

CHILD SAFEGUARDING POLICY

1. **Purpose**

Children living in countries where Creative operates often face a range of challenges, including extreme poverty, conflict, natural disasters, and disease. These challenges can increase the risk of child abuse, sexual or other types of exploitation, neglect, or even trafficking. The purpose of this policy is to ensure that Creative programs are safe for children by promoting awareness of their vulnerabilities and mitigating the risk of, or actual harm that may come to them. In addition, it is also to establish organizational guidelines, procedures and practices to ensure that children and youth directly involved in Creative's programs or activities are not subject to child abuse, exploitation, neglect, or human trafficking, or that their personal security and human rights are not otherwise compromised.

2. **Scope**

The policy applies to all Creative employees, agents, visitors, interns, volunteers, or any other person provided access or contact with beneficiaries of foreign assistance by Creative during the contract performance. Certain aspects of this policy may be made expressly applicable to subcontractors or other partners through contractual obligations.

3. **Responsible Organization**

The Human Resources Department, in cooperation with Security, is responsible for compliance with the policy.

4. **Definitions & Abbreviations**

Agent: means any individual, including a director, an officer, an employee, or an independent contractor, authorized to act on behalf of an organization.

Child: For the purposes of this policy and in line with the United Nations Convention on the Rights of the Child, a child is anyone under 18 years of age.¹ Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. A mistaken belief regarding the age of a child is not a defense.

Child Abuse

Child abuse means emotional, physical, sexual, or any other ill-treatment carried out against a child by an adult. These various types of child abuse are further defined below.

¹ United Nations Convention on the Rights of the Child (1989)

Physical Abuse: Physical child abuse means acts or failures to act resulting in injury (not necessarily visible), unnecessary or unjustified pain or suffering without causing injury, harm, or risk of harm to a child's health or welfare, or death.

Sexual Abuse: Sexual abuse constitutes any actual or threatened physical intrusion of a sexual nature towards another person whether by force or under unequal or coercive conditions. When carried out against a child by an adult, such conduct is considered sexual abuse even in the absence of force or unequal or coercive conditions. Sexual abuse of a child by a Creative employee constitutes an act of gross misconduct and is therefore grounds for termination of employment.

Emotional Abuse or Ill-Treatment means injury to the psychological capacity or emotional stability of the child caused by acts, threats of acts, or coercive tactics. Emotional abuse may include, but is not limited to: humiliation, control, isolation, withholding of information, or any other deliberate activity that makes the child feel diminished or embarrassed.

Child Neglect: means a failure to provide for a child's basic needs in the absence of the child's parent or guardian when the care of the child is associated with a contract requirement.

Employee: means an individual who is engaged in the performance of this contract as a direct employee, consultant, or volunteer of the contractor or any subcontractor.

Exploitation: Exploitation constitutes any actual or attempted abuse of a position of vulnerability, differential power, rank, or trust, including for the purposes of profiting monetarily, socially, or politically. When carried out for a sexual purpose this constitutes sexual exploitation. Exploitation represents a form of coercion and violence that is detrimental to the child's physical or mental health, development, education, or well-being, and includes trafficking in persons, as defined below. A child may also be exploited into domestic servitude, forced labor, forced criminal activities, fraud, becoming a child soldier or joining a gang.

Sexual exploitation is any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purpose. The exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior is prohibited. This includes any exchange of assistance that is due to beneficiaries. Sexual exploitation of a child by a Creative employee constitutes an act of gross misconduct and is therefore grounds for termination of employment.

Commercial Sex Act: Commercial sex act means any sex act on account of which anything of value is given to or received by any person.

Severe Forms of Trafficking:

- (1) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- (2) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

5. Policy Statement

There are three primary elements to Creative's Child Safeguarding policy: (1) a prohibition against child abuse, neglect and exploitation; (2) a prohibition against trafficking; and (3) respect for a child's privacy and confidentiality of child-related safeguarding matters. In each case, Creative takes a survivor-centered approach and considers the best interest of the child in addressing any misconduct.

Child Abuse, Neglect and Exploitation

Creative has zero tolerance for, and prohibits all its employees, agents, visitors, interns, volunteers, or any other person provided access to or contact with program beneficiaries from engaging in, child abuse, exploitation or neglect, supporting or advancing these actions, or intentionally ignoring or failing to act upon allegations of these actions. Creative considers the welfare of the child to be paramount, and believes that all children, whatever their age, culture, ability, gender, language, racial origin, religious belief and/or sexual identity should be protected, and their welfare safeguarded in program activities in which Creative is involved.

Creative shall take all reasonable steps to prevent child abuse, neglect, and exploitation, and shall ensure compliance with host country and local child welfare and protection legislation or international standards, whichever gives greater protection, and with U.S. law where applicable. For both its operations and programs, Creative personnel have an affirmative obligation to report all instances of such misconduct occurring in connection with its programs or operations, including instances of misconduct by fellow employees, agents, visitors, interns, volunteers, or any other person provided access or contact with beneficiaries of foreign assistance by Creative during the contract performance. Creative shall promote the following good practices, as advised by USAID and Child Safeguarding experts:

- Work in an open environment (e.g. avoiding private or unobserved situations, limiting unsupervised interactions with children, and encouraging open communication).
- Make experiences of children involved in Creative activities fun, enjoyable and enriching; promote fairness, confront and deal with bullying.
- Treat all young people equally and with respect and dignity.

- Avoid unnecessary physical contact with young people. Where any form of manual/physical support is required, it should be provided openly and with the consent of the young person. Physical contact can be appropriate so long as it is neither harmful nor offensive and the young person's consent has been given.
- Prohibit exposure to pornography
- Be an excellent role model.
- Always give enthusiastic and constructive feedback rather than negative criticism
- Maintain a safe recruitment policy using recruitment practices and procedures that keep all children safe, including through promotion of child-safe screening procedures for personnel, particularly personnel whose work brings them in direct contact with children, and robust safety inspection.
- Conduct pre/during/post risk assessments for all programming and activities involving children or those having a direct impact on children.
- Evaluate all ongoing programs and operations to ensure they meet the standards for safeguarding children.

Further, Creative intends that its programs and operations do not place particularly vulnerable children at further risk. While children regardless of age, gender, race or ability can be harmed by abuse, exploitation or neglect, Creative strives to be particularly mindful of the most vulnerable groups with whom it interacts, such as the disabled, indigenous populations, religious or ethnic minorities, street children, and those living in remote, conflict-affected or rural locations.

In this regard, the Chief of Party shall:

- be aware of local legal, social welfare and child protection arrangements;
- incorporate child safeguarding risk assessments and mitigation strategies into existing risk assessment processes;
- integrate child safeguarding measures as appropriate into existing processes and systems (strategic planning, budgeting, recruitment, programs, performance management, procurement, partner agreements and management systems, etc.); and
- ensure local access to and awareness of Creative's reporting and responding process for incidents and concerns.

Creative shall ensure widespread access to reporting of allegations or concerns, including through child-friendly methods; responding swiftly and appropriately to credible allegations; establishing a written record of all matters; and raising awareness through information and training to mitigate and address the occurrence of such misconduct. In each of these efforts, Creative shall undertake to follow best practices as advised by child safeguarding experts. If Creative determines that any

of its personnel have violated this policy, Creative shall take all appropriate actions, including, but not limited to, dismissal.

Human Trafficking

Creative strictly prohibits and has zero tolerance for the following actions associated with human trafficking:

- Engaging in severe forms of trafficking in persons during the period of performance of the contract;
- Procuring commercial sex acts during the period of performance of the contract;
- Using forced labor in the performance of the contract;
- Destroying, concealing, confiscating, or otherwise denying access by an employee to the employee's identity or immigration documents, such as passports or drivers' licenses, regardless of issuing authority;
- Using misleading or fraudulent practices during the recruitment of employees or offering of employment, or when required by law or contract, failing to provide an employment contract, recruitment agreement or other required work document in writing;
- Using recruiters that do not comply with local labor laws;
- Charging employees recruitment fees;
- Providing or arranging housing that fails to meet the host country housing and safety standards;
- Failing to provide return transportation or pay for the most of return transportation upon the end of employment.

Creative will take all reasonable and appropriate actions to seek to prevent human trafficking by putting in place policies and procedures that demonstrate the company's commitment to anti-trafficking by providing training programs, raising awareness, and promoting a culture of anti-trafficking among those hired or retained by Creative.

Compliance Plan

Creative maintains a Anti-Trafficking and Safeguarding Compliance Plan for awards of \$500,000 or more that is appropriate to the size and complexity of the contract and the nature and scope of the activities to be performed, including the number of non-U.S. citizens expected to be employed, and the risk that the contract or subcontract will involve services or supplies susceptible to violations of child safeguarding or trafficking in persons. Generally, the Compliance Plan includes the following elements:

- An assessment at the outset of program design of the risks of child exploitation, sexual abuse, child abuse, child neglect or child trafficking, and any steps that may mitigate such risks, including limiting unsupervised

- interactions with children and complying with applicable laws, regulations, or customs regarding harmful image-generating activities of children;
- An awareness program to inform employees, agents, interns, or any other person provided access or contact with beneficiaries, as well as beneficiaries and local community members, about the government's and Creative's policy for child safeguarding and prohibiting trafficking-related activities, including the activities prohibited, the action that will be taken in response to violations, and the mechanism(s) for reporting allegations;
 - A process for employees to report, without fear of retaliation, activity inconsistent with the policy prohibiting trafficking in persons, through one of Creative's reporting processes;
 - A recruitment and wage plan that only permits the use of recruitment companies with trained employees, prohibits charging recruitment fees to the employee, and ensures that wages meet applicable host-country legal requirements or explains any variance;
 - A housing plan, if Creative intends to provide or arrange housing, that ensures that the housing meets host-country housing and safety standards;
 - Procedures to prevent agents and subcontractors at any tier and at any dollar value from engaging in trafficking in persons, and to monitor, detect and terminate, any agents, subcontracts or subcontractor employees that have engaged in such activities.

Notwithstanding Creative's efforts to prohibit and prevent human trafficking, if Creative personnel receive information that trafficking has been or may be occurring within the context of the award program activities that Creative is implementing, the following reviews and/or actions will be taken:

- **Security Allegations Monitoring:** It is the exclusive responsibility of Creative's HQ Security Department, in coordination with the Legal Department, to conduct any and all appropriate reviews and monitoring of suspected and reported human trafficking allegations.
- **Personnel Actions:** The Human Resources Division will determine the appropriate action to address any instances of inappropriate behavior, up to and including, termination of employment.
- **Finance and Contractual Actions:** Actions to withhold payments and/or to terminate sub awards, grants, or procurements that are non-compliant with anti-trafficking regulations will be taken, as deemed appropriate and recommended, should credible evidence of it be determined.

Failure to abide by the principles, standards, and procedures set forth herein is grounds for disciplinary action up to and including termination. Information about anti trafficking compliance failures should be immediately reported via one of Creative's established reporting methods.

Creative engages in training and raises awareness among its employees and consultants so that they are informed about the nature of sexual abuse, exploitation, harassment and tracking. Creative encourages its employees, consultants, partners and beneficiaries to report any suspected misconduct or concerns of this nature. Creative shall ensure its employees and consultants are aware of the methods by which such misconduct can be reported and shall facilitate outreach and information to beneficiaries so that they understand their rights and may be empowered to report allegations without fear of retaliation or reprisal.

Privacy and Confidentiality Concerns

Creative undertakes to ensure the privacy of children who are the direct beneficiaries of its programs, deal with all safeguarding concerns and investigations on a need-to know basis, and handle all related records and communications securely, including the handling of child data. Child data includes paper or electronic information containing Personally Identifiable Information (PII) collected for Creative's programmatic or operational purposes.

Creative shall follow all relevant laws in obtaining the consent of children from their parents or legal guardians that may be necessary for their participation in Creative programs, including complying with applicable laws, regulations or customs regarding the photographing, filming or other image generating activities of children.

All Creative staff should undertake precautions when sharing information about children in our marketing and communications. In particular, information should not be disclosed to the public that could reveal the identity of a child (date of birth, full name, location, etc). Staff should also follow guidance from Creative's Communications Department on how images can be used and for obtaining formal consent about their usage, as well as how to portray children in images and reporting.

All use of social media for both professional and personal purposes should be governed by the principles of respecting and protecting children. Every effort should be made to ensure that confidentiality is maintained for all concerned.

6. Additional Authority and References

- Exceptions to this policy can only be authorized by the Senior Director of Human Resources or CEO
- Code of Ethics and Business Conduct
- Anti-Trafficking Policy
- Safeguarding of Women and Other Vulnerable Adults Policy
- Duty of Care Policy
- 48CFR22.17, 48CFR52.222-50/56 and 22 U.S. Code Chapter 78 - TRAFFICKING VICTIMS PROTECTION
- USAID Standard Provisions on Safeguarding Against Exploitation, Sexual Abuse, Child Abuse, and Child Neglect, ADS, M.27, October 2023