



# Co-operative Association of Cambodia Child Protection Policy

## 1. Policy Overview

Co-operative Association of Cambodia (CAC) 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 to responding to child abuse and managing complaints.

CAC understands it has a fundamental duty of care towards protecting children engaged within its programs and activities.

This Policy requires all CAC's operations and programs to have appropriate mechanisms in place to protect children.

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

This Policy will be reviewed every three years (or earlier if required). Lessons learnt in the implementation of this Policy will be documented and reflected in future policies. Disciplinary processes are a means to establish and maintain an ethical, efficient and effective organisation and should not be seen in isolation from the overall goals of CAC.

## 2. Purpose

This Policy aims to clearly outline:

- definitions of child abuse and other relevant terms;
- overarching child protection legislation, conventions and guidelines;
- CAC's set of commitments to child protection;
- CAC's risk management approach to preventing child abuse and exploitation;
- CAC's code of conduct governing interaction with children in Cambodia; and
- CAC's practical reporting procedures and response mechanisms.

This Policy has been developed in order to:

1. Protect children engaged in CAC's programs from all forms of abuse and exploitation;
2. Protect employees and representatives from false or malicious allegations of misconduct;
3. Protect CAC from being held liable for the failure to take "reasonable steps" to prevent or protect children from abuse.

## 3. Scope

This Policy applies to all:

1. CAC employees; and

2. CAC representatives. The term “representatives” includes but is not limited to: volunteers, contractors, subcontractors, agents and consultants.

#### 4. Definitions of Child Abuse and other Relevant Terms

**A child** means every human being below the age of 18<sup>1</sup>.

**Child abuse** is 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** is 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** is 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** is 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** is the 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.

**Sexual abuse of a child** is 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** is 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** is 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.

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

## 5. Guiding Principles of this Policy

This Policy is founded upon the following guiding principles:

1. Zero tolerance of child abuse
2. Recognition and promotion of children's best interests
3. Sharing responsibility for child protection
4. Use of a risk management approach to prevent child abuse
5. Report and respond to all incidents of child abuse

## 6. CAC's Commitments

CAC is committed to instituting child protection measures to the highest standard.

CAC is committed to ensuring that:

- In all contracts involving CAC, 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 CAC 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 CAC employees and representatives that are bound by it;
- Clear and current reporting procedures exist and are known by CAC 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 wellbeing;
- All employment contracts involving CAC outline that CAC has the right to dismiss or transfer to other duties personnel who breach the child protection code of conduct; and
- The highest levels of confidentiality and sensitivity are employed pending an official investigation of an incident.

## 7. The Child Protection Code of Conduct

### Acceptable Behaviours

CAC 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 with their position as a representative of CAC in all their dealings with children;
- Immediately raise concerns regarding a child's safety or wellbeing in

accordance with CAC'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 Cambodian legislation, including labour laws in relation to child labour;
- Follow organisational policy and guidelines regarding the safety of children.

### **Unacceptable Behaviours**

CAC 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 his/her parent or guardian;
- Physically assault, discipline or punish children;

## **8. The Photo Policy for Using Children's Images**

When photographing or filming a child for work related purposes, CAC 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 not in poses 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.

## 9. Recruitment and Reference Checking

CAC will not knowingly permit any person to be employed or engaged as a volunteer if they pose an unacceptable risk to children.

In addition:

At least two verbal reference checks with former employers / referees will be conducted. Verbal referees cannot include partners, spouse and/or other relatives. For any position deemed to be working with children, referees will be asked about the applicant's suitability for the role to work with children and/or to have regular unsupervised contact with children. Referees will be asked whether they hold any concerns about the applicant, or if complaints were made about the applicant, in connection with working or having contact with children.

For any position working with children new personnel will be required to provide written disclosure regarding whether they have been charged with child exploitation offences in the past.

Applicants are required to provide documentation to prove their true identity.

Applicants are required to sign a self-declaration form in which they state whether they have a criminal record. If they have previously been convicted of a crime, the applicant needs to describe the criminal charge and the outcome of the case. The form in the Appendix of this policy can be used.

For any position working with children the interview process for candidates at CAC should include behaviour based interview questions that relate directly to working with children to probe the applicant's attitude, experience and approach to working with children relevant to the post applied for. Where appropriate, questions may be taken from the list below:

- Have you worked/volunteered with children in a similar position before?
- What did you like about it? What did you find difficult?
- How have you handled children who did not want to participate in an activity?
- Do you mind being supervised?
- What motivates you/why do you want to work with children in this program?

## 10. The Reporting & Incident Response

### Reporting Child Abuse

1. Any suspicion or disclosure of child abuse must be immediately reported to the Managing Director. All incidents will be reported and managed in accordance with the CAC Incident Management Response Procedure.

### Guidelines to responding to Child Abuse Allegations

1. CAC takes all allegations of child abuse, whether by CAC employees, representatives or associated personnel seriously;
2. All allegations will be thoroughly investigated;
3. 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 immediate threat to a child supposing the allegation was true. These incidents may well be critical in nature but the time frame for responding is not as immediate.

- a) The incident will be documented and investigated in accordance with the CAC Incident Management Response Procedure;
- b) 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;
- c) the accused person will be given an opportunity to express their views/opinions/version of facts;
- d) the views of the alleged child victim will be considered in light of the documented evidence that children rarely lie about abuse;
- e) 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 CAC head office.

### **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.

- a) Where the allegation involves a violation of the laws of the country, the incident will immediately be reported to appropriate authorities and the person will be suspended from employment pending an investigation;
- b) 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”;
- c) If the incident involves a breach of the CAC Code of Conduct (but is not a violation of national laws), the accused person may be suspended pending an investigation;
- d) 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;
- e) where a breach of the Code of Conduct is found to have occurred, the person will be immediately dismissed from employment;
- f) where an allegation is found to be false or unfounded, all efforts will be taken to ensure the rights of the accused person is upheld including restoration of any damage to reputation or dignity within the organisation;
- g) where allegations amount to a violation of laws of Cambodia, confidentiality will no longer be applicable unless deemed necessary to uphold the rights of the victim.

## Relevant International law

International Organisation	International Instrument	Source
United Nations	The United Nations Convention on the Rights of the Child	<a href="http://www.unicef.org/crc">www.unicef.org/crc</a>
United Nations	Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	<a href="http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=50b353232">http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=50b353232</a>
United Nations	Optional Protocol to the United Nations Convention on the Rights of the Child on the involvement of children in armed conflict	<a href="http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=47fdb180">www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=47fdb180</a>
United Nations	UN convention on the rights of persons with disabilities (2006)	<a href="http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&amp;docid=4962270c2&amp;skip=0&amp;query=rights%20of%20persons%20with%20disabilities">www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&amp;docid=4962270c2&amp;skip=0&amp;query=rights of persons with disabilities</a>  <a href="http://www.un.org/disabilities/convention/conventionfull.shtml">www.un.org/disabilities/convention/conventionfull.shtml</a>
	Geneva Declaration of the Rights of the Child	<a href="http://www.unicef.org/lac/spbarbados/Legal/global/General/declaration_child1959.pdf">www.unicef.org/lac/spbarbados/Legal/global/General/declaration_child1959.pdf</a>
International Labour Organisation	ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	<a href="http://www.ilo.org/ilolex/english/convdisp1.htm">www.ilo.org/ilolex/english/convdisp1.htm</a>
UNODC	Protocol to prevent, suppress and punish trafficking in persons, especially women and children,	<a href="http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf">http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf</a>

## 11. Local legislation

Most countries in which CAC works have legislation pertaining to child abuse. Each country office is required to abide by local legislation, including labour laws with regard to child labour. Every country in the world except the US and South Sudan have ratified the UN Conventions on the Rights of the Child.

# CAC Child Protection Policy Declaration

I acknowledge that I have read and understood the CAC Child Protection Policy.

I understand that the CAC Child Protection Policy applies to volunteers and to accompanying dependents.

I understand my responsibilities under the policy relating to the following topics:

- The Child Protection Code of Conduct;
- The Photo Policy for using Children's Images;
- The Reporting and Incident Response Process.

Signature:

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Name in Full (please print):

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Date:

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## Change history

Version	Date released	Changes
1	May 2016	First version
2	July 2016	Added "Recruitment and Reference Checking" section
3	August 2016	Added self-declaration of criminal history & appendix

