

Child Protection Policy GV17

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1. Introduction

Child abuse happens in all societies throughout the world. The child abusers can be anyone, including those who work and 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
- Child Protection Training Course
- Ethical Decision-Making Framework
- Guidelines for use of images, video, and messages

2. Definitions

A child means every human being below the age of eighteen (18) 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.

3. 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 and all its personnel will at all times:

- 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.
- Have an awareness of child protection matters and demonstrate commitment to actively preventing child abuse and exploitation.
- Commit to This Life's Child Protection Policy, including signing the Child Protection Policy Contract, and immediately report any child protection matters. Child protection is both an individual and shared responsibility of all adults and is backed by comprehensive legal obligations.
- Take positive action to prevent child abusers becoming involved with This Life in any way and apply stringent measures against any This Life associate who is in breach of any aspects of This Life's Child Protection Policy. .
- 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 as a standing agenda item at all Board meetings.

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

4. Responsibilities

All personnel

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.

This Life associates must be aware of child protection matters, commit to the This Life Child Protection Policy, sign the Child Protection Policy Contract, and immediately report any alleged or suspected child protection matters.

Child Protection Officer (CPO)

The This Life's Child Protection Officer (CPO) is responsible for ensuring that the Child Protection Policy training is satisfactorily completed by all This Life associates at the commencement of their association, that they all acknowledge understanding of and commitment to their responsibilities under this policy by signing the Child Protection Policy Contract, and that they receive periodic refresher training for the duration of that association.

This Life will ensure the Child Protection Policy remains relevant and effective. This Life will monitor all risks pertaining to Children on a quarterly basis as detailed in the Program Management Manual, and will make any necessary changes to the Child Protection Policy as soon as the need is identified.

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 children below the age of 18 are present must sign in and receive a This Life pass. Additionally, they will be required to read this Child Protection Policy and sign the Child Protection Policy Contract to acknowledge their understanding of it.
- For the purposes of storing signed Child Protection Policy Contracts, and other relevant paperwork, all visitors to This Life's workplaces where children are present must have a record in Salesforce. By signing the Child Protection Policy Contract, the visitor consents to This Life retaining the contract, and storing it in against their Salesforce record. In accordance with our Privacy and Data Protection policy, This Life undertakes to keep this Salesforce record and its content secure, protecting it from unauthorised access; providing the visitor with access to their information on request, and the right to seek its correction.
- A Salesforce record must be created at the earliest opportunity for visitors who do not already have one at the time of their visit. The timely creation and revision of this record is the responsibility of the staff member coordinating the visit. In the event that that staff member does not have access to Salesforce, it is their responsibility to request that their Section Lead make the entries and updates on their behalf.
- The signed Child Protection Policy Contract should be scanned in and uploaded to the visitor's Salesforce record.
- 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. A copy of this authorisation must be given to the staff who are organising the visit, and uploaded to the visitor's Salesforce record.
- 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 gives approval. This approval must be noted against the visitor's Salesforce record, along with details of any photographs taken and consent forms of the subjects if relevant. In signing the Child Protection Policy Contract, the visitor agrees that all photographs taken in This Life's workspaces and/or of This Life's clients, beneficiaries and/or associates will adhere to This Life's [Communications Policy](#), [Ethical Decision-Making Framework](#), and [Guidelines for use of images, video, and messages](#) (available at www.thislife.ngo/policies).
- Any visitor to This Life that will spend more than two consecutive days at a workplace where children are present (such as a student on an educational visit), or who intend to engage with project activities beyond basic observation, will be required to take This Life's Child Protection Training Course.

5. Personnel recruitment, screening and orientation

This Life will not employ (in any capacity, paid or unpaid) any person with a known history of abuse or violence towards children. Hiring Managers are responsible for assessing the level of contact with children (and therefore the level of risk) when drafting terms of reference. The level of contact can be assessed using the following template:

Question	Comment
Will the position work directly with children?	
How much direct contact with children will the job involve?	
Will there be any contact with children (including via phone, letter, email, social media, etc)	
Will the role require travel to remote areas/communicated where there will be contact with children?	
Does the role involve working with children with disabilities or vulnerable children in complex situations?	
Is the role largely unsupervised?	
Assessment:	

For all positions:

- 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.
- Advertisements and terms of reference contain a statement about This Life’s commitment to child protection and any requirements;
- Screening of applicants will include a written application, personal interviews , copies of passport/ID cards, 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 and, for positions

that involve working with children, behavioural based interview questions relating to Child Protection issues. Child Protection questions will also feature in reference checks with previous employers.

- 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. Foreign staff members and volunteers must complete and bring their criminal record or police check from the country of last residence before beginning work at This Life.
- 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.
- A minimum of two documented in-depth verbal referee checks with professional and personal associates;
- 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.
- The Child Protection Policy will be reviewed during new staff orientation, and new personnel will be required to take This Life's Child Protection Training Course. 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. The staff member will be required to take a refresher course on an annual basis.

Where positions are assessed as "working directly with children" or have a "high level of contact with children", the additional measures must be undertaken in addition to the above:

- documented request for an applicant to disclose whether they have been charged with child exploitation offences, and their response;
- resolution of employment gaps; and
- targeted behavioural interview questions on prior work with children / child protection issues relevant to the role.

Position assessments must be documented and retained on personnel files for audit purposes.

6. 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.

Code of Conduct

- a. All This Life associates will immediately report concerns or allegations of child exploitation and abuse and any non-compliance with this policy in strict accordance with procedures as provided under the sub-heading 'Reporting and investigating abuse or suspected abuse'.
- b. All This Life associates will strictly comply with policy and procedures as stated under the sub-heading

'Communications about children' at page 6 herein regarding the creation or distribution of images of children.

- c. All This Life associates will strictly comply with policy and procedures as stated under the sub-heading 'Child Labour' at pages 8-9 herein regarding compliance with Cambodian, Australian and international law prohibiting child labour.
- d. 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.
- e. No child is to be taken on a motorbike, tuk-tuk or car without the responsible staff member making prior arrangements with the Executive Director or Child Protection Officer (CPO). This prior arrangement must be documented in an email from the Executive Director or CPO and the staff member who made the request.
- f. No child is to be taken to any This Life associates home, guesthouse, hotel or accommodation.
- g. No This Life associate is permitted to socialise with the children outside the This Life premises apart from a friendly hello.
- h. 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.
- i. 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. This and any subsequent action to address the situation must be documented in emails between the Executive Director or CPO and the staff member who raised the issue, according to a treatment plan or vulnerability.
- j. No presents of any kind are to be bought for beneficiaries under the age of 18 without prior arrangement with the Executive Director or CPO, and are actively discouraged under any circumstances. This prior arrangement must be documented in an email from the Executive Director or CPO. Associates will not develop 'special' relationships with specific children, or show any favouritism through the provision of gift-giving or attention.
- k. This Life associates should not act in ways intended to shame, humiliate, belittle or degrade children or perpetrate any form of emotional abuse.
- l. This Life associates must ensure that language and behaviour is in line with Cambodian culture and customs, and reflect appropriate male-female relationships
- m. Permission must be sought from the Executive Director of This Life for any contact with beneficiaries under the age of 18 outside of This Life working hours. This permission must be documented in an email from the Executive Director to the staff member who made the request.
- n. This Life associates should not hire any children associated with This Life to do domestic work
- o. This Life associates must not exert physical force when dealing with children. This includes, but is not limited to, pushing, shoving, hitting, slapping etc.
- p. This Life associates are responsible for their actions and reactions to children at all times.
- q. 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.
- r. 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.
- s. A This Life staff member must accompany any visitor or non-staff member to any This Life workplace.
- t. 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.
- u. It is strictly prohibited for any This Life associate to provide or supply drugs or alcohol to any child.

7. Raising awareness and education

This Life is obliged to make all This Life's associates aware of the issue of child protection and the Child Protection Policy.

This Child Protection Policy will be included as a mandatory element in staff induction training and periodic refresher training sessions.

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.

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.

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 all-staff, section and program team meetings (as a standing agenda item), through training, through anonymous feedback mechanisms (such as This Life's website, and the office suggestion box), and on other occasions. Any concerns, questions, feedback or learning points raised here will also be explored in more depth, in an open and supportive manner, as part of the regular one-on-one or team supervision sessions with Line Managers or Section Leads (see Supervision Policy).

Appropriate literature such as help-line posters, leaflets regarding how to report an incident and child-safe information will be made available to This Life's clients and beneficiaries. Regular training and awareness raising regarding child protection will take place with the children as part of program activities such as case management and community events. Child Protection will be discussed regularly at meetings and forums that take place with This Life's clients and beneficiaries, particularly those with a focus on children's issues.

8. Communications about children

- All communications regarding This Life's clients and beneficiaries will ensure that the protection, privacy, dignity and best interests of the child is paramount, and will follow This Life's Communications Policy, Ethical Decision-Making Framework, and Guidelines for use of images, video, and messages.
- 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 must always be obtained before a recording, photograph or image is taken and its intended use(s) explained. This consent is captured on a paper or digital form after the process, considerations, implications and rights of the child are explained. Where possible, the child and family should be shown the finished product before it is published.
- Care must be taken to ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner.
- 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.
- Care must be taken to ensure local traditions or restrictions for reproducing personal images are adhered to before photographing or filming a child, and to ensure images are honest representations of the context and the facts.
- File labels, meta data or text descriptions must not reveal identifying information about a child when

sending images electronically or publishing images in any form.

- This Life Associates must never use any computers, mobile phones, video cameras, cameras or social media to exploit or harass children, or access child exploitation material through any medium.

9. Reporting and investigating abuse or suspected abuse

It is mandatory for all personnel to immediately report any suspected or alleged case of child exploitation, abuse, safety, possession of child exploitation material, or policy non-compliance.

Any person who has knowledge of, suspects, or has witnessed a potential child protection issue involving This Life personnel should immediately report this to the CPO and/or one of the Directors. This is not limited to acts perpetrated by This Life associates but any person mistreating a child, including family and community members.

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.

What to report?

Any behaviour that is suspect, or is reported to you about a This Life personnel or partner working with This Life regarding:

- Breach of This Life's Child Protection Policy;
- Breach of DFAT's Child Protection Policy, including professional behaviours;
- A child protection related misconduct issue;
- A person having committed, or been arrested for, or convicted of, a criminal offence(s) relating to any child exploitation or abuse;
- Child disclosure of exploitation and abuse;
- Suspicion or allegation of possession or accessing of child pornography or child exploitation material;
- Criminal proceedings being undertaken in regard to child exploitation and abuse;
- Any report made to you by anyone, including a child or community member, relating to notifiable behaviour;
- Any child safety incident related to site access of a This Life managed activity.

Reporting is not restricted to acts committed by This Life associates. It also includes:

- A DFAT staff member, including locally engaged staff;
- Any personnel of a DFAT-funded contractor or civil society organisation, including sub-contractors and grantees;
- Personnel of a DFAT-funded multilateral organisation;
- A DFAT-funded volunteer or internship;
- An employee of another Commonwealth government agency;
- An Australian Volunteers program participant or host organisation;
- any Australian citizen, Australian permanent resident or Australian company.

When do I report?

Immediately, or as soon as practical.

Who do I report to?

This Life's Child Protection Officer, who is trained in handling reporting, or to HR or management. ED/Board and relevant management should also be informed, unless doing so breaches confidentiality or puts the child at further risk.

DFAT's Child Protection Compliance Section must be immediately notified if the report relates to DFAT funded activity or personnel. Generally this will be done by ED, however if not available then DD may report directly.

Reporting must be confidential.

How do I report?

Is there a Child Incident Notification Form or similar?

The This Life representative or partner will contact the child's parent(s) or guardian(s) unless this would jeopardise the child's welfare.

Failure to report suspected child abuse or misconduct may result in disciplinary action or legal action.

10. Investigations

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 to 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 nature of the investigation will depend on the matter and must be conducted in a fair and responsible manner to establish the facts. All attendees should be given time to prepare for any meetings.

The rights and welfare of the child is of prime importance to This Life. The best interests of the child should always govern decisions regarding what action should be taken in response to concerns, and the safety of the child must always be the overriding consideration in managing internal reporting procedures and investigations. Where there is a conflict of interest the needs of the child must come first; no child should be put at more risk by actions taken.

Response to Internal Investigation Findings

1. Child exploitation and abuse, including child pornography, is a serious transnational crime. Failure to act in accordance with this policy may result in disciplinary action, dismissal, or referral to authorities.
2. At the conclusion of the investigation, the associate, the child and/or his or her family as appropriate should be informed of concerns or allegations, the results of the investigation and what corrective action, if any, will be taken.
3. 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.

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 or exploitation 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 or exploitation 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, 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.

The media may become involved when a concern or allegation is raised within This Life. Only the Executive Director will liaise with the media. **Article 530: Failure to Complain about Mistreatment of a Minor**

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. A record of this and subsequent refresher training will be kept on the staff member's HR record.

Child Labour

Background

Considerable differences exist between the many kinds of work children do. Some are difficult and demanding, others are more hazardous and even morally reprehensible. Children carry out a very wide range of tasks and activities when they work.

This policy is aligned with the International Labour Organisation's (ILO) definition of child labour which explains that considerable differences exist between the many kinds of work children do. Some are difficult and demanding, others are more hazardous and even morally reprehensible.

Children carry out a very wide range of tasks and activities when they work. The term "child labour" is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. As such, not all work done by children should be classified as child labour that is targeted for elimination. Children's or adolescents' participation in work that does not affect their health and personal development or interfere with their schooling, is generally regarded as being something positive. This includes activities such as helping their parents around the home, assisting in a family business or earning pocket money outside school hours and during school holidays. These kinds of activities contribute to children's development and to the welfare of their families; they provide them with skills and experience, and help to prepare them to be productive members of society during their adult life.

Work that is classified as "child labour" is mentally, physically, socially or morally dangerous and harmful to children, and interferes with their schooling by:

- depriving them of the opportunity to attend school

- obliging them to leave school prematurely, or
- requiring them to attempt to combine school attendance with excessively long and heavy work.

This Life Child Labour Policy Position

This Life is committed to ensuring that all This Life associates and partner organisations are fully aware of and compliant with Cambodian law, Australian law and international law relating to child labour.

There is a strict obligation to report any suspected breaches of any or all of the above-stated labour law in accordance with the procedure stated under the sub-heading 'Reporting and investigating abuse or suspected abuse' herein.