

INTERNATIONAL CENTER FOR NOT-FOR-PROFIT LAW

Safeguarding Policy

Adopted November 2018; amended September 2022 and June 2024.

Purpose

The purpose of this policy is to protect people, particularly children, at-risk adults and beneficiaries of assistance, from any harm that may be caused due to their coming into contact with ICNL. This includes harm arising from:

- The conduct of ICNL staff or other associated personnel (as defined below);
- The design and implementation of ICNL's programs and activities.

ICNL recognizes that all children should be protected from all forms of abuse, neglect, exploitation, harassment, and violence. ICNL also recognizes that safeguarding at-risk adults (including but not limited to those with disabilities or belonging to marginalized groups) is the responsibility of all staff and personnel associated with ICNL and therefore all should play a part in preventing harm and detecting and reporting neglect and abuse. ICNL has a zero-tolerance approach towards harm, including abuse, exploitation, and neglect of vulnerable individuals. The policy lays out the commitments made by ICNL and informs staff and associated personnel of their responsibilities in relation to safeguarding.

This policy does not cover:

- Sexual harassment related to ICNL's staff – this is dealt with under ICNL's Discrimination and Harassment Policy, as part of the Personnel Manual;
- Safeguarding concerns in the wider community not perpetrated by ICNL or associated personnel.

Scope

This policy applies to:

- All staff of ICNL; and
- Associated personnel while engaged with work or visits on behalf of ICNL.

Policy Statement

ICNL believes that everyone we come into contact with, regardless of age, gender identity, disability, sexual orientation, or ethnic origin has the right to be protected from all forms of harm, abuse, neglect, and exploitation. ICNL will not tolerate abuse and exploitation by staff or associated personnel, nor will we tolerate supporting or advancing these actions, or intentionally ignoring or failing to act upon allegations of these actions.

This policy will address the following areas of safeguarding [as appropriate]: child safeguarding, adult safeguarding, and protection from sexual exploitation, abuse, and harassment. These key areas of safeguarding may have different policies and procedures associated with them (see Associated Policies).

ICNL commits to addressing safeguarding throughout its work, through the three pillars of prevention, reporting and response.

PREVENTION

ICNL responsibilities

ICNL will:

- Ensure all staff have access to, are familiar with, and know their responsibilities within this policy;
- Design and undertake all its programs and activities in a way that protects people from any risk of harm that may arise from their coming into contact with ICNL. This includes the way in which information about individuals in our programs is gathered and communicated;
- Implement stringent safeguarding procedures when recruiting, managing and deploying staff and associated personnel;
- Ensure staff receive training on safeguarding at a level commensurate with their role in the organization;
- Follow up on reports of safeguarding concerns promptly and according to due process.

Responsibilities of staff and associated personnel – Safeguarding Code of Conduct

ICNL staff and associated personnel must not engage in the following conduct (“safeguarding violations”):

- Sexual activity with anyone under the age of 18, regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defense.

- Sexual abuse or exploitation of children.
- Subjecting a child to physical, emotional or psychological abuse, or neglect.
- Commercially exploitative activities with children including child labor or trafficking.
- Sexual abuse or exploitation of at-risk adults.
- Subjecting an at-risk adult to physical, emotional or psychological abuse, or neglect.
- Exchanging money, employment, goods or services for sexual activity, including sexual favors or other forms of humiliating, degrading, or exploitative behavior. This includes any exchange of assistance that is due to beneficiaries of assistance.
- Sexual relationships with beneficiaries of assistance, since they are based on inherently unequal power dynamics.
- Sexual harassment.

Additionally, ICNL staff and associated personnel are required to:

- Contribute to creating and maintaining an environment that prevents safeguarding violations and promotes the implementation of the Safeguarding Policy; and
- Report any concerns or suspicions regarding safeguarding violations by an ICNL staff member or associated personnel to the appropriate ICNL staff member.

REPORTING

ICNL will ensure that safe, appropriate, accessible means of reporting safeguarding concerns are made available to staff and the communities we work with.

Any staff reporting concerns or complaints through formal whistleblowing channels (or if they request it) will be protected by ICNL's Whistleblower Policy, which prohibits retaliation for reporting a good faith complaint or concern.

ICNL will also accept complaints from associated personnel and other external sources such as members of the public, partners and official bodies.

How to report a safeguarding concern

Staff members who have a complaint or concern relating to safeguarding should report it immediately to their supervisor or the Vice President of Operations. If the staff

member does not feel comfortable reporting to their supervisor or the Vice President of Operations (for example if they feel that the report will not be taken seriously, or if that person is implicated in the concern) they may report to the President or the Chair of the Board of Directors.

Associated personnel who have a complaint or concern regarding safeguarding should report it immediately to the person at ICNL who serves as their primary point of contact for purposes of the grant, contract or work being performed. If they do not feel comfortable reporting to that person, they may report to the Vice President of Operations, the President, or the Chair of the Board of Directors.

Persons who can be contacted by anyone to report a safeguarding concern include:

Vice President of Operations, Nilda Bullain (nbullain@icnl.org)

President, Douglas Rutzen (drutzen@icnl.org)

Board of Directors Chair, Bindu Sharma (bsharma@icmec.org)

RESPONSE

ICNL will follow up safeguarding reports and concerns in an appropriate manner according to legal and statutory obligations and, in a case involving ICNL staff, following any applicable procedures set forth in ICNL's Discrimination and Harassment Policy. ICNL will apply disciplinary measures to staff, if appropriate, up to and including discharge.

Throughout the response process, ICNL will take a survivor-centric approach, will consider views and requests of the survivor, and will offer support to survivors of harm caused by staff or associated personnel while engaged in work or visits on behalf of ICNL. When a child is involved, ICNL will make a "best interest of the child determination" to guide our response. ICNL will also take immediate actions to safeguard the victim, to stop harm from occurring, to prevent further escalation of the incident.

ICNL will report to relevant project funder(s) any serious incidents, such as incidents of sexual abuse, exploitation, harassment, domestic violence or child abuse. ICNL's reporting to project funder(s) will not compromise the safety, security, privacy, and due process rights of concerned persons. ICNL will also investigate and report to relevant authorities (for criminal matters) when safe to do so and after considering the wishes of the survivor.

Confidentiality

It is essential that best efforts are used to maintain confidentiality, consistent with applicable laws and obligations (and, when appropriate, to the extent consistent with a thorough investigation) at all stages of the process when dealing with safeguarding concerns. Information relating to the concern and subsequent case management should be kept secure and shared on a need-to-know basis only, consistent with applicable laws and obligations.

Risk Assessment

On a biennial basis, ICNL will conduct a risk assessment of its activities indicating the key safeguarding risks, accompanied with a set of measures aimed at risk minimization.

Review, Monitoring, and Evaluation

ICNL will review the existing policy and procedures annually and implement a method for the monitoring and evaluation of the safeguarding framework.

Glossary of Terms

ASSOCIATED PERSONNEL- The term 'associated personnel' means consultants, volunteers, contractors, grantees and program visitors (including journalists, celebrities and politicians) and their employees who perform work or visits on behalf of ICNL.

BENEFICIARY OF ASSISTANCE- Someone who directly receives goods or services from ICNL's program(s). Note that misuse of power can also apply to the wider community that the NGO serves, and also can include exploitation by giving the perception of being in a position of power.

CHILD- A person below the age of 18.

HARM- Psychological or physical damage that violates an individual's rights.

PSYCHOLOGICAL HARM- Emotional or psychological abuse, including (but not limited to) humiliating and degrading treatment such as bad name calling, constant criticism, belittling, persistent shaming, solitary confinement and isolation.

PROTECTION FROM SEXUAL EXPLOITATION AND ABUSE (PSEA)- The term used by the humanitarian and development community to refer to the prevention of sexual exploitation and abuse of affected populations by staff or associated personnel. The term derives from the United Nations Secretary General's Bulletin on Special Measures for Protection from Sexual Exploitation and Abuse (ST/SGB/2003/13).

SAFEGUARDING - In the UK, safeguarding means protecting peoples' health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect. We understand it to mean protecting people, including children and at-risk adults, from harm that arises from coming into contact with our staff or programs.

STAFF- The term 'staff' means ICNL's own employees, i.e., those individuals who are hired and employed directly by ICNL.

SEXUAL ABUSE- The term 'sexual abuse' means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

SEXUAL EXPLOITATION- The term 'sexual exploitation' means 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. This definition includes human trafficking and modern slavery.

SEXUAL HARASSMENT - Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors or verbal, non-verbal or physical conduct of an improper sexual nature when: (1) submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment is a form of sexual discrimination, and neither sexual harassment nor discrimination will be tolerated by ICNL.

SURVIVOR- The person who has been abused or exploited. The term 'survivor' is often used in preference to 'victim' as it implies strength, resilience and the capacity to survive, however it is the individual's choice how they wish to identify themselves.

AT-RISK ADULT- Sometimes also referred to as vulnerable adult. A person who is or may be in need of care by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.

Associated Policies

[Whistleblower Policy](#)

[Discrimination and Harassment Policy](#)