

# **Child Protection Policy**

November 2018

Child Protection Policy -OPEnE

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# 1. Context

OPEnE values the safety and protection of children in the communities in which we operate.

Child abuse and neglect are growing concerns in communities and schools throughout the world and are violations of a child's human rights. Abuse and neglect are obstacles to a child's education as well as their physical, emotional, and spiritual development.

It is important to acknowledge that the people we work with tend to live in difficult circumstances, with inadequate or basic shelter and security and in low socio-economic circumstances. The children of these people are particularly vulnerable because of these circumstances and may therefore be more susceptible to abuse and exploitation.

Children have suffered human rights violations for centuries; however the scale and impact of the violence against children, including infanticide, cruel and humiliating punishment, neglect and abandonment, sexual exploitation, abusive child labour and trafficking has becoming increasingly visible in recent years, provoking international outrage.

The Convention on the Rights of the Child, adopted by the United Nations General Assembly in 1989, forms the legal international basis for ensuring the rights and protection of children. This Convention recognizes the human rights of children and establishes in international law that States Parties will ensure all children benefit from special protection measures and assistance. Currently 193 countries are State Parties of this Convention, more than to any other human rights treaty in history. Following this, a number of studies were undertaken with regard to specific human rights violations against children, and in 2006 the United Nations undertook the first comprehensive, global study on all forms of violence against children (UN World Report on Violence against Children (Paulo Sérgio Pinheiro, Independent Expert for the United Nations, Secretary-General's Study on Violence against Children Published by the United Nations, <http://www.violencestudy.org>, ISBN-10 92-95057-51-1).

Despite the broad acceptance of the Convention on the Rights of the Child and the increasing global awareness of child rights and condemnation of human rights violations against children, children around the world continue to experience severe and regular human rights violations in their homes, schools, and communities.

In this context, OPEnE wants to ensure that the behaviour of its own staff and volunteers are irreproachable and exemplary.

## 2. Preamble

This policy affirms OPEnE commitment to the welfare of children and their protection from abuse and exploitation and is consistent with OPEnE's vision, mission and core values. This policy is aimed at deterring,

minimizing and removing opportunities for child abuse and exploitation to occur in the programs; the policy applies to all staff, contracted consultants, volunteers and interns

## 2.1. Definition

For the purpose of this policy:

- A child is considered to be a person under the age of 18 years;
- Child abuse is considered neglect, physical abuse, emotional abuse and sexual abuse.

### **Physical abuse**

Physical abuse occurs when a person uses or threatens to use physical force against a child that results in harm to the child. Physical abuse includes shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning.

### **Emotional abuse**

Emotional abuse occurs when inappropriate verbal or symbolic acts are carried out towards a child, or where there is a pattern of failure over time to provide a child with adequate non-physical nurture and emotional support. Such acts are likely to damage a child's self-esteem or social competence and include ridiculing, intimidating, threatening or isolating the child.

### **Sexual abuse**

Sexual abuse is the use of a child for sexual stimulation or gratification by an adult or significantly older child or adolescent.

### **Neglect**

Neglect is the intentional withholding from a child the basic necessities of life, such as clothing, shelter and supervision to the extent that the child's health and development are at risk

## 2.2. OPEnE'S Beliefs Regarding child protection

OPEnE believes that:

- Child abuse and exploitation is never acceptable;
- All children have equal rights to protection from abuse and exploitation;
- The situation of all children must be improved through promotion of their rights as set out in the UN Convention on the Rights of the Child;
- We have a commitment to protecting children with/for whom we work; and

## 2.3. OPEnE'S Commitment to the protection of children

OPEnE will meet its commitment to protect children through the following means:

- **Awareness:** OPEnE will ensure that all staff, contractors, volunteers, interns and partners are aware of the problem and issues of child abuse and exploitation.
- **Prevention:** OPEnE will ensure, through awareness and good practice, that all staff, contractors, volunteers, interns, and partners minimize the risks to children.
- **Reporting:** OPEnE will ensure that staff and others are clear in what steps to take where concerns arise regarding the safety of children.
- **Responding:** OPEnE will ensure that action is taken to support and protect children where concerns arise regarding possible abuse and exploitation.

## 2.4. Ensuring OPEnE's commitments are met

- All staff, contractors, volunteers, interns and partners will sign and adhere to an agreement to abide by the attached Code of Conduct related to Child Protection;
- All staff, contractors, volunteers, interns and partners will have access to a copy of OPEnE's Child Protection Policy;
- OPEnE will have a specific Child Protection reporting procedure that takes into account the local context;
- Prior to hiring, all staff will be screened through referee check(s) within the recruitment phase, only after a satisfactory outcome of the check(s), employees will be engaged to work for OPEnE;
- For personnel working with children, police clearance record/character certificate checks/referee checks will be conducted
- For the recruitment for positions that involve working with children there will be specific behaviouralbased interview questions that will be incorporated in the interview plan.
- OPEnE will never hire any personnel that are an unacceptable risk for children.
- All new employee/volunteer orientation will include a briefing on OPEnE's Child Protection Policy and child protection issues;
- Every workplace will display details for reporting possible child abuse and exploitation and reporting policy non-compliance and code of conduct breaches;
- in case of an incident as stated in this policy, all OPEnE staff are obliged to report. Incident reporting follows the complaint handling procedures of OPEnE. OPENE will ensure that all employees are aware of this procedure.
- Not only shall the complaint handling procedures of OPEnE be used in case of an incident, employees are also obligated to use the same procedure when allegations and/or suspicious arise regarding child protection policy breaches and child abuse.
- Systems will be established to investigate possible abuse and exploitation once reported;
- in case of investigation and/or dismissal of an employee when investigated over a breach of the child

protection policy, the employee may be suspended or transferred to another duty throughout the investigation period.

- Misconduct will lead to disciplinary measures which could lead to dismissal. If a claim is substantial against an OPEnE employee, the Chairperson/Team Leader at his discretion may: (i) issue a written warning and/or place the employee on probation, (ii) terminate the employment/volunteer contract with immediate effect in accordance with the applicable staff/volunteer regulations, (iii) take any other action as set out in the staff/volunteer regulations. If the claim is deemed unfounded the staff/volunteer member's record will be cleared.
- Training, learning opportunities and support will be provided by management as appropriate to ensure commitments are met.
- Duty to Report - It is the duty of all staff/volunteers who become aware of any breaches of this Code and policy non-compliance to report this immediately to a supervisor, either through the established reporting mechanism or, if not appropriate, to another senior member of staff. Failure to report concerns of sexual abuse and exploitation will constitute misconduct and be considered grounds for disciplinary measures. Management must ensure that all information about breaches of this Code and policy non-compliance is handled with the utmost discretion. Any concerns or suspicions about a suspected incident towards programme participants or colleagues, whether major or minor, should always be discussed with a coordinator or other senior member of staff.
- No action will be taken against a staff member reporting concerns in good faith. Disciplinary measures will be taken against staff for retaliating against a colleague who reports concerns or otherwise cooperates with an investigation. As well as for maliciously and falsely reporting misconduct, and for not cooperating with an investigation.
- Staff can make use of the OPEnE complaints procedure to report breaches to the Code of Conduct and policy non-compliance.
- Beneficiaries, staff of partner organizations and other stakeholders can make use of the OPEnE complaints procedure for them.

## **2.5. Review of the code of conduct**

OPEnE recognizes that both internal and external environments change. Such change may have a bearing on the scope and content of this policy. Consequently, this policy will be reviewed as necessary. The review process will be consultative and participatory in nature. The responsibility for initiating the policy review process rests with OPEnE board of directors and Management Team. This policy will be reviewed every 5 years to ensure its significance in local context.

## **2.6. Risk review**

OPEnE is aware of the vulnerability and risks children may face when joining its projects to safeguard all beneficiaries, OPEnE examines and covers protentional risks prior to implementation of projects and activities as incorporated into project plans. throughout the project course, risks are continuously reviewed via involved staff members to evaluate and reduce these risks.

### 3. OPEnE Code of conduct regarding child protection

OPEnE's capacity to ensure the protection of and assistance to the children that we work with depends on the ability of its staff/volunteers to uphold and promote the highest standards of ethical and professional conduct. We, the staff/volunteers of OPEnE, are personally and collectively responsible for upholding these standards, setting a good example and creating a working environment that encourages our commitment and transparency to this OPEnE Code of Conduct Regarding Child Protection.

It is recognized that OPEnE's work can put staff, temporarily contracted consultants, volunteers, interns and partners in positions of power in relation to children in the communities OPEnE works with. OPEnE staff, contracted consultants, volunteers, interns and partners have an obligation not to abuse this power.

This Code of Conduct is intended to serve as an illustrative guide for OPEnE staff, contracted consultants, volunteers, interns and partners to make ethical decisions in their professional lives and at times in their private lives.

The Code applies to all OPEnE staff members, contracted consultants, volunteers, interns and partners, who will be requested to read and understand the Code of Conduct and by way of signature agree to abide by it. Any breach of the Code of Conduct will be viewed seriously and may result in disciplinary action or dismissal, in accordance with OPEnE's disciplinary procedures.

All OPEnE staff are responsible for encouraging, advocating and promoting the dissemination of the Code of Conduct. They also have a role in implementing, monitoring and enforcing its standards.

As a staff member / consultant / volunteer / intern / partner of OPEnE, I commit myself to:

**1. Treat all children equally:** our staff/volunteers will not discriminate based on race, gender, sexual orientation, disability, political convictions, religion, or for any other reason, in any way. Common forms of discrimination may include making employment or programming decisions based on family status, race, gender, religion, colour, national or ethnic origin, language, marital status, birth, sexual orientation, age, disability or political conviction.

Furthermore, I will treat all children with respect, thereby, I will always seek to protect the rights of children and act in a manner that ensures that their best interests shall be the paramount consideration.

**2. Safeguard children by making responsible use of the information and resources to which I have access by reason of my contract with OPEnE.**

- I will exercise due care in all matters of official business, and not divulge any confidential information about a child and other work-related matters in accordance with the staff regulations and rules and current guidelines;
- I will never use OPEnE resources to exploit or harass children or access child exploitation material;
- When photographing or filming a child for work-related purposes, I will:
  - ✦ Assess and endeavour to comply with local traditions or restrictions for reproducing personal images;

- ✦ Obtain informed consent from the child and parent or guardian of the child before photographing or filming a child; written consent or documented verbal consent. I will explain how the photograph or film will be used;
    - In case of children aged 13 years and older consent from the child is sufficient.
      - In case of group pictures with more than three children no individual consent for publication is required. Instead, principal approval will be sufficient.
- Additionally, I will never use any electronic devices (e.g. computers, mobile phone, cameras) to exploit, harass, and or exploit children, this includes the use of social media.
- ✦ Ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner;
  - ✦ Ensure that the child/children are adequately clothed and not in poses that could be seen as sexually suggestive;
  - ✦ Ensure images are honest representations of the context and the facts; and
  - ✦ Ensure file labels, meta data or text descriptions do not reveal identifying information about a child when sending images electronically or publishing images in any form.

### **3. Prevent, oppose and combat all exploitation and abuse of the child.**

- I undertake not to abuse the power and influence that I have by virtue of my position over the life and well-being of a child.
- I will familiar and comply with all relevant, local, legislation, including (child) labour rights.
- I will report any child abuse and exploitation and any other policy non-compliance, including breaches of this Code of Conduct, by a OPEnE staff member, consultant, volunteer, intern or partner.
- I will immediately disclose all charges, convictions and other outcomes of an offence, which occurred before or occurs during my association with OPEnE that relate to child exploitation and abuse.
- I will not use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- I will always be aware of my behavior and will avoid any actions that could be perceived as child exploitation or abuse by others
- I will never request any service or favour from a child in return for protection or assistance.
- I am aware and will avoid actions and behaviors that might be perceived as child exploitation and abuse
- I will never engage in any exploitative relationships – sexual, emotional, financial or employmentrelated – with a child.
- I will refrain from hiring children for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury.
- I will report in writing on the nature and conditions of this employment to my supervisor.
- I will ensure that another adult is present when working in the proximity of children, wherever possible.
- I will not invite children with whom I am working into my home unaccompanied, unless they are at immediate risk of injury or in physical danger
- I will not sleep close to unsupervised children with whom I am working unless absolutely necessary,



in which case I will obtain my supervisor's permission, and ensure that another adult is present if possible.

- I will refrain from physical punishment or discipline of children.

**4. Refrain from any involvement in criminal or unethical activities, activities that contravene human rights, or activities that compromise the image and interests of OPEnE.**

- I will neither support nor take part in any form of illegal, exploitative or abusive activities, including, for example, harmful child labour, child pornography and trafficking of human beings and commodities.
- I will not engage children under the age of 18 in any form of sexual activity or acts, including paying for sexual services or acts. Ignorance or mistaken belief of the child's age is not a defence. Failure to report such a relationship may lead to disciplinary action pursuant to OPEnE's policies and procedures.

Date: November 2018 Approved

by:



Chairperson, OPEnE

## 4. Agreement

I have received, read, understand, and accept the OPEnE's Child Protection Policy.

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(PRINT NAME)

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(SIGNATURE)

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(DATE)