



## CHILD PROTECTION POLICY

### POLICY STATEMENT

Children's Welfare Organization of Nepal (Australia) Inc. (CWON AUST) is committed to the safety and protection of children from all forms of abuse and exploitation. This Child Protection Policy recognises that children can be extremely vulnerable, especially in situations of poverty, humanitarian crisis, or conflict and need to be protected. This Child Protection Policy outlines a risk management approach to prevent child abuse and provides clear and practical guidelines for responding to child abuse and managing complaints. CWON AUST understands it has a fundamental duty of care towards protecting children engaged in its programs and activities.

This Policy requires all CWON AUST's programs to have appropriate mechanisms in place to protect children. This Policy has been developed to adhere to international standards in line with AusAID child protection requirements.

The Child Protection Policy operates in conjunction with common and statute law and does not exclude or replace the rights and obligations of any individual under Australian common and/or statutory law.

The Child Protection Policy should be seen as a component of the broader ethical framework and the Code of Conduct of CWON AUST. Disciplinary processes are a means to establish and maintain an ethical, efficient and effective organization and

should not be seen in isolation from the overall goals of CWON AUST.

## **DEFINITIONS**

Child: every human being below the age of 18 (See 1 below).

Child Abuse: the physical, sexual, emotional mistreatment or neglect of a child 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.

Child protection: an activity or initiative designed to protect children from any form of harm, particularly harm arising from abuse, neglect or exploitation.

Physical abuse of a child: when a person purposefully injures or attempts to injure a child from an interaction or lack of interaction which is reasonably within the control of a person in a position of responsibility, power or trust over the child. This may take the form of slapping, punching, shaking, kicking, burning, shoving, grabbing or choosing not to assist a child when a situation is causing them physical pain. There may be a single incident or repeated incidents.

Emotional abuse of a child: any action that is not physical but that has a negative effect on the social, intellectual or emotional development of a child. Emotional abuse is categorized loosely as the chronic behavioural pattern directed at a child whereby a child's self-esteem and social competence is undermined or eroded over time. It can take the form of name-calling, threatening, belittling, ridiculing, intimidating, isolating, ignoring or other non-physical forms of hostile or rejecting treatment towards the child.

Neglect of a child: failure to provide the child with the basic necessities of life such as food, clothing, shelter, education, supervision emotional development and/or protection from foreseeable harm in the context of resources reasonably available to the family or caretakers of the child and to the extent that the child's health and/or development are at risk.

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1 As outlined by the Convention on the Rights of the Child (United Nations, Article 1).

Sexual abuse of a child: when a person who is position of responsibility, trust or power over a child involves the child in sexual activity which is intended to gratify or satisfy the needs of the other person and which the child does not fully comprehend, is unable to give informed consent to, or is not developmentally prepared and cannot give consent. This can include contact acts (such as rape or sexualized touching) or non-contact acts (such as exposure to pornography or taking sexualized photographs of the child).

Domestic violence: a pattern of assaultive and/or coercive behaviours conducted within the family environment or domestic (home) environment which can include physical abuse, sexual abuse, emotional abuse and/or economic coercion.

Child Exploitation: when a child is used in work or other activities for the benefit of others. This includes, but is not limited to, the commercial sexual exploitation of children whereby a child is sexually abused in return for cash or for kind and child labour whereby a child is forced to work or perform other acts to an extent detrimental to the child's physical, social or mental development.

## **POLICY PURPOSE**

This Policy aims to clearly outline:

- Definitions of child abuse and other relevant terms;
- Overarching child protection legislation, conventions and guidelines;
- CWON AUST's set of commitments to child protection;
- CWON AUST's risk management approach to preventing child abuse and exploitation;
- CWON AUST's Code of Conduct governing interaction with children both in Australia and overseas; and
- CWON AUST's practical reporting procedures and response mechanisms.

This Policy has been developed in order to:

- Protect children engaged in CWON AUST's programs from all forms of abuse and exploitation;

- Protect employees and representatives from false or malicious allegations of misconduct;
- Protect CWON AUST from being held unjustly liable for the failure to take “reasonable steps” to prevent or protect children from abuse.

## **SCOPE OF POLICY**

This Policy applies to all CWON AUST employees; and CWON AUST representatives. The term “representatives” includes but is not limited to award holders, volunteers, dependents (supported by CWON AUST projects/programs), contractors, subcontractors, agents and consultants.

Also, in accordance with the program-specific application, this Policy may also be applicable to Host Organizations and other affiliates.

## **GUIDING PRINCIPLES OF POLICY**

This Policy is founded upon the following guiding principles:

- Zero tolerance of child abuse
- Recognition and promotion of children’s best interests
- Sharing responsibility for child protection
- Use of a risk management approach to prevent child abuse
- Report and respond to all incidents of child abuse

## **APPLICATION OF POLICY**

CWON AUST is committed to ensuring that:

- In every contract involving CWON AUST, all parties agree to abide by the requirements of this Policy;
- Child protection risks are included in all project and activity risk assessments;
- Preventative child protection measures are implemented to the highest standard;
- Comprehensive child-safe recruitment and screening processes are employed;
- Child protection training is regularly provided to relevant CWON AUST employees and representatives;
- Culturally specific issues relevant to child protection will be incorporated into

- project specific risk management strategies, training and response procedures;
- A child protection Code of Conduct exists and is understood and signed, wherever applicable, by all CWON AUST employees and representatives that are bound by it;
  - Clear and current reporting procedures exist and are known by CWON AUST AUST employees and representatives;
  - National laws and processes and local resources are taken into account within reporting and response mechanisms;
  - A documented child protection management procedure exists and is operational;
  - A documented policy compliance regime exists which outlines sanctions for breaches;
  - No person is permitted to work with children if they pose an unacceptable risk to children's safety or well-being;
  - All employment contracts involving CWON AUST outline that CWON AUST has the right to dismiss or transfer personnel who breach the child protection code of conduct to other duties; and
  - The highest levels of confidentiality and sensitivity are employed pending an official investigation of an incident.

## **The Child Protection Code of Conduct**

### ***Acceptable Behaviours:***

CWON AUST employees and representatives shall:

- Treat children with dignity and respect regardless of ethnicity, race, colour, gender, age, language, religion, political or other opinion, disability, or other status;
- Conduct themselves in a manner appropriate to their position as a representative of CWON AUST in all their dealings with children;
- Immediately raise concerns regarding a child's safety or well-being in accordance with CWON AUST's Reporting Procedures and observe procedural fairness when engaged in decision-making;
- Be visible when working with children and, wherever possible, ensure that another adult is present when working in the proximity of children;

- Listen to children and allow them to be engaged in decisions that may affect them;
- Comply with all relevant Australian legislation and legislation of the host country, including labour laws in relation to child labour;
- Follow organisational policy and guidelines regarding the safety of children.

***Unacceptable Behaviours:***

CWON AUST employees and representatives shall not:

- Use language or demonstrate behaviour towards children that is inappropriate, harassing, abusive, demeaning, sexually provocative, or culturally insensitive;
- Engage children in any form of activity that is demeaning, offensive, sexually provocative, abusive or culturally inappropriate or insensitive;
- Engage children in any form of sexual activity or acts, including paying for sexual services or acts;
- Invite unaccompanied children into their home, unless they are at immediate risk of injury or in physical danger;
- Access child pornography through any medium;
- Sleep in close proximity to unsupervised children;
- Hire children for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreation activities, or which places them at significant risk of injury;
- Exclude or favour a particular child;
- Use equipment including but not limited to computers, mobile phones, video or digital cameras inappropriately or without the consent of the child and their parent or guardian;
- Physically assault, discipline or punish children;
- Touch a child in an inappropriate or culturally insensitive manner. (Representatives in direct medical care positions are to follow Australian and/or overseas industry guidelines);
- Nursing and medical volunteers should follow instructions and prompts from local medical staff, always ensuring that they are appropriately supervised during any intimate examination of children and;
- Education and other students dealing with children should not be alone with a child in a private setting.

***The Photo Policy for Using Children's Images (see also CWON Ethical Photography Guidelines):***

When photographing or filming a child for work-related purposes, CWON AUST employees and representatives must:

- Assess and comply with local traditions or restrictions for reproducing personal images;
- Obtain legitimate consent from the child or a parent or guardian of the child. As part of this an explanation as to how the photograph or film will be used must be given (see consent form);
- 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 and do not pose in a manner that could be seen as sexually suggestive;
- Ensure images are honest representations of the context and the facts;
- Ensure file labels do not reveal identifying information about a child when sending images electronically;
- Ensure images of children available for public use do not reveal any identifying information.

## **Reporting & Incident Response**

### *Reporting Child Abuse*

Any suspicion or disclosure of child abuse must be immediately reported to the relevant Manager and CWON AUST's Child Protection Officers. All incidents will be reported and managed in accordance with the CWON AUST Incident Management Response Procedure.

### **Guidelines to responding to child abuse allegations**

CWON AUST takes all allegations of child abuse, whether by CWON AUST employees, representatives or associated personnel seriously. All allegations will be thoroughly investigated. Where an incident has been reported the following procedures will take place:

### *For non-critical incident allegations*

A non-critical allegation of child abuse is one which does not pose an immediate threat to a child supposing the allegation was true. These incidents may well be critical in nature but the immediacy for response required is less urgent.

- The incident will be documented and investigated in accordance with the Incident Management Response Procedure.
- The incident will be investigated with full respect for the confidentiality of the accused and the alleged victim and information will be dispersed on a “need to know” basis with the primary concern being the rights and welfare of the persons involved.
- The accused person will be given an opportunity to express their views/opinions/version of facts.

The views of the alleged child victim will be considered in light of the documented evidence that children rarely lie about abuse.

Where the incident is reasonably proven to have occurred, appropriate disciplinary measures will be taken, including, but not limited to:

- Warning
- Suspension
- Dismissal

The disciplinary measure will depend on the nature of the offence and will be at the discretion of the relevant Manager and will be fully documented and reported to CWON AUST board of directors.

### *For critical allegations*

A critical allegation is an allegation whereby there is an immediate threat to the welfare of a child should the allegation be found true.

- Where the allegation involves a violation of either the laws of the country in which the incident occurs or the laws of Australia, the incident will immediately be reported to appropriate authorities and the person will be suspended from employment pending an investigation.
- All efforts will be taken to ensure the confidentiality and rights of the accused person and information related to the incident will only be shared on a “need to



know basis”.

- If the incident involves a breach of the CWON Code of Conduct (but is not a violation of national laws), the accused person may be suspended pending an investigation.

The rights of the alleged victim and the accused person will be of paramount concern and confidentiality will be maintained insofar as is reasonably necessary pending an investigation.

- Where a breach of the Code of Conduct is found to have occurred, the person will be immediately dismissed from employment;
- Where an allegation is found to be false or unfounded, all efforts will be taken to ensure the rights of the accused person are upheld including restoration of any damage to reputation or dignity within the organisation;
- Where allegations amount to a violation of laws of Australia or the host country, confidentiality will no longer be applicable unless deemed necessary to uphold the rights of the victim.

## **ROLES & RESPONSIBILITIES**

All individuals working for CWON AUST, whether paid or volunteer, will adhere to this policy and are responsible for ensuring their actions are in line with this policy. Such individuals are also responsible for notifying the board if they believe this policy is not being followed.

## **POLICY REVIEW**

This policy will be reviewed every two years, or more frequently as appropriate.

## **FURTHER ASSISTANCE**

Representatives who have questions or concerns or require further information in relation to these policies and procedures should contact members of the board or the program supervisor, or where that is not practicable the President of CWON AUST.

## **POLICY PREPARED BY:**



Neville Neal, Treasurer

**Date:** 25/06/2011

## **RATIFIED:**



Calida Neal, President

**Date:** 25/06/2011



Benita Morris, Vice President

**Date:** 25/06/2011



**Partner statement:**

Children's Welfare Organization of Nepal (Nepal) (CWON Nepal) agrees to abide by the principles of this policy and to work constructively to achieve the objectives stated in this policy. CWON Nepal also undertakes to adhere to local child protection laws and to be proactive in protecting children from all kinds of abuse.

Keshab Khanal  
President Children's Welfare Organization of Nepal

**Date:** 25/06/2011

