

European Lawyers in Lesvos gGmbH

Safeguarding Policy

April 2021

1 Background

European Lawyers in Lesvos (“ELIL”) is a charity registered in Germany and Greece. It is a volunteer-based organisation that was founded by the Council of Bars and Law Societies of Europe (CCBE) and the German Bar Association (DAV) in 2016 and is also supported by the French Bar Association (CNB) since 2020.

Our team of Greek asylum lawyers and volunteer asylum lawyers from other European countries provide free, independent legal assistance to asylum seekers on Lesbos, Samos and mainland Greece.

ELIL was inspired by belief in the fundamental importance of upholding the rule of law, protecting human rights and ensuring meaningful access to legal assistance. We believe that every asylum seeker should be able to receive free legal assistance, from an independent lawyer experienced in asylum law, before their asylum interview.

2 Key Values

ELIL has four key values:

- **Unhindered access to legal assistance** – we believe access to independent legal assistance from a lawyer is a fundamental right and vital to upholding the rule of law
- **Equality** – we provide legal assistance to all, irrespective of nationality, age, gender identity or expression, ethnic or social origin, religion, beliefs, disability, ability or sexual orientation and at all times all team members shall abide by the European Lawyers in Lesvos Code of Conduct
- **Independence** – Our legal work is completely independent, and in the interest of the individual we are assisting
- **Quality** – our legal assistance is provided by practising and experienced Greek and European asylum lawyers who have been identified through a rigorous selection process. It complies with the professional and ethical standards of the legal profession, including those relating to privacy and confidentiality.

All volunteers and staff members of ELIL must always act in pursuance of these key values. “Team members” includes all staff and volunteers.

3 Safeguarding

Safeguarding is the responsibility to ensure that all members of an organisation, its operations, and programmes do no harm to persons that they work with (both those they assist and team members), including no exposure to the risk of harm and abuse, and that any concerns the organisation has about the safety of the people it assists, are reported appropriately.

Due to the nature of the ELIL's work, team members engage in activities that involve direct communication with asylum seekers. ELIL therefore acknowledges its responsibility to take all reasonable and appropriate measures in order to ensure the safety and protection of all persons it assists and all associated people, including ELIL team members.

Key principles:

- Everyone has an equal right to protection from abuse and exploitation regardless of age, race, gender identity or expression, sexual orientation, religion, political or other opinion, national, ethnic or social origin, disability.
- The best interests of the people that we work with are paramount and shall be the primary consideration in our decision making.
- ELIL will take action where we believe that a person is at risk or is actually harmed.
- ELIL recognises that we will take all actions in order to mitigate potential risks and/or reduce their impact.
- ELIL respects confidentiality and has a responsibility to protect sensitive personal data.
- ELIL commits to monitoring the implementation of the safeguarding policy.
- ELIL always seeks to work in ways which are culturally sensitive and that respect the diverse nature of the people we work with.

4 Scope of the Safeguarding Policy

All ELIL team members must always act in compliance with the Safeguarding Policy and all associated policies and procedures annexed to this document, as follows:

- Annex 1: ELIL Human Resources Manual
- Annex 2: ELIL - Code of Conduct
- Annex 2: ELIL - Terms of Engagement
- Annex 3: ELIL - Child Safeguarding Policy
- Annex 4: ELIL - Anti-Bribery, Fraud and Corruption Policy
- Annex 5: ELIL - GDPR Policy
- Annex 6: ELIL - Diversity Policy
- Annex 7: ELIL - ELIL - Sensitivity Guidelines (Communications)

Any breach of safeguarding should be reported and recorded in writing.

5 Responsibilities

All ELIL team members shall:

- Follow this policy and maintain an environment that prevents exploitation and abuse and which encourages reporting of breaches of this policy using the appropriate procedures.

- Strive to promote a zero-tolerance approach to discrimination, sexual harassment and abuse.
- Place the safety and welfare of people that we work with above all other considerations.
- Report any safeguarding concerns they may have, by following the reporting mechanisms as set in this document and in all associated policies and procedures.
- Read, understand and adhere to this ELIL Safeguarding Policy as well as all other associated policies and procedures.

All ELIL team members shall not:

- Sexually harass, assault or abuse another person.
- Physically harass, assault or abuse another person.
- Emotionally abuse another person, such as engaging in behaviour intended to shame, humiliate or degrade.
- Condone, or participate in behaviour which is abusive, discriminatory, illegal, or unsafe.
- Develop, encourage or fail to take action of relationships with children or other people ELIL assists which could in any way be deemed sexual, exploitative or abusive.
- Act in ways that may be violent, inappropriate or sexually provocative.

Coordination roles within ELIL are responsible to ensure that all ELIL team members are aware of the ELIL Safeguarding Policy as well as all other associated policies and procedures, that all team members are supported to work in accordance with the above mentioned policies, and to create a management culture that encourages a focus on safeguarding. All coordination roles within ELIL must ensure that they will act immediately if they become aware of any safeguarding concerns, and be supportive towards ELIL team members who raise concerns about breaches of the above-mentioned policies and procedures.

The Project Manager is responsible for ensuring the effective implementation of this policy and associated procedures and ensuring that all team members are equipped and supported to meet their responsibilities.

The **Managing Director** holds ultimate accountability for this policy.

6 Reporting

Team members must immediately report any suspected breaches of this policy immediately to the Managing Director and not to anyone else. Failure to report will be treated as serious and may result in disciplinary measures being taken.

Following such a report, the Managing Director must establish whether there are clear grounds for initiating an investigation. If so, a formal investigation must take place. This investigation will be led by the Managing Director, supported by the Legal Coordinator, as necessary (unless the Legal Coordinator is potentially implicated in the matter).

If the matter relates to a suspected breach of this policy by the Managing Director, the report

should be made directly to a member of the ELIL Supervisory Board.

Other than in exceptional circumstances, and where the Managing Director has given explicit consent, ELIL will report all apparent criminal conduct covered by this policy to the appropriate police or investigatory authorities, irrespective of whether that conduct is on the part of staff/volunteers or others.

7 Recruitment and Selection Process

Safe Recruitment procedures are followed for all ELIL team members irrespective of the status of the position (including all staff and volunteers).

- When ELIL is recruiting for a position (staff or volunteer) which involves direct work with people ELIL assists, the finally selected candidate is required to sign a statement of no final conviction for participation in a criminal organisation, bribery, fraud, crimes relevant to safeguarding, child labor or any other form of trafficking. ELIL reserves the right to proceed with an appropriate background check in case of potential concerns related to safeguarding.
- All ELIL team members shall read, understand and adhere to the ELIL Safeguarding Policy and Code of Conduct as well as all other associated policies and procedures.
- Job descriptions will highlight the commitment of the organisation to safeguarding. The staff recruitment process will seek to build a comprehensive understanding on both sides through interviews, introductory periods, induction and training. References will be requested for all successful candidates.

8 Training and Support:

All ELIL team members receive support on safeguarding, which includes:

- Training on the ELIL Safeguarding Policy and all the associated policies and procedures.
- Internal reporting mechanisms and channels of communication regarding the ELIL Safeguarding Policy and all the associated policies and procedures.
- Training on cultural sensitivity and working in ways that respect the diverse nature of persons.

9 Data Protection

ELIL is committed to processing data in accordance to GDPR Regulation (EU) 2016/679.

All sensitive and personal data shall be kept confidential, including the names of anyone who makes a report of abuse), and should be shared only with those whose work requires the information.

10 Media

At all times, all ELIL team members will behave in a manner that is respectful and understanding, both in relation to the people ELIL assists and to fellow team members.

All ELIL team members shall refrain from taking photos or videos when working in the field.

We work with people who are involved in a complex legal process and may have encountered trauma, gender-based violence and other abuses in their journeys to safety - factors which may make it dangerous for them to be identified. They are at a crucial and extremely delicate stage of their legal process, when any material published externally could be misinterpreted or misused.

Use of images of people is permitted only following the written consent of the individual(s).

The consent of an individual to the use of their information or material by ELIL for communication purpose is under no circumstance a condition of receiving assistance from ELIL. It is mandatory that the above is made clear at all relevant occasions and contacts.

11 Definitions

Abuse - a violation of an individual's human and civil rights by any other person or persons. It can be a single act or repeated acts and can be unintentional or deliberate and take the form of physical, psychological, financial or sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the health, survival, development or dignity of a person.

Child or children - anyone under 18 years of age, including those who have been registered as over 18 years of age but claim to be under 18 years of age.

Child abuse - anything done or not done that directly or indirectly harms children, including physical abuse, emotional abuse, neglect/negligent treatment and sexual abuse/sexual exploitation). ELIL considers that any individual under the age of 18 is a child and is "underage", regardless of the legal age of consent of the country in which s/he lives and/or in which the offense occurs. An underage child cannot legally give informed consent to sexual activity. Sexual activity with a child with or without their consent will be treated as a serious issue and will result in disciplinary action being taken, including potentially termination, and/or the pursuit of any other available legal remedy. This equally applies where the child is over the legal age of consent of the country in which s/he lives and/or in which the offense occurs, but below 18 years, and the sexual activity is consensual.

Discriminatory abuse – abuse motivated by a vulnerable person's age, race, nationality, gender identity or expression, sex, sexual orientation, disability, or other personal characteristic.

Financial or material abuse - including theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.

Physical abuse – includes hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm.

Psychological abuse - includes emotional abuse, threats of harm or abandonment, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks. Examples include not giving a vulnerable person opportunities to express their views, deliberately silencing them or 'making fun' of what

they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on a vulnerable person, which may include interactions that are beyond a vulnerable person's developmental capability. It may involve serious bullying (including cyber bullying), or the exploitation or corruption of a vulnerable person.

Sexual abuse - involves forcing, enticing or coercing someone to take part in sexual activities, whether or not the vulnerable person is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving a vulnerable person in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse can be carried out by adults or other children.