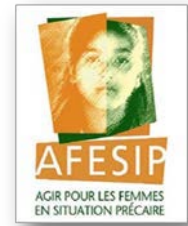


Child Protection Policy and Procedures AFESIP Cambodia



Ratified by AFESIP's Executive Committee (EXCOM): 9th November 2008

Responsible for Implementation: Administration, Communication and Human Resources Coordinator

Date of Implementation: 1st December 2008

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Introduction

Child abuse happens in all societies throughout the world. The child abusers can be anyone, including those who work with/care for children.

The UN Convention on the Rights of the Child states that:

- All children have equal rights to protection from abuse and exploitation
- Everybody has a responsibility to support the care and protection of children
- The duty bearers are accountable to eradicate child abuse

Based on the above guiding context and principles, AFESIP Cambodia (AFESIP) is obliged and committed to ensuring that children involved with its programmes are protected from any form of abuse.

Definition

A child means every human being below the age of eighteen years.

Child abuse means sexual abuse or other physical or mental harm deliberately caused to a child.

Child Protection Policy is a statement of intent that demonstrates a commitment to safeguard children from harm and makes clear to all what is required in relation to the protection of children. It helps to create a safe and positive environment for children and to show that the organisation is taking its duty of care seriously.

Statement of Commitment

As an organisation working within a Victim-Centred Approach, AFESIP's first priority is the safety and well being of the children under its care. AFESIP is committed to a strict child protection policy to ensure the children are not exposed to abuse, exploitation, violence or neglect. This policy conforms to the general principles of the UN Convention of the Rights of the Child as follows:

- **Best Interests of the Child:** The best interests of the child will be AFESIP's primary consideration. All decisions and actions concerning a child will serve the best interests of

the child. When weighing up alternatives AFESIP will seek to ensure that the final decision or action arrived at will be that in which the child receives the maximum benefit possible. AFESIP will at all times consider the impact a decision or action will have on the child and ensure the positive impacts outweigh any negative impacts.

- **Non-Discrimination:** AFESIP will enforce a policy of non-discrimination at all times and all children will be treated with respect and love equally.
- **Participation and Self-Determination:** AFESIP abides by the principle that a child has the right to have his or her views taken into account in accordance with their age development in major decisions affecting their life. They will be given the opportunity to express their ideas and views and be heard on matters affecting them. AFESIP will in all cases give serious consideration to the child's wishes (and those of their legal guardians where appropriate) throughout the decision-making process. All children have the right to self-determination.

AFESIP aims to provide safe and friendly environments where children can develop and grow in a healthy way.

The guidelines in this Child Protection Policy protect both the child from abuse and adult from false accusation.

AFESIP will:

- Respect the rights and dignity of the children, families and communities with whom we work, and always act according to the best interest of children.
- Demonstrate commitment to actively preventing child abuse.
- Take positive action to prevent child abusers becoming involved with AFESIP in any way and takes stringent measures against any AFESIP associate who commits child abuse.

To ensure the above commitment, AFESIP is committed to upholding

- the UN Convention of the Rights of the Child
- Cambodian constitution, especially articles 41 and 42 (Please see appendix I)
- The Cambodian current and future laws and tools on child rights.
- Positive traditional practice

1 WHO THIS POLICY APPLIES TO AND RESPONSIBILITY FOR IMPLEMENTATION

This policy applies to all associates of AFESIP: intern students, volunteers, employees, prospective employees, consultants, contractors, partner organisation members and visitors. The term "AFESIP Associates" will be used.

The AFESIP Child Protection Officer (CPO) is responsible to ensure that the Child Protection Policy is dispatched and understood by all AFESIP associates and that they all acknowledge their receipt of and responsibilities under the policy. The nominated CPO at AFESIP is the Technical Consultant of Centre Operations.

AFESIP will ensure the Child Protection Policy remains relevant and effective. AFESIP will consistently monitor all risks pertaining to the Children and when needed make any necessary changes to the Child Protection Policy.

AFESIP will advise and assist all AFESIP Associates in the implementation of the policy. The AFESIP Technical Consultant of center-Operations and/or Technical Coordinator will be responsible for the effective implementation of the Child Protection Policy.

2. VISITORS TO THE CENTRE

- 1) All visitors must sign in at AFESIP office and receive an AFESIP pass.
- 2) No visitor should be allowed in without informing AFESIP Technical Coordinator, manager or senior staff member, unless prior authority has been granted.
- 3) All visitors must be closely monitored by AFESIP staff or volunteers, No visitor can be left alone, with or without children when in AFESIP centres. Photography is strictly prohibited unless special circumstances have been discussed and authorised in advance with AFESIP management.
- 4) All visitors must read and sign the visitor agreement document and submit with a copy of their recent criminal record check to the relevant member of AFESIP staff before arriving at the centre.

3. PERSONNEL RECRUITMENT, AFESIP SCREENING AND ORIENTATION

- 1) Advertisements for job vacancies will make clear that AFESIP is committed to child protection and that prospective employees' commitment to child protection must be a condition of employment.
- 2) All prospective AFESIP Associates will be informed of AFESIP's Child Protection Policy at the start of any recruiting process.
- 3) Screening of applicants will include a written application, personal interviews (where possible), copy of passport/ID card, any Child Safe children's cards eg: Australian 'Blue Card', reference/police checks and reference checks. During the interview process, applicants will be asked about previous work with children.
- 4) Where possible and permissible by local law, applicants for positions as a staff member or volunteer are requested to give permission for a criminal record or police check for any conviction related to child abuse or other relevant offences. Expatriates will be subject to the same background checks as possible and permissible by law in their home countries. *(Police checks are not currently practical in Cambodia, but whenever they are AFESIP will instigate.)*
- 5) AFESIP reserves the right to terminate a contract if reference checks (and background check in the future) reveal that the person is not suitable to work with children or for any reason that may put children at risk.
- 6) The Child Protection Policy will be reviewed during new staff orientation. The CPO shall ensure all new personnel acknowledge in writing their receipt and understanding of the policy, with signed copies of their acknowledgement kept in the personnel files.

4. CODE OF CONDUCT FOR AFESIP PERSONNEL

A code of conduct gives guidelines deemed to be appropriate and proper behaviour for AFESIP Associates when interacting with Children in the care of AFESIP. They are primarily designed to

protect children but are also intended to protect personnel from false accusations of inappropriate behaviour or abuse.

- 1) No child is to be taken on a motorbike, tuk-tuk or car without making prior arrangements with the Technical Coordinator or CPO.
- 2) No child is to be taken to any AFESIP Associates home, guesthouse, hotel or accommodation.
- 3) No AFESIP associate is permitted to socialise with the children outside the AFESIP premises apart from a friendly hello.
- 4) No AFESIP Associate is permitted to take any child to a café, restaurant or buy them food, unless permission has expressly been given by AFESIP's Technical Coordinator, CPO, or the Head of Centre. If the children are obviously hungry, then the CPO or Head of Centre is to be informed immediately. This rule is permitted to be waived in instances when the child is travelling or spending an extended period of time with AFESIP staff outside of the center and needs to eat. Examples may include during transportation for family visits or reintegration, court hearings, or when travelling to AFESIP's center as a new arrival. Any transportation and or temporary removal of AFESIP beneficiaries from their residential center must have been approved by the Technical Coordinator.
- 5) No presents of any kind are to be bought for the children without prior arrangement with the CPO or Head of Centre.
- 6) AFESIP associates should not act in ways intended to shame, humiliate, belittle or degrade children or perpetrate any form of emotional abuse.
- 7) AFESIP Associates must display appropriate language, actions and relationships with children at all times. Extra care should be given to protecting the reputation of both children and AFESIP staff by ensuring that language and behaviour at all times reflect appropriate male-female relationships, which are respectful of and in line with Cambodian culture and customs.
- 8) Permission must be sought from the CPO or the Head of Centre for any contact with the Children outside of the AFESIP centre.
- 9) AFESIP personnel should not hire any of the AFESIP children to do domestic work or to perform other work without prior permission from the AFESIP Technical Coordinator. This is necessary to ensure the child's age and working conditions meet the criteria specified in the MOSALVY Prakas on Light Work for Minors and other relevant labour laws. These include hiring only minors over the age of 12 years old, limiting workdays and hours and providing access to education. Staff not meeting these criteria may be in violation of child labour laws and are subject to investigation for child abuse and/or exploitation.
- 10) AFESIP must take extreme care when interacting physically with the Children. AFESIP staff must not fondle, hold, kiss, hug or touch minors in an inappropriate or culturally insensitive way. Under no circumstance should any physical contact be or have the appearance of being sexual in any way.
- 11) AFESIP personnel must not exert inappropriate physical force when dealing with the Children. This includes, but is not limited to, pushing, shoving, hitting, slapping or any other action that could cause fear, intimidation or distress.

- 12) AFESIP personnel are responsible for their actions and reactions to Children at all times. They should be aware that they might work with children who may, because of the circumstances and abuses they have experienced, use a relationship with an adult to obtain 'special attention'. The adult is always considered responsible for his or her actions regardless of how a child behaves towards them. Staff should be alert to such behaviour and avoid being placed in a compromising or vulnerable position. Any advances of this nature should be immediately reported to the Technical Coordinator or CPO.
- 13) Where possible and practical staff should implement the 'two-adult' rule, whereby two or more adults supervise all activities with Children. If for any reason an individual conversation or counselling session is warranted with a child, another adult must be within visual contact.
- 14) Inappropriate conduct toward children, including failure to follow the behaviour standards stated above is grounds for discipline, up to and including dismissal from employment or placement and/or police notification and legal action.
- 15) An AFESIP staff member must accompany any visitor or non-staff member to any AFESIP facility.
- 16) No AFESIP Associate, except those designated, should enter the sleeping space of the children without permission from the CPO, Technical Coordinator, or Head of Centre.

5. AWARENESS RAISING AND EDUCATION.

- 1) AFESIP is obliged to make all AFESIP's Associates aware of the issue of child protection and Child Protection Policy.
- 2) All AFESIP Associates and local communities should be provided with opportunities to learn about how to safeguard children, to recognise and respond to concerns about child abuse.
- 3) When and where possible, children will be educated in self-protection from physical and sexual abuse. Children will be taught that they have a right to do something if an adult or another young person behaves or talks to them in a way that makes them feel uncomfortable or in danger, and to trust and act on their instincts.
- 4) The Technical Coordinator, CPO, and Head of Centre of AFESIP will initiate an open culture, encouraging opportunities for staff to raise concerns, to question, to discuss, to feedback, and learn about child protection issues. This will be done during staff meetings, through training and on other occasions. Regular staff supervision will take place where this issue will be addressed and issues discussed in an open and supportive manner.
- 5) Appropriate literature such as help-line posters, leaflets re how to report an incident and child-safe information will be made available to the AFESIP children. Regular training and awareness raising regarding child protection will take place with the children. Child Protection will be discussed regularly at meetings and forums that take place with AFESIP children.

6. COMMUNICATIONS ABOUT CHILDREN.

- 1) All communications regarding the AFESIP children will ensure that the protection, privacy, dignity and best interest of the child is paramount.

- 2) The informed consent of the child and his/her parents or guardians should always be obtained before a recording, photograph or image is taken and its intended use(s) explained. Where possible, the child and family should be shown the finished product before it is published. Images which reveal the identities of children should never be published publicly or made visible or accessible in public forums, in line with AFESIP's Identity Protection, Photography and Use of Images Policy.
- 3) Children should be adequately clothed in photographs or images taken of them and not in poses that could be interpreted as sexually suggestive.
- 4) Real names of especially vulnerable children should be changed and it should be indicated that they have been changed.

7. REPORTING AND INVESTIGATING ABUSE OR SUSPECTED ABUSE

- 1) AFESIP takes Child Abuse very seriously. Child abuse in any form including physical, emotional or sexual abuse is a serious offence that would threaten the well being and reputation of the child, the accused AFESIP Associates and of AFESIP itself. Any infringements of this type will be prosecuted to the full extent of law. Child abusers are not likely to remain in an environment where workers are trained to identify and report suspicious behaviour. For these reasons, all personnel are responsible for reporting suspected child abuse or exploitation of any kind.
- 2) Any person who has knowledge of, suspects, or has witnessed a potential child protection issue involving AFESIP personnel should immediately contact the CPO, Head of Centre, or the Technical Coordinator. A report should be made immediately, within 24 hours, to allow for early intervention and a prompt investigation. This verbal report should be followed with a written statement within a further 48 hours. Failure to report suspected child abuse or misconduct may result in disciplinary action.
- 3) On receipt of the report, the CPO, Head of Center, and/or Technical Coordinator of AFESIP will begin an internal investigation and where appropriate file a complaint with the relevant Police, NGO and/or Authorities. Full cooperation will be afforded them during any external investigation. Where appropriate, if the accused is an expatriate, the relevant law enforcement authorities will also be informed with due regard given to the potential for extraterritorial proceedings by the expatriate's country of origin.
- 4) The internal investigation will be launched within 48 hours of receipt of the complaint and will be carried out by the CPO, Head of Center, and/or Technical Coordinator. In the event that the complaint is connected to the CPO, Head of Center, Technical Coordinator, or Top Management Team members, the investigation must involve the president of AFESIP.
- 5) At the discretion of the Technical Coordinator, any AFESIP Associate could be suspended, on full pay (where applicable) pending investigation. The associate will be informed that an allegation has been made against him/her and they will be given the opportunity to respond.
- 6) The rights and welfare of the child is of prime importance to AFESIP and therefore any investigation will aim to respect the privacy and safety of the child and to make the investigation as child friendly as possible.

Response to Internal Investigation Findings

- 1) At the conclusion of the investigation, the associate, the child and/or his or her family as appropriate should be informed of concerns or allegation, the results of the investigation and what corrective action, if any, will be taken.
- 2) In the event an allegation is proven to be untrue, or even fabricated, appropriate steps will be taken for follow-up with the person who has been accused, the child, and the person who reported the incident. Efforts will be made to provide assistance to an associate accused of abuse with children, including counselling or other appropriate forms of support.
- 3) If abuse is proven by the investigation, every effort will be made to assist the child in coping with any physical or emotional trauma he or she may be experiencing. This may include medical treatment, psychological counselling or any other form of assistance deemed necessary and appropriate.
- 4) If the investigation concludes that child abuse has occurred which is not subject to criminal prosecution, staff will be subject to disciplinary action within AFESIP, up to and including dismissal.
- 5) If the investigation concludes that abuse has occurred which is subject to criminal prosecution according to national laws, all findings will be reported to the relevant national police authorities and full cooperation afforded them during an external investigation. If the accused is an expatriate, the relevant law enforcement authorities will also be informed with due regard given to the potential for extraterritorial proceedings by the expatriate's country of origin.
- 6) In the event an Associate is discharged for proven child abuse, AFESIP will disclose such information as requested by police, a prospective employer, etc. Such disclosures will be made in accordance with applicable law and/or customs.
- 7) The media may become involved when a concern or allegation is raised within AFESIP .Only the President or Executive Director and CEO will liaise with the media.

I have read the complete AFESIP Internal Child Protection Policy and Procedures. I fully understand and agree to follow all procedures contained within.

If at any time I fail to follow the guidelines set forth by the AFESIP Child Protection Policy and Procedures I understand that my employment / association may be terminated by the Executive Director and CEO or the President and appropriate action will be taken.

Signature

Date ____/____/____

If responding by email please state acceptance of terms of child protection policy. You will receive a hardcopy to sign once you arrive.

Appendix I

Royal Government of Cambodia Constitution (unofficial translation)

Article 41: Causing wounds on purpose:

- Anyone who beats/fights another person on purpose resulting in permanent disability must be punished by putting them in prison for 1 to 5 years.
- If they cause temporary disability less than 6 months they must be punished and put in prison for 6 months to 2 years.
- If it doesn't cause disability they are to be punished by putting them in prison for 2 months to 1 year.
- If using any kind of weapons must be punished 2 times more.

Article 42: Rape

- Anyone who rapes another, even the same sex or opposite sex by touching or actions involving sex must be punished to put in prison for 1 year to 3 years.
- If the rape is conducted by coercing a victim younger than 16 years old then the person who commits this must be punished 2 times more.