

1. CHILD PROTECTION POLICY

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Introduction

Child abuse happens in all societies throughout the world. The child abusers can be anyone, including those who work/care for children, family or community members. 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, This Life is obliged and committed to ensuring that children involved with its programs are protected from any form of abuse.

Additional Authority: Law and related organisational documents

Cambodian constitution, especially articles 41 and 42
United Nations Convention on the Rights of the Child
Recruitment Policy
Induction Policy
Code of Conduct
Communications Policy
Partner and Affiliated Organisations Policy
Program Management Manual

Definitions

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

Exploitation of a child, commercial or otherwise, refers to the use of the child in work or other activities for the benefit of others that are to the detriment of the child's physical and mental health, education, or moral and social-emotional development. It includes, but is not limited to, child labour, child trafficking and child sexual exploitation.

Physical abuse occurs when a person purposefully injures or threatens to injure a child or young person. This may take the form of slapping, punching, shaking, kicking, burning, shoving or grabbing. The injury may take the form of bruises, cuts, burns or fractures.

Emotional abuse occurs when a child is repeatedly rejected or frightened by threats. This may involve name calling, being put down or continual coldness from parent or care giver; to the extent that it affects the child's physical and emotional growth.

Sexual abuse occurs when a child or young person is used by an older or bigger child, adolescent or adult for his or her own sexual stimulation or gratification - regardless of the age of majority or age of consent locally. These can be contact or noncontact acts, including sexualised language, voyeurism, fondling genitals or breasts, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object and exposing a child to, or involving a child in pornography.

Child abuse or maltreatment constitutes all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power. Put simply, child abuse is acts or behaviours which result in harm to children. It encompasses physical abuse, sexual assault, emotional abuse and, neglect. Child abuse also includes non-contact behaviours; such as producing, viewing or showing materials that are pornographic or sexual in nature.

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.

Senior Staff are the Senior Management Team (including the Executive Director, Deputy Director and Section Leads) and Program Coordinators of This Life.

Statement of Commitment

As a community organisation, This Life's first priority is the safety and wellbeing of the children under its care. This Life 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 This Life's primary consideration. All decisions and actions concerning a child will serve the best interests of the child. When weighing up alternatives This Life will seek to ensure that the final decision or action arrived at will be that in which the child receives the maximum benefit possible. This Life 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: This Life will enforce a policy of non-discrimination at all times and all children will be treated with equal respect.

Participation and Self-Determination: This Life 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 decisions affecting their life. They will be given the opportunity to express their ideas and views and be heard on matters affecting them. This Life 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.

This Life aims to provide safe and friendly environments where children can develop and grow in a healthy way. The guidelines in this Child Protection Policy are primarily to protect children from abuse, however they will also protect adults from false accusation.

This Life Cambodia 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 This Life in any way and takes stringent measures against any This Life associate who commits child abuse.
- Assess, monitor and evaluate child safeguarding risks, processes and mitigation strategies at all stages of program design and implementation.
- Regularly report on any potential or actual child safeguarding issues to the Board.

To ensure the above commitment, This Life 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

Who this policy applies to and who is responsible for implementation

This policy applies to all associates of This Life: interns, volunteers, employees, prospective employees, counterparts, consultants, contractors, partner organisation members and visitors. The term This Life associates will be used to define this group.

The This Life Child Protection Officer (CPO) is responsible to ensure that the Child Protection Policy is dispatched and understood by all This Life associates and that they all acknowledge their receipt of and responsibilities under the policy.

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

necessary changes to the Child Protection Policy.

This Life will advise and assist all This Life associates in the implementation of the policy. The This Life Child Protection Officer and/or Executive Director will be responsible for the effective implementation of the Child Protection Policy.

Visitors to This Life's workplaces

- All visitors to This Life's workplaces where children are present must sign in and receive a This Life pass. Additionally, they will be required to read this Child Protection Policy and sign to acknowledge their understanding of it (see last page).
- No visitor should be allowed to a This Life workplace without informing This Life's Executive Director, coordinator or senior staff member, unless prior authority has been granted by the This Life's Executive Director.
- All visitors must be closely monitored by This Life staff. No visitor can be left alone, with or without children when in This Life workplaces. Photography is only permitted if This Life management give approval.
- All visitors must be signed out and return This Life passes.

Personnel recruitment, screening and orientation

1. Advertisements for job vacancies will make clear that This Life is committed to child protection and that prospective employees' commitment to child protection must be a condition of employment.
2. All prospective This Life associates will be informed of This Life'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 check is now not practical in Cambodia, but whenever it is practical This Life will follow it.) Foreign staff members and volunteers must complete and bring their criminal record or police check from country of last residence before beginning work at This Life.
5. This Life associates who provide a police check (for the purpose of working with children or vulnerable adults) must report any criminal charges that ensue after the police clearance has been issued. Reporting of charges must be done within 72 hours of the charge, disclosure of charges must be made to the Executive Director or Deputy Director at This Life. This Life will then take immediate and necessary actions to ensure that This Life's child protection policies are adhered to.
6. This Life 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.
7. 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.

Code of Conduct for This Life personnel

A code of conduct gives guidelines deemed to be appropriate and proper behaviour for This Life associates when interacting with Children in the care of This Life. They are primarily designed to protect children but are also intended to protect personnel from false accusations of inappropriate behaviour or abuse.

1. All This Life associates will not engage with children in any form of sexual activity or intercourse including; paying for sexual services and acts, acts that may be sexually

- provocative, or producing, viewing or showing materials that are pornographic or sexual in nature.
2. No child is to be taken on a motorbike, tuk-tuk or car without making prior arrangements with the Executive Director or Child Protection Officer (CPO).
 3. No child is to be taken to any This Life associates home, guesthouse, hotel or accommodation.
 4. No This Life associate is permitted to socialise with the children outside the This Life premises apart from a friendly hello.
 5. This Life associates will not initiate unnecessary physical contact with children, or do things of a personal nature for children that they can do for themselves. Associates will respect the personal space of children and young people.
 6. No This Life associate is permitted to take any child to a café, restaurant or buy them food, unless permission has expressly been given by This Life's Executive Director. If the children are obviously hungry, then the Executive Director or CPO are to be informed immediately.
 7. No presents of any kind are to be bought for the children without prior arrangement with the Executive Director or CPO, and are actively discouraged under any circumstances. Associates will not develop 'special' relationships with specific children, or show any favouritism through the provision of gift-giving or attention.
 8. This Life associates should not act in ways intended to shame, humiliate, belittle or degrade children or perpetrate any form of emotional abuse.
 9. This Life associates must ensure that language and behaviour is in line with Cambodian culture and customs, and reflect appropriate male-female relationships
 10. Permission must be sought from the Executive Director of This Life for any contact with the Children outside of This Life working hours.
 11. This Life associates should not hire any children associated with This Life to do domestic work or to perform other work without prior permission from This Life's Executive Director.
 12. This Life associates must not exert physical force when dealing with children. This includes, but is not limited to, pushing, shoving, hitting, slapping etc.
 13. This Life associates are responsible for their actions and reactions to children at all times.
 14. This Life associates will treat children and young people with respect, listen to and value their ideas and opinions. Children have the right to be involved in making choices and decisions which directly affect them.
 15. This Life associates must ensure two or more adults supervise all activities with children. If for any reason an individual conversation or counselling session is deemed warranted by senior staff with a child, another adult must be within visual contact.
 16. A This Life staff member must accompany any visitor or non-staff member to any This Life workplace.
 17. 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.
 18. It is strictly prohibited for any This Life associate to provide or supply drugs or alcohol to any child.

Awareness raising and education

1. This Life is obliged to make all This Life's associates aware of the issue of child protection and the Child Protection Policy.
2. This Child Protection Policy will be included as a mandatory element in staff induction training.
3. All This Life 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.
4. 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.
5. The Executive Director of This Life 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.

6. Appropriate literature such as help-line posters, leaflets re how to report an incident and child-safe information will be made available to the This Life 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 This Life children.

Communications about children

- All communications regarding the This Life children will ensure that the protection, privacy, dignity and best interests of the child is paramount.
- This Life will not share information about a child or family with another organisation without getting prior consent from the legal guardians. The only exception to this is when making a report to the authorities about sexual abuse. While it is best practice for This Life to first talk to the family, sometimes this will jeopardise child safety. An example of this is when the parent or legal guardian is the perpetrator.
- 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.
- Children should be adequately clothed in photographs or images taken of them and not in poses that could be interpreted as sexually suggestive.
- Real names of children should be changed and it should be indicated that they have been changed.

Reporting and investigating abuse or suspected abuse

The This Life 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 This Life associates and of This Life 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. Any person who has knowledge of, suspects, or has witnessed a potential child protection issue involving This Life personnel should immediately contact the CPO or one of the Directors. 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 or legal action. On receipt of the report, the CPO and/or Executive Director of This Life 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.

The internal investigation will be launched within 48 hours of receipt of the complaint and will be carried out by the CPO and/or Executive Director. In the event that the complaint is connected to the CPO and/or Executive Director, the investigation must involve the This Life Management Committee.

At the discretion of the Executive Director, any This Life 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.

The rights and welfare of the child is of prime importance to This Life 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 This Life, 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
6. due regard given to the potential for extraterritorial proceedings by the expatriate's country of origin.
7. In the event an associate is discharged for proven child abuse, This Life 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.
8. The media may become involved when a concern or allegation is raised within This Life. Only the Executive Director will liaise with the media.

Obligation to report

By law in Cambodia, any person who has knowledge of mistreatment or sexual abuse of a minor under 15 (fifteen) years of age must by law report this to the court or relevant administrative authority. If you have knowledge of mistreatment of a minor by any person, you must report this to This Life's Executive Director and this information will be passed on to the relevant authorities. This is not limited to acts perpetrated by This Life associates but any person mistreating a child, including family and community members

Article 530: Failure to Complain about Mistreatment of a Minor

Any person who has knowledge of mistreatment or sexual abuse against a minor of less than 15 (fifteen) years of age, but fails to inform the court or administrative authority is punishable by an imprisonment from 1 (one) year to 3 (three) years and a fine from 2,000,000 (two million) Riels to 6,000,000 (six million) Riels. This Life will provide staff with training on recognising signs of abuse in children, and materials exploring signs of abuse in children will be available in the This Life library.

Authorisation

This Life Child Protection Policy contract

I have read the complete TLC Internal Child Protection Policy. 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 TLC Child Protection Policy I understand that my employment/association may be terminated by the Director and appropriate action will be taken.

Print name

Signature

Date

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