance with the Albanian legislation.

# Statement of Commitments

The Institute for Democracy and Mediation (IDM) is committed to:

* Develop a safe environment within the scope of IDM's work, creating and maintaining a protective approach towards children and vulnerable youth.
* Advance equality, inclusion and social cohesion as part of our organizational responsibility, aligned as a cross-cutting factor with actions implemented by IDM, whenever possible.
* Integrate the safeguarding policy in all its programmes, ensuring strategic planning and management on an organizational level is based on the principles of non-discrimination, child protection and personal data protection.
* Ensure all personal data of children and youth is collected for programmatic, scientific or research purposes and is not transferred to third parties, unless the subject has provided IDM with prior consent.
* Ensure IDM staff and the Board of Directors are fully cognizant of protection issues
* Raise awareness of staff within the organisation of protection risks and ensure all IDM staff is fully cognizant of safeguarding procedures and mitigating risks.
* Develop criteria to assess what constitutes non-compliance and duly inform the IDM staff, Board of Directors and Sub-granting organizations.
* Ensure all staff are aware of their responsibilities to report concerns and of steps to take/who to go to in order to report such concerns
* Take appropriate and proportionate action if IDM staff, Board of Directors or Sub-granting organizations fail to comply with the safeguarding policy.

# Implementation Strategy

In order to follow through policy commitments, IDM will instigate or strengthen a range of measures that focus on making sure the policy and associated procedures are in place, that staff members are supported to understand and work within the provisions of the safeguarding policy, that it is fully and effectively integrated into all of our activities, and that it is subject to monitoring and review. These measures include:

* **Safe recruitment**

IDM internal recruitment processes should be updated to include suitable screening measures to ensure that only appropriate people are employed or engaged as staff in projects where minors and vulnerable groups are target beneficiaries.

Basic screening of all applicants for employment, including a written application, personal interviews and reference checks is currently in place. In any case of a position which does involve working with minors and/or vulnerable groups, then during the recruitment process, there shall be direct inquiry into whether the applicant has ever been arrested, charged or convicted of any crime involving any form of abuse or misconduct involving vulnerable persons to the extent permissible by the Albanian legislation. Information obtained from the recruitment process shall be documented and retained in accordance with the Law on the Protection of Personal Data based on articles 78 and 83 point 1 of the Constitution of the Republic of Albania (Law on Protection of Personal Data, No. 9887 dated 10.03.2008. As amended by the Law No. 48/2012, date 26.04.2012).

* **Staff awareness and training**

IDM staff will receive regular briefing on their responsibilities and obligations under this policy regarding the protection of minors and vulnerable people. Briefings will be delivered by programme managers upon the signature of projects' job contracts of staff members. Staff members will be expected to comply with the policy and accept responsibilities deriving from it. Breaches of this policy by staff will be treated seriously and will be treated as a potential cause for disciplinary action and dismissal.

* **Reporting and addressing concerns**

IDM staff are required to immediately report any concerns of possible/actual harm, including abuse, exploitation, and neglect and policy non-compliance, or risk of such, resulting from action or inaction by anyone covered by this policy.

The Human Resources Officer is nominated to act as a Designated Safeguarding Officer (DSO). Any cases or incidents of abuse, neglect or violence against children and/or vulnerable adults will be reported to the DSO. Designated Safeguarding Officers (DSO) will receive additional training appropriate to their role.

In the circumstance of IDM staff being made aware during the course of their work of a concern relating to the abuse or risk to a vulnerable person where that concern is unconnected to IDM or its own staff or Grantees, the employee must immediately report this to the DSO for onward referral to the appropriate authority.

This safeguarding policy is in compliance to Law no. 18/2017 “On the rights and protection of the child”, based on Articles 78 and 83, paragraph 1 of the Constitution. By definition, “child” is any person under 18 years of age. If the age of the person may not be determined accurately, but there are reasons to believe that the person is a child, they shall be considered a child in the sense of this law, until the age is determined according to the law in force.

“Child in need of protection” is regarded any person under 18 years of age, irrespective of having the capacity to act, according to the legislation in force, who may be a victim of abuse, neglect, exploitation, discrimination, violence or any criminal activity, and also the individual under the age of criminal responsibility, who is alleged to have committed or accused of the commission of a criminal offence, and the children in conflict with the law.

All practitioners should be confident of the processing conditions which allow them to store, and share, the information that they need to carry out their safeguarding role. Information which is relevant to safeguarding will often be data which is considered ‘special category personal data’ meaning it is sensitive and personal.

The approach of the Institute for Democracy and Mediation (IDM) towards personal data protection is governed and guided by the Albanian legislation: Law on the Protection of Personal Data based on articles 78 and 83 point 1 of the Constitution of the Republic of Albania (Law on Protection of Personal Data, No. 9887 dated 10.03.2008. As amended by the Law No. 48/2012, date 26.04.2012). Individuals involved with the organization must have due regard to the relevant data protection principles which allow them to share personal information.

Where practitioners need to share special category personal data, they should be aware that on Article 6 of the Law on Personal Data Protection includes ‘safeguarding of children and individuals at risk’ as one of conditions that allows practitioners to share information with others without consent:

Information can be shared legally without consent, if a member of the IDM Staff is unable to, cannot be reasonably expected to gain consent from the individual, or in the framework of crime prevention and prosecution activities, in cases of a criminal offence against the public order and other violations in the field of criminal law.

Relevant personal information can also be shared lawfully if it is to keep a child or individual at risk safe from neglect or physical, emotional or mental harm, or if it is protecting their physical, mental, or emotional well-being.

IDM members of the staff looking to share information without consent should consider addressing the issue to the Board of the Institute for Democracy and Mediation (IDM), to seek further indications.

International transfer of personal data is done with recipients from states which have an adequate level of personal data protection and adhere to principles of the General Data Protection Regulation (EU GDPR). According to Article 8 on International Transfer of Personal Data, it is stated that the level of personal data protection for a state is established by a Commissioner’s assessment on all circumstances related to processing, nature, purpose and duration of processing, country of origin and final destination, legal provisions and security standards in force in the recipient state.

International transfer of personal data with a state that does not have an adequate level of personal data protection may be done only when the data subject has given his/her consent for the international transfer.

* **Media and communications**

IDM seeks to develop project-specific communication strategies on the use of photographs, recordings, interviews and articles including information addressed at minors, or disclosing information of children and youth participating in project activities. With the purpose of protecting any individual’s personal information, IDM will request donor agencies/institutions about funding for the development of such strategies for every project that targets minors.

These strategies should clarify what is appropriate and inappropriate in the use of written, verbal and visual information and support staff to understand the importance of protecting and respecting the dignity and privacy of vulnerable people. The Communication Coordinator at IDM, in close cooperation with the DSO will ensure that these strategies are in compliance with the Albanian legislation, as well as communication guidelines provided by the donor agency. The strategies should strive to safeguard children and youth from being identified by those who may wish to harm them or through publicity that could have other negative consequences on their health, safety and well-being. These strategies will be complementary to this Policy and must also be complied with.

# Monitoring and reviewing

Availing its vast experience in community engagement, IDM has produced and benefitted from good practices in relation to working with minors and vulnerable groups and keeping them safe. IDM currently has effective risk management processes in place, ensuring that a wide range of risks across the programmatic scope of the organization - are adequately addressed. The intention is to continuously strengthen the staff's risk management skills to mitigate any risk of harm to children and youth as a result of any IDM activity through misconduct or poor programme design/delivery, for example.

IDM will examine all areas of its activities with the purpose of integrating protection into programmes, sub-granting mechanisms, projects, and all key processes that might impact on, or be impacted by, protection risks and issues. Existing systems for risk mitigation, due diligence, monitoring and evaluation, audit and review, and other organizational performance mechanisms will be adapted to include indicators and processes by which implementation of the safeguarding policy can be measured. IDM commits to updating this policy and procedures established for its implementation on an annual basis.

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| **Legal Representative** | Sotiraq Hroni, Executive Director |
| **Safeguarding Officer** | \_\_\_\_\_\_\_\_\_\_\_\_\_\_, Human Resources  |
| **Resolutions** | 03/05/2021 - The IDM Board of Directors receives the Safeguarding Policy Draft.18/05/2021 - The IDM Board of Director reviews and adopts the amendments to the Safeguarding Policy. |