



Child Protection Policy

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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.

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, Indochina Starfish Foundation (ISF) is obliged and committed to ensuring that children involved with its programs are protected from any form of abuse.

2. DEFINITIONS

- *A child* means every human being below the age of eighteen years.
- *Child abuse* means sexual abuse or other physical or mental harm deliberately caused to a child.

There are several forms of child abuse. They include:

Physical Abuse: this occurs when a person purposefully injures or threatens to injure a child. This abuse may include slapping, punching, shaking, kicking, burning, shoving or grabbing.

Emotional Abuse: this occurs when persistent ill treatment of a child affects their self esteem. This may include name calling, rejection, threatening, intimidating or any other acts which can effect the child's self esteem.

Neglect: this occurs when a child's basic needs have consistently not been met to the extent that it has a detrimental effect on the child's health and personal development. These basic need include food, clothing, shelter and supervision.

Sexual Abuse: occurs when there has been any (or likely) sexual exploitation of a child by an adult. Sexual abuse includes any sexual activity involving children, including intercourse, fondling, oral sex, exhibitionism and exposing the child to pornography.

- *Child Protection Officer (CPO)* is the person responsible for the communication and implementation of ISF's Child Protection Policy. The CPO is appointed by the Board of Trustees and supervised by the Country Manager.
- *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.

- *Directional Team* is the senior management team of ISF in Cambodia and comprises the Country Manager, the Assistant Country Manager and the CPO.
- *ISF Associate* means all interns, volunteers, employees, prospective employees, counterparts, consultants, contractors, partner organization members and visitors to ISF

Visitors are persons who are not either: Directors or Trustees of ISF, Directors of ISF Australia, ISF contracted employees, or ISF contracted volunteers.

3. STATEMENT OF COMMITMENT

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

Participation and Self-Determination: ISF abides by the principle that a child has the right to have his or her views taken into account in major decisions affecting their life in accordance with their age and development. They will be given the opportunity to express their ideas and views and be heard on matters effecting them. ISF 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.

ISF aims to provide safe and friendly environments where children can develop and grow in a healthy way.

The guidelines in this Child Protection Policy protect both the child from abuse and adults from false accusation.

ISF 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 ISF in any way and take stringent measures against any ISF associate who commits child abuse.

To ensure the above commitment, ISF is committed to upholding

- the UN Convention on the Rights of the Child
- the Cambodian Constitution, especially articles 41 and 42 (Please see appendix I)
- the Cambodian current and future laws, rules and policies on child rights.
- the relevant laws of our main fundraising countries: the United Kingdom, Hong Kong and Australia
- Positive traditional practice

4. WHO THIS POLICY APPLIES TO AND RESPONSIBILITY FOR IMPLEMENTATION

This policy applies to all ISF associates.

The CPO is responsible to ensure that the Child Protection Policy is dispatched and understood by all ISF associates and that they all acknowledge their receipt of and underlying responsibilities of the policy.

ISF will ensure the Child Protection Policy remains relevant and effective. ISF will consistently monitor all risks pertaining to the children and when needed make any necessary changes to the Child Protection Policy. ISF will review this Child Protection Policy annually.

ISF will advise and assist all ISF associates in the implementation of the policy. The CPO under the supervision of the Country Manager will be responsible for the effective implementation of the Child Protection Policy.

5. VISITORS TO THE CENTRE

- 5.1. No visitor should be allowed into the Centre without the prior permission of the ISF Country Manager or in her absence another member of the Directional Team.
- 5.2. All visitors must read, understand and sign the ISF Child Protection Policy prior to their visit.
- 5.3. ISF staff must closely monitor all visitors. No visitor should be left alone, with or without children when in ISF Centre. Photography is only

permitted with the approval of a member of the Directional Team and in accordance with the guidelines in section 9 below.

5.4. All visitors must be signed out through the visitors book.

6. PERSONNEL RECRUITMENT, SCREENING AND ORIENTATION

- 6.1. Advertisements for job vacancies will make it clear that ISF is committed to child protection and that prospective employees' commitment to child protection must be a condition of employment.
- 6.2. All prospective ISF associates will be informed of ISF's Child Protection Policy at the start of any recruiting process.
- 6.3. Screening of applicants will include a written application, personal interviews, copy of passport/ID card, police checks and reference checks. During the interview process, applicants will be asked about previous work with children.
- 6.4. Where permissible by local law, applicants for positions as a staff member or volunteer are required 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 permissible by law in their home countries.
- 6.5. ISF reserves the right to terminate an employment 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.
- 6.6. 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.

7. CODE OF CONDUCT FOR ISF ASSOCIATES

A Code of Conduct provides guidelines that are deemed to be appropriate and proper behavior for ISF associates when interacting with children in the care of ISF. They are primarily designed to protect children but are also intended to protect personnel from false accusations of inappropriate behavior or abuse.

7.1 No child is to be taken on a motorbike, tuk-tuk or car without making prior arrangements with the Country Manager or CPO.

7.2 No child is to be taken to any ISF associate's home, guesthouse, hotel or accommodation.

- 7.3 No ISF associate is permitted to socialize with the children outside the ISF premises apart from a “friendly hello”.
- 7.4 No ISF associate is permitted to take any child to a café, restaurant or buy them food, unless permission has expressly been given by a member of ISF’s Directional Team.
- 7.5 No presents of any kind are to be bought for the ISF children without prior arrangement with a member of the Directional Team.
- 7.6 ISF associates must exhibit appropriate language, actions and relationships with children at all times. Extra care should be given to protecting the reputation of female children and ISF staff by ensuring that language and behavior at all times reflect appropriate male-female relationships, which are respectful of and in line with Cambodian culture and customs.
- 7.7 Permission must be sought from a member of the Directional Team for any contact with the children outside of the ISF centre.
- 7.8 ISF personnel should not hire any of the ISF children to do domestic work or to perform other work without prior permission from the ISF Country Manager or in the case of the Country Manager without prior permission of the Chairman of the Trustees. This is necessary to ensure the child's age and working conditions meet the criteria specified in the Mosalvy Prakas (Cambodian Law) on Light Work for Minors and other relevant labor laws. These include hiring only minors over the age of 12 years old, limiting workdays and hours and providing access to education. Staff not meeting these criteria may be in violation of child labor laws and are subject to investigation for child abuse and/or exploitation.
- 7.9 ISF must take extreme care when interacting with the children. Under no circumstance should any contact be or have the appearance of child abuse, as defined in section 2 of the policy).
- 7.10 ISF personnel are responsible for their actions and reactions to children at all times. They should be aware that they might work with children who may, because of the circumstances and abuses they have experienced, use a relationship with an adult to obtain 'special attention'. The adult is always considered responsible for his or her actions regardless of how a child behaves towards them. Staff should be alert to such behavior and avoid being placed in a compromising or vulnerable position. Any advances of this nature should be immediately reported to the CPO or another member of the Directional Team.
- 7.11 Where possible and practical staff should implement the 'two-adult' rule, whereby two or more adults supervise all activities with children.

If for any reason an individual conversation or counseling session is warranted with a child, another adult must be within visual contact.

- 7.12 Inappropriate conduct towards children, including failure to follow the behaviour standards stated in this Policy are grounds for disciplinary action, up to and including dismissal from employment, or suspension from employment, police notification and legal action.
- 7.13 An ISF staff member must accompany any visitor or non-staff member to any ISF facility.
- 7.14 No ISF associate, except those designated by the CPO or a member of the Directional Team, should enter the children's bathroom. The sleeping area should not be entered during designated sleeping times without the permission of the CPO or a member Directional Team.

8 AWARENESS RAISING AND EDUCATION.

- 8.1 ISF is obliged to make all ISF's associates aware of the issue of child protection and our Child Protection Policy.
- 8.2 All ISF associates and local communities should be provided with the opportunity to learn about how to safeguard children, to recognize and respond to concerns about child abuse.
- 8.3 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 manner that makes them feel uncomfortable or in danger, and to trust and act on their instincts.
- 8.4 The Country Manager of ISF will initiate an open culture, encouraging opportunities for staff to raise concerns, to question, to discuss, to provide feedback, and learn about child protection issues. This will be done during staff meetings, through training and on other occasions. Staff supervision will take place where this issue will be addressed and issues discussed in an open and supportive manner.
- 8.5 Appropriate literature such as help-line posters, leaflets regarding how to report an incident and child-safe information will be made available to the ISF 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 ISF children.

9 COMMUNICATIONS ABOUT & PHOTOS OF CHILDREN.

- 9.1 All communications regarding the ISF children will ensure that the protection, privacy, dignity and best interests of the child are paramount.
- 9.2 The informed consent of the child and his/her parents or guardians should always be obtained before a recording, a photograph or an image is taken of the child and its intended use(s) explained. Where possible, the child and family should be shown the finished product before it is published.
- 9.3 Children should be adequately clothed in photographs or images taken of them and not in poses that could be interpreted as sexually suggestive.
- 9.4 The real names of especially vulnerable children should be changed and it should be indicated that they have been changed.

10 REPORTING AND INVESTIGATING ABUSE OR SUSPECTED ABUSE

ISF takes Child Abuse very seriously. Many of the children have experienced abuse of some form in their home environment and ISF provides a safe and protected place for the children. Child abuse in any form including physical, emotional or sexual abuse is a serious offence that threatens the wellbeing and reputation of the child, the accused ISF associates and of ISF itself. Any infringements of this type will be prosecuted to the full extent of the relevant law. Child abusers are not likely to remain in an environment where workers are trained to identify and report suspicious behavior. For these reasons, all personnel are responsible for reporting suspected child abuse or exploitation of any kind.

10.1 Reporting Suspected Abuse

10.1.1 Any person who has knowledge of, suspects, or has witnessed a potential child abuse issue involving ISF personnel should immediately contact the CPO or a member of the Directional Team. A report should be made immediately, but no later than within 24 hours, to allow for early intervention and a prompt investigation. This verbal report should be followed with a written and signed statement within a further 48 hours. Failure to report suspected child abuse or misconduct may result in disciplinary action such receiving a warning letter or shall be dismissed, if the offender is found to have committed serious misconduct.

10.1.2 Should either the Country Manager or Chairman of the Trustees be the subject of a complaint, the report should be

made to a member of independent directors of the Board of Trustees.

10.2 Investigation of Reports of Suspected Abuse

10.2.1 On receipt of the report, the Directional Team will notify the Chairman or other Trustees. The Chairman or Trustees will immediately instigate an internal investigation by an appropriately qualified person or organization from outside ISF.

10.2.2 Where a complaint involves any ISF associate, then the Country Manager or Chairman of the Trustees will immediately suspend that associate, as states in article 8.4 of ISF Internal regulation .The associate will be informed that an allegation has been made against him/her, supported appropriately and they will be given the opportunity to respond at the appropriate time.

10.2.3 The rights and welfare of the child is of prime importance to ISF 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.

10.3 Response to Investigation Findings

10.3.1 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.

10.3.2 In the event an allegation is proven to be untrue, or even fabricated, appropriate steps will be taken to 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 counseling or other appropriate forms of support

10.3.3 If an event of child abuse is determined 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 counseling or any other form of assistance deemed necessary and appropriate.

10.3.4 If the investigation concludes that child abuse has occurred which is not subject to criminal prosecution, staff will be subject to disciplinary action within ISF, up to and including dismissal.

- 10.3.5 If the investigation concludes that abuse has occurred which is subject to criminal prosecution according to relevant national laws, all findings will be reported to the relevant 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.
- 10.3.6 In the event an associate is discharged for child abuse, ISF has the obligation to disclose such information as requested by police, a prospective employer, etc. Such disclosures will be made in accordance with applicable law and/or customs.
- 10.3.7 The media may become involved when a concern or allegation is raised within ISF. Only the Directional Team is authorized to liaise with the media.

Appendix I

Royal Government of Cambodia Constitution (unofficial translation)

Article 41: Causing wounds on purpose:

- Anyone who beats/fights another person on purpose resulting in permanent disability must be punished by putting them in prison for 1 to 5 years.
- If they cause temporary disability less than 6 months they must be punished and put in prison for 6 months to 2 years.
- If it doesn't cause disability they are to be punished by putting them in prison for 2 months to 1 year.
- If using any kind of weapons must be punished 2 times more.

Article 42: Rape

- Anyone who rapes another, even the same sex or opposite sex by touching or actions involving sex must be punished to put in prison for 1 year to 3 years.
- If the rape is conducted by coercing a victim younger than 16 years old then the person who commits this must be punished 2 times more.

DECLARATION BY ISF ASSOCIATE

I have read the complete ISF Child Protection Policy. I fully understand and agree to follow all procedures contained within.

I declare that I do not have any criminal record in relation to child abuse, neglect or exploitation and consent to Police criminal history checks.

If at any time I fail to follow the guidelines set forth by the ISF Child Protection Policy I understand that my employment / association may be terminated by the Country Manager and appropriate action will be taken.

Full Name (Printed)

Signature

____/____/____
Date

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