



Internal Child Safeguarding and Protection Framework

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National Commission for Women and Children
Royal Government of Bhutan

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Forward

The Royal Government of Bhutan has made significant legislative and policy progress in preventing and responding to violence, abuse and exploitation of children in the country. Key legislation on child protection has been enacted and rules and regulations have been put in place to implement them. Following the enactment various organizations have established services and standards to implement the provisions under the Acts.

Despite various efforts in promoting the protecting their rights, children continue to be victimized and are subjected exploitation, abuse, violence and neglect in families, communities, institutions, organizations, private places, public places under any circumstances by all people associated with and who come in contact with them.

To protect children from abuse and exploitation during their involvement with organization, this Internal Child Safeguarding and Protection Framework was developed. The framework re-affirms the organizations long-standing commitment to promote and protect the rights of the child, and to promote common understanding that the best interests of the child must be a paramount consideration in all actions affecting children.

The framework details out the need to establish Internal Child Safeguarding and protection measure within the agencies including the protection and reporting mechanism to address any child related issues.

Introduction

The Constitution of the Kingdom of Bhutan, 2008 Article 9, Section 18, reflects “State shall endeavour to take appropriate measures to ensure that children are protected against all forms of discrimination and exploitation including trafficking, prostitution, abuse, violence, degrading treatment and economic exploitation.” Further, having placed children at the center of its development approach, the Royal Government of Bhutan (RGoB) has made tremendous investment in protecting and promoting the wellbeing of children. In its commitment towards furthering the cause of children, the RGoB ratified the International Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) in 1981, the Convention on the Rights of the Child (UNCRC) in 1990 and its Optional Protocols on Sale of Children, Child Prostitution and Child Pornography (OPSC) and the Involvement of Children in Armed Conflict (OPAC) in 2009. The Penal Code (Amendment) Act of Bhutan and the Child Care and Protection Act 2011, section 110 have set the age of criminal liability to 12 years and above to decriminalize those below the age of 12 years. The Labour and Employment Act of Bhutan, 2007 allows young people from the ages of 13 to 17 years to undertake work in certain categories and in specified workplace. Consideration has also been made on the definitions of the United Nations and the Convention on the Rights of the Child (CRC) that sets 12 years and below as the primary school age group. Therefore, the lower age limit has been set inclusive of 13 years while the upper limit of 24 years is in keeping with the standard definitions set by the UN and World Health Organization (WHO).

The Parliament of Bhutan adopted the Child Care and Protection Act, 2011, Child Adoption Act, 2012 and Domestic Violence Prevention Act, 2013. The RGoB is also working towards establishing institutional mechanisms to ensure effective implementation of these Acts. The Rules and Regulations of these Acts were endorsed in 2015. Further, various Standard Operating Procedures (SOPs) and Guidelines have also been developed in consultation with all relevant government and non-government stakeholders.

As per the Constitution of the Kingdom of Bhutan Article 9, Section 18 and the UN Convention on the Rights of the Child (1989), Article 19, the [INSERT THE NAME OF THE ORGANISATION] commits to the protection of children through the adoption of this internal framework. The internal framework sets out common values, guiding principles, and actions that will be taken to meet our commitments.

Purpose

The purpose of this framework is to provide directives and guidance to the organization to work with the children sensitively and ensure that their best interests are taken into consideration at all times. Child safeguarding and protection is authoritative to the whole and is not only associated with programs, projects, and resources.

The concept of thinking about safeguarding, protecting and reducing risk should be embedded in everything that we do, from recruiting a staff member, non staff member, intern and volunteers to selecting a partner, through to designing and implementing a programme or activity. The framework requires a risk assessment to be conducted which is subject to review from time to time.

This internal framework is guided by the following principles and philosophies:

1. **Best Interest of the Child:** Reaffirming that the best interests of the child must be a paramount consideration in all actions affecting children.
2. **Non-discrimination:** Recognizing that all children should enjoy their rights and never be subjected to any discrimination, the organization shall respect and ensure the rights without discrimination of any kind, irrespective of the child's parents or legal guardian, race, color, sex, language, religion, political or other opinions, national, ethnic or social origin, poverty, disability, birth or another status.
3. **Protection:** Recognizing that the children's wellbeing depends on their safety and security, all children shall be protected from all forms of harm, neglect, violence, and exploitation in all settings.

4. **Respect the Views:** Recognizing their individuality, children who are capable of forming his or her own views shall have the right to express those views freely in all matters affecting them, and their views given due consideration in accordance with their age and maturity.
5. **Confidentiality:** The confidentiality concerning the child's information/actions shall be respected at all times unless it is in their best interest.
6. **Safety:** The children shall not be subjected to any violence, exploitation, abuse, neglect and maltreatment, and their safety given paramount importance at all times.

Scope

1. The Internal Child Safeguarding and Protection Framework applies to all those staff including consultants, interns, and volunteers working with or on behalf of the [INSERT THE NAME OF THE ORGANISATION]. By agreeing to work with/for the organization, it is implied that the terms and conditions of this framework have been accepted as a condition of involvement.
2. This framework shall be applicable both within and outside the work environment.

Obligations and Responsibilities

1. All staff are required to sign and abide by the Code of Conduct (**Annexure 1**) as a condition of their involvement with [INSERT THE NAME OF THE ORGANISATION].
2. In addition to all staff of the [INSERT THE NAME OF THE ORGANISATION], every person in a governing function within the organization should sign and abide by the Code of Conduct (**Annexure 1**) This recognizes that those in a governing capacity as staff are expected to set the highest standards of behavior for the organization.
3. The staff shall adhere to the principles and values of this framework both within and outside their work environment and, all their decisions and actions will take into consideration the best interests of the child.
4. All staff shall seek clarifications on expectations and issues relating to the interpretation of this framework during the implementation from the focal person/relevant authorities.

Non-compliance

Contravening this framework shall lead to severe actions which shall be determined on a case by case basis through a thorough consideration of the facts and in full conformity with the law. The privacy and confidentiality of those concerned will be ensured in the course of the investigation as per the existing legislation.

Induction and Support

This section sets out the efforts that will be undertaken to support the implementation of this framework.

1. All staff including focal persons and interns must be given orientation/induction/guidance on this framework, and their responsibilities towards safeguarding and protecting children within three months after their appointment or transfer.
2. All the staff, focal persons and interns must be given the opportunity for regular updates on safeguarding and protection of children.
3. Depending upon the nature of the work being undertaken, the role of the staff and their background and experience, additional specialist training on child wellbeing, protection and safety must be provided and records kept in HR or administration files.
4. While all staff, focal persons and interns have a responsibility for protecting and safeguarding children, they must be supported in fulfilling these roles.
5. Where support or advice is sought regarding child safeguarding and protection, this must be taken seriously by the supervisor/management.

Recruitment and Appointment

This section covers how those working with/for children are recruited and appointed (staff, non-staff and interns).

1. All recruitment and appointment procedures must be based on a detailed analysis of each job or members task, and the level of contact with children. Safer recruitment and appointment procedures such as pre-selection, selection and post-selection actions must be put in place to ensure the child's safety and protection.
2. The recruitment process of staff should also include screening of his/her background (including character references, criminal records).

Focal Person

This section sets out the requirement of the organization to nominate someone to act as Focal Person.

All organizations working with/for children should appoint/designate a focal person preferably with sound knowledge on child safeguarding and protection or who are committed and has the respect of the management.

Roles and Responsibilities of the Focal Person

1. Act as the main point of contact within the organization for child safeguarding and protection;
2. Ensure that staff and partners are aware of this framework and their responsibilities through providing training and guidance;
3. Advise and support staff and partners in the implementation of this framework – including risk assessments;
4. Establish links with Competent Authority, health and law enforcement in order to have information available if an incident occurs and/or external advice is needed;
5. Ensure that this framework and our commitment to children’s rights is made known to children, youth, families and communities who work with [INSERT THE NAME OF THE ORGANISATION], and that the framework is accessible;
6. Keep record of any incidents, and
7. Serve as member secretary to the Child Safeguarding Committee.

Child Safeguarding Committee

The agency must constitute a Child Safeguarding Committee with three-five representatives to serve as an advisory board for the implementation of this framework.

Roles and responsibilities

1. Oversee reported incidences of non-compliance to the terms and conditions of this framework and related code of conducts;
2. Advise the focal person on issues concerning implementation of this framework and child protection issues;
3. Review and approve the action plans, and
4. Take actions on breach of code of conduct and this framework.

Partner Agencies

This section considers how to work with partners in order to promote the implementation of this framework:

- In selecting partners, consideration must be made with respect to the potential partner's suitability and track record of working with children, including if they have their own internal framework and procedures.
- In all partnership relations, strong attention must be given to issues related to child safeguarding. As good practice, specific reference to child safeguarding and protection measures should be included in partnership agreements or MoUs.
- All partners must be given training, guidance and support on this framework, in particular emphasizing the responsibilities that partners have for safeguarding children.

Occasional Visitors, Volunteers and Interns

This section considers safeguarding issues in relation to interns, volunteers, consultants and their activities or visitors to programs;

1. Official visitors, volunteers and interns may visit a project or program with the permission of the management;
2. All occasional interns, volunteers and visitors, official and unofficial, must be made aware of and understand the principles of this framework, and
3. Ensure that occasional visitors, interns and volunteers are properly briefed and supervised throughout the activities or visit in case they are working with children.

Media and Communication

This section sets out actions needed to be taken to ensure that safeguarding and protection is included in media activities:

- The media focal person must be consulted for specific guidance on how to work with media in line with the media guidelines for women and children.

Some ethical considerations are as follows:

1. Respect this framework and its procedure.
2. Make sure that the safety of the child will not be compromised if one disseminates images of his or her home, community or environment;
3. Ensure that case intervention including assessment reports (video, photos, personal identification information etc..) are not published in any form of media or shared with anyone without informed consent of the child, and/or his/her parents/legal guardian;

4. Do not take, use or publish images of children which are exploitative or offensive (including children who are completely naked or dressed inappropriately) for any purpose or through any means/media;
5. Always respect the children's dignity, and do not represent them as victims (weak, desperate etc.). Image and stories about children must portray them in a positive way and highlight their strengths rather than exaggerating the child's negative experience, and
6. Never indicate in the files any information that could endanger the child victim of abuse (title, metadata, administrative data etc.). When publishing/distributing reports and stories etc., personal information must be removed to ensure privacy (i.e. names and addresses must not be included and if necessary other identifying features such as school name should also be omitted).

Responding and Reporting Mechanism

[INSERT THE NAME OF THE ORGANISATION] have the obligation to report any suspected or actual case of violence against children or exploitation of children in relation to the work of [INSERT THE NAME OF ORGANISATION], staff and its members. Incidences of abuse may come to our attention by direct disclosure, observation, suspicion or allegation.

Who should report:

- All the staff working under [INSERT THE NAME OF THE ORGANISATION] have a primary responsibility to monitor the wellbeing of children and accordingly report regarding any issues pertaining to child protection.
- The parents of the children shall have the right to report child protection issues to the focal point of the agency.

What should be reported -Allegations, disclosures or observations of:

- Child abuse or exploitation by anyone connected with [INSERT THE NAME OF ORGANISATION];
- Non-compliance to this framework or Code of Conduct by any person connected with [INSERT THE NAME OF ORGANISATION] (including [INSERT THE NAME OF ORGANISATION], staff and members people);
- Any harm to a child resulting from actions by or presence of [INSERT THE NAME OF ORGANISATION], and/or
- Any harm or abuse of a child.

Procedures for reporting

- Gather basic information only if you receive information on the alleged case either directly or through someone else. It is not your responsibility to assess the case.
- Report the case to the focal person within 24 hours;
- In receiving an allegation or child safeguarding concern directly from a child or parents, do not proceed to question the details of the alleged abuse or “interrogate” the child. Obtain necessary information required to have a clear understanding of the reported incident.
- When receiving information of alleged abuse, the concerned person must clearly explain when you can breach confidentiality. Reassure the child/adult that no one, other than those who “need to know”, will be informed (i.e., management team members involved in the response and relevant agencies in the case of criminal activities). Request that the adult or child from whom you have received the information, also maintain confidentiality and do not discuss the allegation (or their discussion with you) with anyone, unless they “need to know”.
- Where you are dealing with a child who has emergency medical needs or is in immediate danger, address these health and safeguarding needs immediately (for example by bringing the child to a hospital or removing him/her to a place of safety) before reporting.
- After the immediate verbal report, compile the incident report form as soon as possible (and not later than 24 hours after the alleged incident) and submit it to the focal person.
- Completed incident reporting forms and any supporting documentation must be treated as confidential and stored in secure filing cabinets and electronic versions secured with a password. Verbal communication must likewise be confidential and team members operate on a “need to know” basis (i.e. information should be passed only to team members specified in these reporting procedures)

Management of reported incident

- The focal person after receiving the report shall take necessary actions depending on the nature and severity of the reported incident (including informing the Child safeguarding Committee). The focal person and/or Committee depending on the nature and severity of the reported incident and based on assessment shall either:
 - Refer to the Competent Authority, RBP or other relevant agencies or
 - Take disciplinary issues of the suspect internally if the reported incident does not warrant reporting to the RBP or any other agencies.

All information regarding breach of this framework or abuse of children shall be shared with the Competent Authority on a regular basis.

Follow up and update

The focal person must inform the person/agency who has reported the incident on the updates of case status as and when such information is sought.

Failure to Report

Failure to report any of the above by all staff including interns and volunteers may result in disciplinary measures.

Protecting those who make reports

The management/supervisor must provide full support and protect those who report incidents of non-compliance to this framework and abuse of children from any sort of exploitation and abuse. The focal person and child safeguarding committee must ensure confidentiality of his/her identity.

Accountability, Monitoring & Review

This section features monitoring and review of this framework

1. Every staff, and non-staff has a responsibility for ensuring the implementation of this framework;
2. The Head of the organization has the overall responsibility to ensure the implementation of this framework;
3. The focal person under the guidance of the Child Safeguarding Committee must initiate the review of this framework on a regular basis, and such reviews must also include feedback from staff on study and EoL, and where possible, the views of children, families as well as other key stakeholders, and
4. The focal person must compile findings from the review and assessment including risks and accordingly propose additional actions to address these gaps and risk.

Code of Conduct

The core of this framework is the Code of Conduct which provides clear guidance on what is expected of each other including the obligation to report suspicious or cases of abuse, as well as conducts which are unacceptable. The Code of Conduct applies to and must be signed by all staff including interns, volunteers, consultants and members. The Code of Conduct reflects their commitment to safeguarding children and upholding their rights.

ANNEXURE I

By signing the Code of Conduct, I honestly agree that:

I will always:

- Obtain the consent of the child/parent/guardian prior to an agreement being made to participate in a programme.
- Adhere to the National Legislation, Regional and International Convention with the belief that any form of violence, abuse or exploitation of a child is an abuse of their rights;
- Maintain the highest standards of appropriate personal and professional conduct;
- Ensure that matters related to child safety are handled confidentially;
- Report, as soon as possible, any child safety concerns;
- Ensure that a culture of openness exists to enable any concerns to be raised and discussed so that harmful practice and protection concerns do not go unchallenged;
- Empower children and discuss with them their rights, acceptable and unacceptable behaviour and expectations, and what they can do if there is a problem;
- Demonstrate a sound knowledge of social and cultural diversity and show competence in the provision of services that are sensitive to children's socio-cultural backgrounds;
- Immediately report any suspicions or allegations to the focal person on the behavior which goes against the principles of this framework, and
- Encourage children to express their views and opinions.

I will never:

- Hit or physically assault or abuse children, and use corporal punishment, including as a means of discipline or punishment;
- Act in a way that may embarrass, shame, humiliate or degrade children or otherwise cause psychological and emotional abuse of children;
- Use language, make suggestions or offer advice which is inappropriate, offensive or abusive;
- Discriminate against or show prejudice between children on any grounds such as sex, race, gender, culture, language, disability, ethnicity etc., or show differential treatment or favour to particular children to the exclusion of others;
- Develop physical or sexual relationships with children;
- Develop relationships with children or behave in a way which could be misinterpreted, exploitative or abusive, or place a child at risk of abuse;
- Behave in a manner which is inappropriate or sexually provocative;
- Be alone with a child including in a car, at the workplace, at home, at the child's home or overnight;
- Condone or participate in behaviour that is illegal or unsafe;

- Hire or employ children in any role that conflicts with their rights, including domestic work;
- Disclose any information related to children to the public or media unless it is in the best interest of the child and with consent from the child and their parents/guardian, and
- Ignore or fail to report any concern, suspected violation or violation of this framework and the Code of Conduct to the focal person/Child Safeguarding Committee.

I, the undersigned, Lyonpo/Dasho/Mr/Mrs/Miss
 declare that I have received briefing/orientation/induction on the framework, read and understood its principles and contents and I agree to work in accordance with it. I understand that any failure to uphold the Code of Conduct may result in any decisions by the Child Safeguarding Committee Or further disciplinary or judicial proceedings.

Date

Place.....

Legal stamp/Signature

ANNEXURE II

Skills and Characteristics of a Focal Person:

- Have knowledge and experience about child safeguarding and child protection.
- Have respect and authority within the office so that their opinions are valued.
- Be approachable, with good communication skills with adults and children.
- Be able to keep calm when a concern is raised, especially if a child needs assistance.
- Be able to work with others to ensure that the framework is implemented, and respond where a child protection incident occurs.
- Commitment to safeguarding children and upholding their rights – together with the ability to advocate for and defend safeguarding.
- Training and presentation skills.
- Be able to maintain/keep information confidential.

It should be understood that the Focal Point is not solely responsible for child safeguarding– this responsibility rests with all the staff.

ANNEXURE III

Reporting and Referral Form

If you have seen an actual incident or suspect and have cause for concern of a case of child abuse, follow the guidelines and fill out this form where appropriate. It is important that you identify in this form whether it is an actual incident or suspicion of child abuse. Where information is not available leave blank areas and submit the form.

Referral form

Case No:		Referral Date:	
Referred By:		Referred To:	
Name:		Name of the Agency:	
Position:		Address:	
Phone Number:		Phone Number:	
Email address:		Email address:	
Details of the Client:			
Name of Client:		Sex:	DOB:
		Contact No:	
CID No/ Passport No/ Permit No:	Current Address:	Permanent Address:	
Occupation:		Village:	
		Gewog:	
		Dzongkhag:	
Details of Referral:			
Reason for Referral:			
Types of Services Required:			
Alternative care	[]	Recreational Services	[]
Basic Psychosocial Support	[]	Relocation	[]
Community/ Social Services	[]	Removal	[]
Counselling	[]	Rehabilitation Services	[]
Education	[]	Reintegration Services	[]
Family Tracing and Reunification	[]	Representation	[]
Investigation	[]	Special Education	[]
Legal Services	[]	Shelter Services	[]
Livelihood Skills/ Vocational	[]	Other,	[]
Training	[]	please	
Medical	[]	specify:.....	
Psycho-Education	[]		
Any other information/Other Forms:			

*Note: The form records the key information for the services provider during the process of the referral and specify the required services from the receiving agency.

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