

Guidelines for setting up child friendly complaints mechanisms

ICDI will work with its partners to set up child friendly complaint mechanisms within projects that directly involve children and youth (U18).

Following the guidelines of UNICEF these mechanism should be set up based on the following principals:

Accessibility

Accessibility refers to the ability of all children to easily access the complaint mechanisms when they believe their rights have been violated. All children face numerous challenges when accessing remedies, and in particular the complaint mechanisms. From a child's perspective, the complaint mechanism may seem complex, far out of reach and "not for children". For children from marginalized groups, these aspects are combined with lack of support in their environment to submit a complaint, and a range of additional barriers linked to the inadequacy of procedures – or perception of inadequacy – and mistrust in public institutions.

The following various practical elements need to be considered:

- **Right to information**: Children need to be aware that the mechanism exists and how to submit complaints. Each project need to present its complaint mechanisms to children and young people in an easy to understand, age appropriate fashion, explaining clearly the why, how and what, using a range of communication supports
- **Simplicity**: Formalities need to be reduced to the absolute bare minimum. As a general rule, the more limited the formalities required to file a complaint, the more accessible the complaint mechanism is to children. Any means through which children express a concern, orally or in writing, by stating a specific claim or by asking a general question, should be accepted as a possible complaint. It is important to communicate extensively about the lack of formality in the process and the fact that the support is free of charge.
- **Availability**: Children need to be able to submit a complaint directly. There should be no need for parental consent, even if (as minors) children do not enjoy full legal capacity in the country's legal system. Ideally, everyone should be able to make a complaint to ICDI and its partner organisations without pre-conditions. Furthermore, a complaint can be submitted by anyone who has witnessed a child rights violation, provided that the person gives concrete information about the case.
- **No barriers**: ICDI and partner organisations will pay particular attention to the possible barriers that may prevent certain (groups of) children from accessing the complaint mechanism. These include:

- Attitudinal barriers: migrant and refugee children, and children belonging to various minority groups face ongoing discrimination in many aspects of their lives. Children with disabilities also face barriers to being treated with respect and having their views taken seriously. Other groups, such as adolescents, may also face stigma in society. ICDI and its partner organisations need to ensure that staff have a welcoming attitude to vulnerable children and recognize and address possible fear of public institutions.
- Physical barriers include building infrastructure that may prevent access for children with disabilities (for example, stairs or narrow doors), as well as geographic distance that prevents children from rural and remote areas from accessing services.
- Communication barriers are of particular concern to children with sensory impairments who need alternative means of communication to read, hear, see and communicate. Lack of access to the internet, which is increasingly vital as a means of information and social participation, can also serve to exclude children from poor families. Language can be a barrier to migrant and refugee children too, especially for unaccompanied minors.
- Economic barriers, such as the costs and time of travel or access to a facility can also disproportionately serve to exclude children from the poorest communities.

Responsiveness

As a rule, each and every complaint submitted concerning a child rights violation should receive a response showing that the complaint has been taken seriously and acted upon – and if not, stating the reasons why and offering other avenues for redress or support relevant to the situation. This means concretely:

- If the complaint is formally submitted, acknowledging receipt and providing information as to how and within what timeframe it will be handled. The recipient should understand when the organisation will reply and the process it will follow. Information should be shared in a manner that is understandable for the child, using text but also *drawings* or a *video*, for example, where applicable.
- If there is no formal complaint submitted but it is understood from a child's words or behaviour that there was an issue, the child will be informed (through whatever means most appropriate and clear) of the process that will follow, what will happen and when.
- The complaint needs to be adequately investigated. Relevant documentation should be reviewed, locations visited, and interviews are to be held with relevant actors, including the child, in order to develop a solution and/or address the situation to make the violation stop.
- If the complaint deals with issues that are not within the competence of ICDI or its partner organizations, or if ICDI or partner organizations do not have the mandate to receive individual complaints, ICDI or partner organizations should nevertheless provide indications as to which organization/agency can provide the support needed. ICDI or its partner organizations should follow up directly with such an organization/agency on the case through a referral process, rather than request that the child and the child's family do it themselves, which may discourage them. For this purpose, ICDI or partner organizations can develop applicable protocols and memoranda of understanding with the most frequent counterparts involved in handling complaints.
- The child needs to be kept informed at every stage of the process of the progress of complaint handling (see below).

Timeliness

Timely complaint handling is an essential component of child-friendliness. Because children are in the process of development, their sense of time is different from that of adults. For a child, missing several months of schooling, enduring bullying for weeks or not accessing health care immediately can have very negative, long-term consequences.

ICDI or partner organizations do not have a specific obligation to respond to a complaint or conduct an investigation within a certain timeframe. However, they should set internal rules specifying a reasonable time within which complaints need to be addressed. A reasonable time for responding should be approximately within two months. If a situation requires additional time, the child should be informed and adequate explanations need to be provided.

Fairness

In order to constitute an effective remedy ICDI or partner organizations need to adopt a fair process. Fairness implies ensuring that a complaint is dealt with thoroughly, impartially and in accordance with basic procedural standards.

- Dealing with complaints in a fair and impartial manner, keeping the child's best interests as the central consideration. Professionals involved in the case should be aware of their possible prejudices, political orientations, possible links with institutions involved and potential conflicts of interest, and leave them aside when handling the case.
- Respecting, and communicating on, internal rules of procedure for handling a complaint.
- Undertaking a thorough investigation of a case, in order to gather all relevant elements and enable the various parties involved, including children, to give their views – separately and equitably. This will help grasp the full complexity and implications of the situation and ensure its resolution is based on facts.
- Involving several persons in the resolution of a case, especially the most intricate ones, as a way of ensuring that the case is dealt with fairly and individual conscious and unconscious biases are limited by collective decision-making.
- Providing information about appeal possibilities and other existing remedies should the child disagree with the outcome of the process.

Information for the child

Information for the child is an essential element of a child-friendly complaint mechanism – and one that can often be left forgotten. However, a child-centred approach requires that the child be kept informed of:

- The process. ICDI or partner organisations should clearly inform children *before* the start of any project (activity) of the existence of a Child Protection Policy, Safeguarding Policy and Complaints policy. This should be done in such a way that children and young people can easily understand what these mean and are aware and feel free to make use of these when they feel it is needed. The way to do this will differ per age group and socio-cultural situation; responsible staff are expected to think of and develop creative means of informing children and young people on these issues, through, for example, focus groups, video's, social media, pictures, etc. Responsible staff are expected to check with children if they have understood everything. Children should be informed of any support available during the process as relevant.

- The status of a complaint. ICDI or partner organisations should make sure that a child is informed on progress at major steps of a complaint process. Information for the child in this respect should be integral to the complaint handling process. For example, the child may have been informed that the complaint was received, that it was decided to open an investigation, that it has been decided to try and mediate a solution, and so on.
- The outcome. ICDI or partner organisations should systematically provide feedback to the child as to the outcome of the procedure. In providing feedback, we should in particular explain how the child's views have been taken into consideration and what has motivated the final decision or the solution proposed. If the complaint cannot be handled, the child should understand why and be informed of other remedies.

Privacy and confidentiality

Privacy and confidentiality of information related to complaints concerning children is a cornerstone of a child-friendly complaint mechanism. Privacy is an element of the child's dignity, and also protects children from possible threats, retaliation, re-victimization and/or stigmatization and harassment, both during the proceedings and in the future. It therefore contributes to the accessibility of the complaint mechanism. For this reason, ICDI or partner organisations should ensure that there are ways to submit a complaint confidentially, especially for children who are in care, in detention or in other closed settings. Toll free numbers that are not registered on the phone's memory, sealed boxes for complaints in relevant places, and online access are, among others, essential tools to protect children's privacy. In some cases, however, ICDI or partner organisations may need to inform parents, legal guardians or the justice system. Where this is necessary, children should always be informed that their confidentiality needs to be breached and the reasons for so doing must be properly explained. As a general rule, the child should receive information about who will know what about the case.

Confidentiality of data related to the case involves a number of practical steps:

- A privacy policy, made available to the children that describes where the data is stored and includes the rights to access personal data, request rectification and have data erased;
- Restricting disclosure of information that may lead to the identification of the child and/or that is related to the personal characteristics of the child;
- Non-disclosure of documents related to the case;
- Legal and self-regulatory provisions preventing the media from releasing information that could lead to identification of the child and/or information about the child's personal characteristics and situation; and
- Strict rules of confidentiality for professionals involved in handling the complaint.

Checklist of things to remember

1. Limit as much as possible any obstacle to the direct accessibility of the complaint mechanism by children, especially by disseminating information, removing formalities and possible restrictions, and identifying and addressing visible and less visible barriers to access, in particular for the most vulnerable.
2. Properly respond to each and every complaint made by a child, regardless of its nature, any possible triviality, the situation of the child and your own mandate – even if you are not in a position to address it yourself.
3. Make sure the complaint handling process is swift and complaints are addressed in a timely manner considering the nature of the case.
4. Be fair in handling the complaint, by communicating and respecting pre-established rules of procedure, conducting adequate investigations, gathering the views of various actors, and taking steps to remove any possible bias.
5. Inform children in a manner they can understand of the relevant policies and complaint handling process, the status of the complaint at each stage, and its outcome.
6. Keep information about a case and the child private and confidential and, if information sharing is required (e.g. if a crime was committed) be clear with the child about who will know what.