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Child Protection Policy of APA and CVM

September 2011

Aids Partnership with Africa

and
Comunità Volontari per il Mondo [CVM]
(Community of Volunteers for the World)

Child Protection Policy Statement

September 2011

APA and CVM are committed to the well-being of the children¹ they serve. APA and CVM aim to safeguard children from abuse and exploitation in all that we do, in line with Article 19 of the UNCRC.² One of the core values the organisations is to embrace the intrinsic worth of each person, each child and all persons.

APA and CVM strive to promote and create positive environments in which children can grow up amidst respect, hope and social justice.

Recognising the inherent worth of each child, APA and CVM accept their responsibilities to protect children from harm, to promote children's rights and to ensure children's healthy development.

The APA and CVM organisations continually examine, develop and apply standards and implement projects designed to protect children, many of whom are exposed to abuse, neglect, harassment and exploitation by virtue of life on the street. APA and CVM ensure these same standards are promoted and adhered to by all its staff and representatives everywhere, by employees, volunteers and visitors, by its partners and communities, by individuals and families and by all who have contact with children through APA and CVM work.

APA and CVM [in Ireland, Italy, Ethiopia and Tanzania or other areas of engagement] are committed to a culture that empowers adults and children with knowledge of their rights, to know what is acceptable and unacceptable, and to know what to do when there are problems.

At the center of child protection is the commitment that APA and CVM representatives³ everywhere work energetically so that the Code of Conduct becomes a way of life for all, the children, families, communities.

¹ The term 'children' will be used to refer to those individuals who are under 18 years of age as recognised in the UNCRC

² United Nations Convention on the Rights of the Child

³ 'Representative' means any person presenting themselves to child because of their relationship with APA and/or CMV. This includes staff, volunteers, board members, partners or affiliated entities and their representatives consultants, donors, visitors, supporters including sponsors, the media and all those who have contact with children or sensitive information about children.

This APA/CVM Child Protection Policy is composed of three parts:

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1. Part One: APA and CVM's Child Protection Policy

1.1 Introduction

Framed by the UNCRC, APA and CVM's work to promote children's holistic development, aims to strengthen family and community systems that support child protection and well-being. Consistent with their mission, the organisations strive to promote children's best interests and create positive environments in which children grow up amidst respect, hope, and social justice. Recognising the inherent worth of each person, each child, APA and CVM accept their responsibilities to protect children from harm, to promote children's rights, and to ensure children's healthy development. Since APA and CVM work in situations that present serious physical, emotional, and social risks to the well-being of children and that involve unequal power relations, it is vital to define clearly APA and CVM commitments to child protection. Through this policy, APA and CVM define the Code of Conduct to which all Representatives everywhere involved with any project, partner institution and/or community must adhere.

APA and CVM recognise that each country has its own legal system. The policy and standards must be interpreted and enforced in accordance with the law of each respective country. There may be instances where the policy and standards are more stringent than the law of the country in question.

1.2 Discrimination

Definition: Discrimination is unequal treatment of individuals or groups on the basis of personal characteristics such as disability, "race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."⁴

Examples

Examples of discrimination include, but are not limited to:

⁴ UN Covenant on Civil and Political Rights General Comment No. 18: Non-Discrimination, Article 1

- Services that benefit male above female or one ethnic or political group above another;
- Preferences for members of one religion over members of other religions;
- Use of demeaning labels or images in regard to particular ethnic groups;
- Passive acceptance of a situation in which disabled or HIV+ children are socially isolated and kept out of school;
- Stigmatisation of or services denial to people on the basis of their HIV/AIDS status;

Policies:

APA and CVM will not discriminate in its employment, programmes, or services on the grounds of religion, gender, race, ethnicity, national origin, language, sexual orientation, marital status, HIV/AIDS status or disability, age, or political conviction.

APA and CVM will not discriminate against or show favor of particular children.

APA and CVM will respect the cultures, best practices, and traditions of all people and display cultural sensitivity to host communities and countries where they work.

APA and CVM will promote gender equity in all its programmes.

1.3 Harassment

Definition: Harassment is any improper and unwelcome conduct that might reasonably be expected or be perceived to cause offence or humiliation to another person. Harassment may take the form of words, gestures or actions which tend to annoy, alarm, abuse, demean, intimidate, belittle, humiliate or embarrass another or which create an intimidating, hostile or offensive environment. Harassment normally implies a series of incidents.

Examples

Examples of harassment include, but are not limited to:

- Actual or threatened fighting;
- Name calling or use of threats, slurs or degrading jokes;
- Use of visual means such as leering, gesturing, or displaying intimidating or demeaning pictures, cartoons, or posters;
- Writing of offensive or threatening letters, memos, texts or emails.

Policies:

APA and CVM prohibit harassment of any kind, of a colleague, employee, programme participant, partner, vendor, or of a member of the communities in which they conduct programmes.

APA and CVM Representatives will treat each other and those whom they serve with respect and dignity. They will not use their relationship of authority inappropriately.

APA and CVM will recruit and train persons who treat all involved with the highest standards of respect and who are of the highest integrity, who are accountable, responsible and create an environment of openness for all involved.

APA and CVM will maintain a safe environment for children where beneficiaries come to participate in activities.

1.4 Sexual Harassment

Definition: Sexual harassment consists of unwelcome sexual advances, comments, jokes, or conduct of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another. This can take the form of a single incident.

Examples

Examples of sexual harassment include, but are not limited to:

- Unwelcome sexual comments about a person, their manner, or appearance;
- Sexually suggestive or obscene letters, posters, texts or emails;
- Actual or threatened physical contact such as patting, pinching, or other offensive touching;
- Degrading jokes which have a sexual connotation.

Policy:

APA and CVM prohibit sexual harassment of any individual, employee, volunteer or programme participant, regardless of their work relationship.

1.5 Exploitation

Definition: Exploitation refers to the use of children for someone else's advantage, gratification or profit often resulting in unjust, cruel and harmful treatment

of the child. These activities are to the detriment of the child's physical or mental health, education, moral, social or emotional development.

Examples

Examples of exploitation include, but are not limited to:

- Children's involvement in heavy, dangerous, or forced labour;
- Selling or buying children for economic gain (child trafficking);
- Recruitment of children into armed groups;
- Sending children to work in dangerous situations;
- Coercion to actions which violate an individual's rights

Policies:

APA and CVM prohibit the exploitation of any individual, whether staff, children, or participants in work of the organisations or their project activities.

APA and CVM Representatives will uphold the child labour laws of the respective country and ensure children are protected by these laws by reporting any witnessed or suspected exploitation.

1.6 Sexual Exploitation

Definition: Sexual Exploitation is the abuse of a position of vulnerability, differential power, or trust for sexual purposes; this includes profiting monetarily, socially or politically from the exploitation of another as well as personal sexual gratification.

Policies:

APA and CVM adhere to six core elements [arising out of the Inter Action Task Force on the Prevention of Sexual Exploitation of Displaced Children]:

- **Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.**
- **Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defense.**
- **Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behavior is prohibited. This includes exchange of assistance that is due to beneficiaries.**
- **Sexual relationships between humanitarian workers and beneficiaries are strongly discouraged since they are based on inherently unequal power**

dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work.

- Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, s/he must report such concerns via established agency reporting mechanisms.
- Humanitarian workers are obliged to create and maintain an environment, which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems that maintain this environment.

1.7 Prostitution and Sex Trafficking

Definition: Prostitution consists of providing sexual favours or activity in exchange for money or other economic gain.

APA and CVM follows the definition of sex trafficking outlined in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, which prohibits the recruitment, transportation, transfer, harbouring, or receipt of persons, or the sale, or transfer of person for purposes of commercial exploitation, including sexual exploitation.⁵

Policy:

APA and CVM opposes prostitution, sex trafficking, and other forms of trafficking in persons.

1.8 Child Abuse, Neglect and Safety

Definition: Child abuse consists of children's exposure to situations that cause children harm, usually as a result of the failure of the parent or caretaker to ensure a reasonable standard of care and protection. Abuse may be physical, sexual, or emotional harm resulting from the actions of the parent or caretaker. Abuse also includes neglect, the failure to meet a child's basic needs or to protect the child from hazards such as extreme cold or playing in dangerous places.

Examples

Examples include, but are not limited to:

⁵ UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime, Article 3 (a)

- Sexual abuse of children through touching, fondling, or rape;
- Involvement of children in pornography or showing child pornography via the internet;
- Harsh emotional treatment of children through isolation, rejection, or teasing;
- Severe physical punishment of children;
- Allowing children to play in dangerous places such as building rooftops and minefields.

Policies:

APA / CVM Representatives:

- will not abuse children through either action or neglect,
- will work in a proactive manner to protect children from preventable harm.
- will avoid being placed in compromising or vulnerable situations,
- will realise that they are always the responsible parties, even if a child behaves inappropriately, initiates an inappropriate relationship, or behaves in an unacceptable manner,
- will not condone or participate in behavior of children which is illegal, unsafe or abusive,
- will not provide shelter in their homes for a child or children,
- will not put themselves in situations where their actions (physical, verbal or otherwise) are offensive, inappropriate, abusive, neglectful or exploitative,
- will ensure that all confidential information is handled appropriately.

1.9 Reporting

All Representatives have an obligation to report violations of these policies and APA or CVM will not tolerate any form of coercion, intimidation, reprisal, or retaliation against any representative who makes a report regarding a possible violation of this policy or who provides information or assistance in an investigation. See Child Protection Standards in the following section for details on reporting and investigating concerns.

Policies:

Due to the sensitivity of reporting and underreporting, APA in Ireland and CVM in Italy and its Country Offices will democratically select two staff or volunteer members (one man and one woman) which will act as Focal Persons for receiving incident reports regarding suspicions of violations, child abuse or known breaches of the Code of Conduct.

Representatives will report alleged violations to these Focal Persons who, in turn, will report alleged violations simultaneously to the Country Representative or Acting Representative. If a Director, Country Representative or Acting

Representative is under suspicion of violation the Focal Persons will report to the delegated person, to CVM, headquarters or APA.

If a person knowingly chooses not to report an incident, then s/he will be removed from any association with APA / CVM organisations and activities.

Anyone found in violation of the Code of Conduct will be subject to appropriate disciplinary action, up to and including dismissal from employment.

1.10 APA / CVM Child Protection Code of Conduct

APA / CVM Child Protection Code of Conduct

This provides a summary to help Representatives understand this policy and relate it to the behavior expected of them.

Representatives must sign up to and abide by this Child Protection Code of Conduct.

Representatives will conduct themselves in a manner where the needs of the children are always the primary consideration. Representatives' interactions with children, their families and community members must always meet the highest levels of integrity.

APA/CVM recognise that each country has its own legal system. The policy and standards must be interpreted and enforced in accordance with local law. There may be instances where this APA / CVM policy and standards are more stringent than local law.

APA / CVM acknowledge that its representatives will:

- maintain a safe environment where beneficiaries come to participate in activities.
- organise work to minimise risks.
- hire/train Representatives of the highest integrity who are accountable, responsible and create an environment of openness for all involved.
- hire/train Representatives who treat all involved with the highest standards of respect.
- establish a culture that empowers beneficiaries to be knowledgeable of their rights, to know what is acceptable and unacceptable, to know what to do when there are problems.
- ensure that all confidential information is handled appropriately.
- encourage that breaches of the Code of Conduct are immediately reported to management, where prompt action is expected. Anyone found in violation of the Code of Conduct will be subject to appropriate disciplinary action up to and including dismissal from employment.

APA / CVM Representatives:

- will not discriminate in employment, projects, or services on the grounds of religion, gender, race, ethnicity, national origin, language, sexual orientation, marital status, health status, disability, age, or political conviction.
- will not discriminate against or show favour of particular children.
- will respect the cultures, best practices and traditions of all people and display cultural sensitivity to host communities and countries where APA / CVM works.
- will promote gender equity in all its projects.
- will not harass any employee, project participant, partner, vendor, or member of communities in which APA / CVM conducts programmes.
- will treat each other and those whom they serve with respect and dignity.
- will hire and train representatives who treat all involved with the highest standards of respect.
- will hire/train representatives of the highest integrity who are accountable, responsible, and create an environment of openness for all involved.
- will maintain a safe environment where beneficiaries come to participate in APA / CVM activities.
- will not use relationships of management inappropriately.
- will not sexually harass any individuals, employee or programmes participant, regardless of their work relationship.
- will not exploit any individuals, whether staff, children, or participants in projects.
- will uphold the child labour laws of the country and ensure children are protected by these laws by reporting any witnessed or suspected exploitation.
- will not abuse children through either action or neglect.
- will work in a proactive manner to protect children from harm.
- will avoid being placed in compromising or vulnerable situations.
- will realize that they are always the responsible parties, even if a child initiates an inappropriate relationship or behaves in an unacceptable manner.
- will not condone or participate in behavior of children which is illegal, unsafe or abusive.
- will not provide shelter for a child or children in their homes.
- will not put themselves in positions where their actions (physical, verbal or otherwise) are offensive, inappropriate, abusive, neglectful or exploitative.
- will ensure all confidential information is handled appropriately.

Finally, in line with the Core Principles of the United Nation's Task Force on Preventing Sexual Exploitation and Abuse in Humanitarian Crises 2001, APA / CVM Representatives understand the following:

- Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.
- Sexual activity with children (persons under the age of 18) is prohibited regardless of the age majority or age of consent locally. Mistaken belief in the age of a child is not a defense.

- 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 exchange of assistance that is due to beneficiaries.
- Sexual relationships between humanitarian workers and beneficiaries are prohibited since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work.
- Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, s/he must report such concerns via established agency reporting mechanisms.
- Humanitarian workers are obliged to create and maintain an environment, which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct.

Managers at all levels have particular responsibilities to support and develop systems that maintain this environment.

The guiding principle is that the protection of the child is always the overriding consideration.

2. Part two: Child Protection Standards

2.1 Organisational Awareness & Advocacy

2.1.1 Awareness:

The respective management of APA and CVM organisations will ensure that each of their staff members shall sign a written statement indicating that s/he has read, understands and will abide by the APA and CVM Code of Conduct.

All APA / CVM Representative/s are to be informed of the organisations Child Protection Policy and are to be made aware that they are expected to comply with such policies and standards. Partner organisations staff members are required to acknowledge receipt and understanding of the APA / CVM Child Protection Policies and standards.

Child protection awareness will be included in recruiting, hiring, contracting Representatives to understand and adhere to the policies and guidelines contained in this policy document. Administration Manuals will include a section on child protection and awareness. For those individuals having direct contact with children, additional orientation may be provided.

2.1.2 Advocacy:

APA and CVM endorse the United Nations Convention on the Rights of the Child⁶. The organisations encourages their headquarters and country offices to collaborate with governmental organisations, child care organisations and other professional agencies to promote children's rights, raise awareness of the plight of children and seek public policy changes where necessary. Increased awareness ensures staff and donors are sensitised to issues negatively affecting children. Increased awareness leads to actions that minimise or prevent risks for children.

APA and CVM believe that one of the greatest defenses against child abuse and neglect is a raised consciousness, among children and families, of children's rights and therefore of adult behaviors which are unacceptable. APA and CVM promotion of responsibility for child rights by communities, youth groups, street children and housemaids associations, all local government authorities and faith based organisations etc. creates an environment in project areas where strong community feedback and protection mechanisms are developing and becoming central.

2.2 Recruiting of Personnel

A critical part of APA and CVM commitment to the protection of children requires that staff be aware of and meet basic requirements of employment, including police clearance and those of local country requirements related to child protection.

Prospective volunteers [board, committees, volunteers], employees, interns, contracted consultants, affiliated and partner organisations etc. to be engaged with or visiting APA / CVM activities will be informed of and expected to understand APA / CVM Child Protection Policy during their recruiting and hiring processes.

2.3 Project Planning

Children are considered active participants in their own protection. APA and CVM projects will give them a voice and provide them with skills for protecting themselves. However, the primary responsibility for the protection of children lies with the parents, carers and other adults within the community. APA and CVM project planning includes the rights of children and child protection as primary concerns and objectives of all countries activities and plans. These plans include working with communities, local agencies, governments, etc. to build up their capacity to reduce the risks of and respond to abuse, neglect and exploitation facing children especially through the impact of the HIV/AIDS pandemic.

APA and CVM are prioritising the promotion of the Rights of the Child in all their activities and projects in Ireland, Italy, Ethiopia and Tanzania (and other countries as may arise in the future) and have based their approach on the core elements of the

⁶ See Chapter 2 Advocacy for Children's Rights

UNCRC and are promoting local awareness to child issues and developing participants skills and capacity to respond significantly.

Another integral part of project planning includes ongoing assessments of most vulnerable children's circumstances and needs together with local government sectors, faith based organisations and communities.

2.4 Training and Support

All APA and CVM offices will have copies available of this APA / CVM Child Protection Policy and leadership at all levels will ensure that Representatives understand and adhere to the policies and guidelines contained in this document.

In situations where local law is in conflict with this policy, the CEO or Country Representative and/or deputy representative is responsible for bringing the situation to headquarters attention and for ensuring that the exception is appropriately documented in the Administration Manual. They may develop their own written procedures to ensure compliance with the local country Child Protection Policy and will also work together to develop, document and implement country orientation to the APA/CVM Child Protection Policy.

2.5 Duty of Care

AAP/CVM take their duty of care toward children seriously and aim to ensure that all our programmes comply with child protection policies. Written material and visual images used by AAP/CVM and all representative visitors are checked as being appropriate and not denigrating for any child. Photographs, films of children and websites must show respect for children, be in their best interest and conform with best practice guidelines.

3. Part three: Allegation and Incident Management

3.1 Management System

Effective child protection policies have two parts:

First, there must be a strong system of prevention through clear-cut expectations, effective hiring and orientation, top-level awareness, and effective monitoring.

Second, there must be a supportive system for allegation and incident management.

Development of an effective allegation and incident management system is critical to APA and CVM efforts to protect children from abuse and ensure due process for Representatives cited in an allegation.

This Child Protection Policy provides for reporting, documenting, investigating and action to be taken as a result of an allegation and/or determination that child abuse has occurred.

Child abuse is a very serious matter. It is difficult to accept that child abuse may have occurred. There is denial. There is fear. All of these factors can lead to a potential of under-reporting which in turn leads to continued abuse. Therefore APA and CVM management at all levels must encourage reporting by instilling trust in the involved parties.

3.1 Reporting

All APA and CVM Representatives are required to report immediately to the designated Focal Persons any suspicions of violations of the Code of Conduct or child abuse. If a person knowingly chooses not to report an incident, then s/he will be removed from any association with APA or CVM.

It is imperative that children and parents understand their responsibilities to report any concerns they may have regarding the safety of children.

Regardless of who is reporting an allegation (Representative, child, parent, etc.), the allegation must be reported directly to the Focal Persons, who should provide details about what happened, including the date, location, and the name of the witness/s and transmit the report to a country representative or deputy or director within twenty-four hours.

Procedures for reporting suspected cases of child abuse to external agencies are to follow the local and national laws of the respective country.

3.2 Confidentiality

It is essential to maintain the trust of the person reporting possible abuse. Focal Persons must protect the gathered information with the greatest care. It may be that the person reporting the possible child abuse does not want the information shared with others. All information gathered and developed is held in the strictest confidence and will be disclosed only on a need-to-know basis in order to report, investigate and resolve the matter.

In some cases, APA / CVM may act against the wishes of the reporter in the best interests of the child and/or children. Such a situation is difficult and must be handled with the utmost care. It must be made clear to all concerned that information of this nature cannot be kept wholly confidential. Resolution requires sharing with the appropriate people in a confidential manner.

3.3 Investigation and Disposition of Incident

The APA / CVM Representatives must follow established local country procedures once an allegation has been reported and ensure that a confidential, thorough, immediate and impartial investigation and resolution are performed.

Procedural actions by the APA / CVM Representative includes, but is not limited to:

1. taking immediate preventative action if there is risk to a child / children
2. following respective country law requirements on reporting the incident to external authorities
3. performing an internal investigation (which may include interviews of witnesses and others),
4. collecting factual information, gathering documentation and informing the headquarters
5. an APA / CVM Representative who has been brought under investigation internally by a report to the Focal Persons or by official law enforcement authorities of the respective country for the abuse of a child will immediately be temporarily suspended and have no access to beneficiary children of the APA and CVM projects or in its activities during the course of the investigation
6. the person will be informed that allegations have been made against him/her and given an opportunity to respond
7. the individual alleged to have violated this policy will have the opportunity to present his or her view of the events in question before any determination of guilt or innocence has been reached.

The investigation team composed of the 2 Focal Persons, plus another may be appointed (by the chairperson / president in Ireland or Italy and the director or the country representative for Ethiopia or Tanzania), will consider the incident top priority until the incident is closed and should undertake the following –

1. The team will develop a detailed written investigation plan based on established respective country procedures.
2. The team will submit a written report (findings, recommendations, actions) to the appropriate Representatives.
3. Following the completion of the investigation, both the person(s) bringing the allegation and the person(s) alleged of a violation will be informed of the results of the investigation.

APA / CVM reserve the right, in the event an employee is discharged for proven child sexual abuse, to disclose such information if requested by a prospective employer. Disclosures shall be made in accordance with applicable country laws and/or customs.

APA / CVM will not tolerate any form of coercion, intimidation, reprisal or retaliation against any representative / employee who makes a report regarding possible violations of the Child Protection Policy or any person who provides information or assistance in an investigation.

The APA chairperson and the CVM president, director, country representative or deputy representative are responsible for implementing all recommended / approved actions.