

Bangladesh Legal Aid and Services Trust
CHILD PROTECTION POLICY
Revised in April 2016¹

Background:

On 20th November 1989 Bangladesh signed the UN Convention on the Rights of the Child (CRC) for the sake of protecting children, ensuring their rights and for natural development. Some Articles of the Constitution of Bangladesh address the issue of child rights. According to Article 1 of UN Convention on the Rights of the Child (CRC), all persons under the age of 18 will be counted as a child. For a long time BLAST has been working to protect and preserve the fundamental rights of children. To continue with such efforts to protect children from abuse and ensure equal rights for them, this Policy dealing with child rights issues of children involved with BLAST has been developed.

1. Scope:

The Policy is applicable to all staff, panel lawyers, advisors, consultants, fellows, interns and all other persons who have contractual relationships with BLAST and are appointed to BLAST's head office, its unit offices, projects offices and clinics located in districts/ universities, and partner organizations.

2. Definitions:

2.1 "*Abuse*" or "*child abuse*" shall mean violence, abuse, neglect or ill treatment, both physical and mental, of children by parents/guardians/teachers or anyone who looks after them.

2.2 "*BLAST staff*" shall mean all staff, panel lawyers, advisors, consultants, fellows, interns and all other persons who have contractual relationships with BLAST and are appointed to BLAST's head office, its unit offices, project offices and clinic offices located in districts/ universities and partner organizations.

2.3 "*Child*" or "*children*" shall mean a child or children under the age of 18 involved with or associated with BLAST and/or BLAST programmes on children.

2.4 "*Children's rights*" shall mean all rights of children under the Constitution of Bangladesh, the Children Act 2013 and the UNCRC.

2.5 "*Disadvantaged child*" shall mean a child:

- a. on or both of whose parents are dead,
- b. without any legal guardian,
- c. without any means of survival,
- d. engaged in begging or any activity against the interests of the child,
- e. dependent on parents who are in prison or living in a prison with a mother who is undergoing imprisonment,
- f. who is a victim of sexual assault or harassment,
- g. who is disabled,
- h. who has a behavioural disorder caused by drugs or any other reason,
- i. who is living in a slum,

¹ Amendments approved by BoT on 29 April 2016; 1st Approved by BOT on 21 May 2013

- j. who is homeless or living on the street,
- k. who is from a marginalised or excluded community or facing discrimination due to sexual orientation, gender identity, ethnicity or caste,
- l. who is living with HIV/ AIDS,
- m. who is considered by the Children’s Court or the Board under the Children’s Act 2013 to be in need of special protection, care and development

2.6 “*Misconduct*” shall mean non-compliance with the Policy by a BLAST staff member.

3. Our values, principles and beliefs regarding child protection

- 3.1 The status of the child should be reinforced as a full subject of rights.
- 3.2 All children have equal rights to be protected from abuse and exploitation.
- 3.3 Child abuse is never acceptable.
- 3.4 Any form of discipline involving violence is unacceptable.
- 3.5 There are ways to discipline children that are effective in helping children learn about family and social expectations for their behaviour – ones that are non-violent, are appropriate to the child's level of development and take the best interests of the child into consideration.
- 3.6 The situation of all children should be improved through promotion of their rights as set out in the UN Convention on the Rights of the Child, the Constitution of Bangladesh and the Children’s Act 2013.
- 3.7 Protection of disadvantaged children from abuse and exploitation should be given priority.
- 3.8 BLAST is duty bound to protect children involved or associated with BLAST or BLAST programmes on children from abuse and exploitation when in a BLAST office.
- 3.9 The best interests of children should be a primary consideration in making decisions that may affect them, and children’s wishes and feelings should be given due regard.
- 3.10 Regardless of nationality, religion, sex, class and language, all children are equal under the law and must get equal access to opportunities and remedies.
- 3.11 Physical and mental development, health and education rights of children should be ensured.
- 3.12 Compulsory reporting of any proven or suspected child abuser should be ensured.
- 3.13 Participation of children, in accordance with their age and maturity, in further developing the Policy and BLAST programs on children should be ensured.

4. What We Will Do

We will meet our commitment to protect children from abuse through the following measures:

- 4.1 **Awareness-raising:** We shall take effective measures to raise awareness amongst BLAST staff about the problem of child abuse and the risks that children face and the need to ensure environment, health and education rights for the physical and mental growth of children.
- 4.2 **Prevention:** We shall ensure through awareness-raising measures and good practices that BLAST staff mitigate the risks to children. Incoming staff shall be subjected to rigorous interviews and orientation programs and existing staff shall be closely monitored to ensure that people harmful to children are not recruited or retained.
- 4.3 **Reporting:** We shall ensure that BLAST staff receive adequate training in order to get a clear understanding of the steps to take to protect children when their safety is at risk.

4.4 Action: We shall ensure that speedy action (such as those listed in section 5 below) will be taken to support and protect children where concerns arise regarding possible abuse, including but not limited to conduct of prompt and thorough investigations of abuse, culminating in disciplinary action against the responsible member of BLAST staff.

5. How We Will Ensure Our Commitments Above are Met

5.1 Provide adequate training to BLAST staff to ensure that they:

- create an environment so that the child can express his or her wishes, views and feelings freely
- listen to and take seriously the views and wishes of children
- take seriously any concerns raised regarding child abuse
- support children who raise concerns about potential abuse or who are the subject of such concerns
- support BLAST staff or other adults who raise concerns about potential abuse
- take positive steps to ensure the protection of children who could be exposed to situations of potential abuse
- act appropriately and effectively to run investigations of abuse or to co-operate with any subsequent process of investigation
- work in partnership with parents/care givers and/or other professionals to ensure the protection of children

5.2 BLAST staff will sign and abide by the attached Code of Conduct.

5.3 Advisors/Consultants/Fellows/Interns/Partners of BLAST will sign and abide by the Code of Conduct.

5.4 BLAST staff will have access to a copy of the Policy.

5.5 Every workplace of BLAST will display contact details for reporting possible child abuse and every BLAST Staff/ Advisor/Consultant/Fellow/Intern shall be given the contact details for reporting. Systems will be established to investigate possible abuse once reported and to deal with it

5.6 BLAST will (1) raise awareness (2) prevent and (3) report incidents of abuse of children and (4) implement measures to protect them and enforce their rights by providing legal assistance at BLAST.

5.7 When parental or non-institutional care of disadvantaged children is not possible, BLAST will ensure institutional care by referring them to organizations that counsel them, rehabilitate them and integrate them into society.

5.8 BLAST will subject incoming staff to rigorous interviews designed to filter out persons harmful to children. Upon recruitment, BLAST staff shall be subjected to comprehensive orientation programmes on child protection.

5.9 BLAST will put in place a monitoring process to check employees' compliance with the Policy. The annual performance report of each member of BLAST staff will take into account the extent of his or her compliance with the Policy. These processes will ensure that employees are better able to implement the Policy.

5.10A group of BLAST Panel Lawyers will be trained to become experts on the Policy to ensure compliance of BLAST staff with the Policy at all times.

Bangladesh Legal Aid and Services Trust (BLAST)

5.11 BLAST will organize seminars, workshops, training activities and similar learning opportunities to raise awareness about the Policy amongst BLAST partners, NGOs, Networking Organizations and stakeholders.

5.12 BLAST will put in place a disciplinary system to ensure a fair and orderly proceeding on questions of possible misconduct by BLAST staff.

Code of Conduct for BLAST Staff on Child Protection

All BLAST staff must sign and abide by this Code of Conduct.

1. BLAST Staff must never:

- Hit or otherwise physically assault or physically abuse children
- Develop physical relationships with children
- Develop relationships with children which could in any way be deemed exploitative or abusive
- Act in ways that may be abusive or may place a child at risk of abuse
- Use language, make suggestions or offer advice which is inappropriate, offensive or abusive
- Behave physically in a manner which is inappropriate or sexually provocative
- Have a child/children with whom they are working stay overnight at their home unsupervised.
- Sleep in the same room or bed as a child with whom they are working
- Act in ways intended to shame, humiliate, belittle or degrade children, or otherwise perpetrate any form of emotional/mental abuse
- Discriminate against, show differential treatment, or favour particular children to the exclusion of others
- Engage with children with whom he or she has previously engaged as a domestic helper

This is not an exhaustive or exclusive list. The principle is that staff should avoid actions or behaviour which may constitute poor practice or potentially abusive behaviour towards children associated with BLAST work and activities.

2. It is important for BLAST staff in contact with children to:

- Be aware of situations which may present risks and manage these
- Plan and organize the work and the workplace so as to minimise risks
- As far as possible, be visible in working with children.
- Ensure that a culture of openness exists to enable any issues or concerns to be raised and discussed
- Ensure that a sense of accountability exists between BLAST staff so that poor practice or potentially abusive behaviour does not go unchallenged
- Talk to children about their contact with BLAST staff and encourage them to raise any concerns
- Raise awareness of children about their rights through informal discussions, clarifying what is acceptable and what is unacceptable.
- Create an environment so that children can express their opinions freely.
- Empower children and their parents by telling them what to do if they face any problem and that children must inform their parents if they face any problem.
- Raise awareness of parents and care givers of abused children about the need for a safe and nurturing environment for rehabilitation of their children.
