

# **CHILD PROTECTION POLICY**

The children we care for today will care for their country tomorrow

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## 1. INTRODUCTION

### a. COTM mission

Children of the Mekong (COTM) has been dedicated to helping the children of Southeast Asia since 1958.

We believe that the dignity of children and families living in extreme poverty should be respected, and that every effort should be made to meet their needs.

Our mission is to free children from poverty. Our chosen medium is education. We provide children and young people with the education, training and support they need to improve their standard of living, and to develop as individuals – intellectually, emotionally and morally. Since 2010 we have in collaboration with our network of local supporters developed an integrated personal development training programme with three main components: know yourself, be open with others, get involved.

**COTM believes that every child, every human being, is worthy of respect, irrespective of station in life, culture or religion.**

**Education is at the heart of all we do, so we are particularly sensitive to child protection issues.**

We strive to be true in every way to the **United Nations Convention on the Rights of the Child** (UNCRC), signed by 195 countries in 1989.

We draw attention in particular to Article 3:

**“In all actions concerning children [...] the best interests of the child shall be a primary consideration”.**

### b. Scope of policy

Anyone who works with children must take special care to protect their interests.

The COTM organisation, and anyone acting in the name of COTM, must at all times recognise the risks to which children are exposed, take responsibility for protecting them from exploitation and abuse, act with professionalism and integrity, and put the interests of the child first.

**Accordingly, this policy is designed to protect children from maltreatment and abuse, whether deliberate or not.** It therefore applies both to the COTM organisation itself, and to

anyone associated with COTM, namely:

- COTM trustees
- COTM employees, permanent or temporary
- COTM overseas volunteers known as Bamboos (Bambous), who are retained on contracts of VSI (Volontariat de Solidarité Internationale, Volunteering of International Solidarity); such contracts confer certain advantages on volunteers under French law
- Other volunteers and interns, in the UK and in Asia
- COTM partner organisations
- Service providers, particularly those who may come into contact with children
- Anyone else who may come into contact with children (sponsors and donors in particular).

This policy applies at all times (out of working hours as well as during working hours, to personal relationships as well as to professional relationships) to everyone for whom COTM has a responsibility (trustees; anyone contracted to COTM, including those with contracts of VSI; volunteers and interns; anyone invited to COTM premises; and anyone involved with COTM programmes).

### **c. Definitions**

#### **Child**

A child is defined to be anyone who is less than 18 years old.

#### **Child abuse**

Child abuse is a generic term which encompasses all types of physical or emotional maltreatment, including, in particular, both sexual abuse and any exploitation or negligence which results in a potential or actual threat to the health of a child, to the survival of a child, to the development of a child, or to the dignity of a child, especially within the framework of a relationship with that child of responsibility, of trust or of power.

#### **Physical abuse**

Physical abuse is any physical mistreatment of a child, actual or intended, or any failure to protect a child from physical violence or any other kind of harm.

#### **Emotional abuse**

Emotional abuse includes verbal abuse, discrimination, negligence and psychological maltreatment. Any detrimental impact, actual or intended, on the emotional development or behaviour of a child and which is caused by severe or repeated mistreatment, or by rejection, falls into the category of emotional abuse.

### **Sexual abuse**

Sexual abuse is any physical act of a sexual nature which is committed by force, under duress, or in the context of an unequal balance of power, or the threat of any such act.

### **Negligence**

Negligence is any omission or failure to act, intentional or not, which compromises the health, safety or development of a child, after due account has been taken of the context, and of the resources available. It is characterised by a sustained failure to meet the basic needs of a child, physical and/or psychological, in a way that risks causing serious problems in the development of the child's physical or cognitive abilities.

### **Moral harassment**

Moral harassment occurs when repeated attacks on the rights and dignity of another person result in physical or mental harm and may damage that person's personal or professional future.

### **Child labour**

Regulations relating to the employment of children have been drawn up by the International Labour Organisation. Convention 138 stipulates a number of age limits, including:

- The minimum age for admission to employment shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.
- The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years. The minimum age may be reduced to 16 years if the health, safety and morals of the young persons concerned are fully protected and the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.
- The minimum age for admission to light work is 12 years. Light work is work which is not likely to be harmful to the health or development of young persons, and not such as to prejudice their attendance at school, their participation in vocational orientation or approved training programmes.

## **2. PREVENTION OF ABUSE**

### **1. General principles**

As previously mentioned, COTM supports the UN Convention on the Rights of the Child (UNCRC) of 1989, including its optional protocols:

- Children have the right to be protected from abuse and exploitation.
- Adults have a duty to support and protect children, and must act in the best interests of children.
- Organisations and their representatives have a duty of care towards children encountered in the course of their activities. They must strive to give children the support that they need within a protective environment.

COTM is committed to protecting the rights of children, and to fighting child abuse.

We have drawn up a code of conduct, to be found at section 7 of the present Charter, which both specifies the minimum standards to be met by anyone acting in the name of COTM and identifies behaviours which are unacceptable.

COTM strives to make space and time in its programme delivery for young people to raise any safeguarding issues of concern to them.

### **2. Risk awareness and prevention**

#### **i. Raising awareness of risk**

##### **1. In COTM representatives**

COTM ensures that all of its representatives are made aware of the existence and content of its child protection policy, and of the following documents in particular:

- The COTM child protection charter, which includes the COTM code of conduct
  - o Reference to this charter is made in every contract of employment or of VSI. By signing the contract an employee or volunteer confirms that they are aware of the charter.
- Child protection policies specific to the countries in which COTM cares for children in its centres and boarding houses
  - o These documents tailor COTM's child protection policy to the needs of the local environment and activities, and thus constitute the local documents of reference.
  - o These documents also include a code of conduct.

- o Reference to these documents is made in every contract of employment or of VSI. By signing the contract an employee or volunteer confirms that they are aware of them.
- Charter relating to sponsor field visits
  - o This is part of the welcome pack issued to a new sponsor.
  - o It specifies, among other things, that a sponsor can never be alone with the child being sponsored; any meeting must take place in the presence of the local programme manager, a member of the programme team, or the relevant Bamboo.

## **2. In families of sponsored children**

- Most children supported by COTM live with their families, who continue to be the primary carers.
- The role of COTM is to do all it can to minimise the risk of child abuse by providing the families with appropriate education and advice, delivered by local programme managers and social workers.

## **3. Relating to the use of digital images of children**

In 2015 COTM published a manifesto requiring all communications to be useful, original, positive and well executed. We attach great importance to ensuring that information about our activities is of a high quality, and wholly respectful of the dignity of the child.

Special care is thus taken with the production of visual images. We regularly remind everyone involved to take note of and adhere to the following:

- It is always possible to present information in a way which emphasises negative, sordid aspects at the expense of positive, joyous ones. We do not therefore allow photos or films of children to be used in a way which highlights wretchedness or fails to respect their dignity.
- Children can be photographed or videoed only with the appropriate prior authorisation. Systematic measures must be taken to ensure they are neither dressed inappropriately nor portrayed in a manner which is degrading or could have sexual connotations.
- In no circumstances may any representative of COTM produce, publish, watch or share any pornographic material featuring children (or, indeed, adults), and/or show any such material to children.
- Representatives of COTM must take systematic measures to ensure that all communications – audio, video or written – respect the human rights of any children (or others) portrayed, including, in particular, their anonymity (where appropriate), and do not expose them to a risk of reprisals or abuse of any kind.

#### 4. Of child trafficking

COTM abhors all forms of traffic in children, be it abduction, prostitution, sexual tourism, organ trafficking, or any other kind of traffic which puts children in danger or removes them from their usual environment.

We are deeply committed to the protection of the absolute dignity of the child, and to the application of the following three Articles of the UN Convention on the Rights of the Child:

- Article 3:
  - o In all actions concerning children [...] the best interests of the child shall be a primary consideration.
- Article 7:
  - o The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.
- Article 35:
  - o States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of, or traffic in children for any purpose or in any form.

On behalf of young women and unborn children **COTM takes a particular interest in surrogacy, an arrangement in which women from very poor backgrounds are at a risk of being coerced against their wishes into carrying babies for people from rich countries.** We strive to give girls (who comprise more than 50% of the children we support) the opportunity to live in freedom and with dignity. We are committed to protecting them from all forms of traffic, and to discouraging, in the spirit of the three Articles above, this “manufacturing” of babies to be trafficked.

#### ii. Risk prevention

##### 1. Recruitment

COTM takes great care when recruiting (be it trustees, employees in The UK and in Asia, Bamboos or volunteers).

The following procedure is followed in systematic fashion when recruiting anyone who will be in contact with children:

- Candidate employees are interviewed three times:
  - o by the relevant HR professional
  - o by the operational line manager
  - o by the Director General or Deputy Director General at COTM HQ, or by the Country Director or the Deputy Country Director in the country in question, if the new recruit will be based in Asia.
- Bamboo candidates
  - o Are interviewed three times at COTM HQ:



- By a psychologist
- By the Volunteer Director or Deputy Volunteer Director
- By the Deputy Director General of COTM
- o Attend a group selection day alongside other short-listed candidates. This complements the individual interviews, and yields additional behavioural insights.
- o Are retained under a contract of VSI, which is finalised at the end of the week-long training programme undertaken before departure for the field.
- Volunteer recruitment
  - o (at COTM HQ) follows the same process as that used for an employee
  - o (in the field) involves several in-depth interviews with Bamboos plus evaluation of recommendations from volunteers already in place.
- In these interviews it is emphasised that COTM's mission is to help children escape from poverty, using education to boost their personal development, to give them confidence and to encourage them to take responsibility, so that in adulthood they can lead lives of freedom and dignity. Special attention is therefore given to exploring candidates' views, motivations and experience of the issues involved.
- *A fortiori* unless a candidate has been recommended COTM always asks for references from people who know the applicant well (preferably in a personal rather than a professional capacity), concentrating on previous experience of volunteering and of working with children.
- As already mentioned, anyone entering into a contract with COTM (be it a volunteer contract, a contract of employment, or a contract of VSI) confirms, by signing the contract, that they are aware of the COTM child protection policy and of the relevant code of conduct (ie that applicable at HQ and/or in the field).

## **2. Sponsors and donors**

The first principle of child protection applicable to sponsors and donors is that they are not at any time permitted to be in the presence a child sponsored or supported by COTM, unless accompanied by an COTM representative.

As previously mentioned, each new sponsor receives a welcome pack. This includes a charter specifying the rules which govern any visit by a sponsor to a child, namely:

- The duration of the visit must not exceed half a day
- An COTM representative must always be present
- The visit must take place close to the child's normal place of residence
- Any gift must be suitable and proportionate, and brought to the attention of the COTM representative in attendance
- The visit should wherever possible be conducted in the presence of the child's family, giving an opportunity to highlight the pivotal role of the family in a child's education.

The second principle is that there must be no electronic communication with a sponsored child for as long as the child is still a minor:

- This principle is drawn to the attention of sponsors in the welcome pack.
- It is drawn to the attention of children who are minors by our local staff, partners or volunteers, who stress that in no circumstances may they contact a sponsor by email or via social media.

The third principle applies to correspondence between sponsors and children, which is subject to the following risk prevention measures:

- As most sponsored children continue to live with their families, correspondence can be checked by their parents or guardians.
- Correspondence for children who live in boarding houses can be checked by the house matron or other responsible person.
- In addition, the vast majority of correspondence exchanged between sponsors and children has to be translated, so the translation committees can also carry out checks.

### **3. Partner organisations**

COTM works with local partners in all countries where we are active. They include:

- Official bodies (ministries of education, of social affairs, ...)
- Religious organisations (dioceses, congregations, Caritas, ...)
- International foundations and charities
- Local foundations and charities
- Schools (public and private)
- ....

COTM monitors the reliability of partners on a continuous basis, by means of:

- Regular visits by members of staff
- Feedback from Bamboos on the ground
- Programme visits
- Local networking
- Discussion of the child protection policy
- Interviews with sponsored children and their families
- ...

### **3. PROCEDURE FOR ALERTING POSSIBLE BREACHES OF THE CHILD PROTECTION POLICY - WHISTLEBLOWING**

COTM has set up an “alerting” system to be used for reporting any suspicion or accusation of abuse. Publicised to all interested parties, it makes clear that alerts will be investigated and dealt with as appropriate, and specifies in detail how they are to be made, and how they will be processed, as follows:

- The contacts to be alerted are clearly identified and published regularly. They must be capable of dealing with any kind of reported abuse.
- All alerts are filed and given a case number so that the response can be tracked. Supporting evidence is allocated the same case number.
- The process for dealing with alerts is clearly defined, as is the escalation procedure.
- Disciplinary measures that are permitted by law while an investigation is ongoing are identified (temporary suspension, etc). Their application to partners is also covered.
- Any disciplinary measures which are taken in the light of an investigation are to reflect the gravity of the offence committed and be consistent with the law in force. COTM will always work in close cooperation with the relevant local authorities, and respect local legislation.
- The procedure specifies the action to be taken in the event that COTM receives an accusation which is false, malicious or outrageous.

### **4. CONFIDENTIALITY**

Respect for confidentiality is fundamental to all parts of this policy.

This means that no information about the abuse of a child (be it received from the child or from another source) can be made public without the prior approval of the child and/or the child’s parents or guardians and/or the source of the information.

COTM will ensure that a child (and the child’s family) is kept informed of the progress of any investigation, and of its outcome.

The “alerting” policy specifies the following rules for archiving and for respecting confidentiality:

- All suspicions, allegations and disclosures must be made in writing, with as much precision as possible. They must contain an exact record of the facts and their chronology, and of the measures taken.
- Reports (hard copy and/or electronic) must be stored in a secure environment to which access is carefully controlled by COTM HQ.
- All communication (spoken, on paper, or electronic) must respect confidentiality.
- There is a defined protocol for respecting confidentiality in the event that an accusation is made against a representative of an organisation other than COTM.
- Measures taken to respect confidentiality must be consistent with local legislation.
- Access to the COTM database (which uses Salesforce software) is password-protected. It is granted only on a “need to know” basis, and is limited by role and by geography.

Local staff

Regular training workshops (once a year or every two years)  
Teacher training



Families  
Delegations

Volunteer charter

Training for parents

Annual training meeting

Sponsors

Charter relating to sponsor field visits  
Ambassador charter

### Documents

### Training

General

Code of ethics  
Professional risk evaluation

Cambodia

Local legislation  
HR policy  
Youth protection policy

COTM  
Philippines

Youth protection policy  
HR policy  
Operations manual

Employees

The UK: regular training workshops  
Asia: annual training workshops

Bamboos

Bamboo charter

Compulsory training prior to departure for Asia, including presentation of this policy  
Mid-placement reviews

Local staff

Regular training workshops (once a year or every two years)  
Teacher training

Families

Training for parents

Delegations

Volunteer charter

Annual training meeting

Sponsors

Charter relating to sponsor field visits  
Ambassador charter

## **6. MONITORING AND EVALUATION**

The content and application of this policy is subject to continuous review.

Responsibility for publicising the policy and overseeing its implementation, for ensuring that there are no inconsistencies between the documentation in use at HQ and in the field, and for dealing with any issues relating to abuse that may arise, lies with the COTM “Action Asia” Director working in collaboration with the Director of Personnel, the Director of Operations for Asia (who is based in Bangkok) and local country managers.

## **7. CODE OF CONDUCT**

The purpose of this code of conduct is to protect children from abuse.

An integral part of this child protection charter, it is brought to the attention of anyone who has contact with a child supported by COTM.

By entering into a contract with COTM (be it a volunteer contract, a contract of employment or a contract of VSI) the signatory confirms that he or she has been made aware of, and will respect, the child protection policy, and has been made aware of, and will adhere to, the code of conduct, which is as follows:

1. I undertake to support the educational goals of COTM. I will do all I can to help children develop as individuals, patiently offering encouragement, and acting as a role model.
2. I will take care to ensure that all children are treated equally, with respect, and with dignity, irrespective of age, gender, physical health, mental health, language, religion, nationality, ethnic origin, social status, family background or any other personal characteristic.
3. I will treat all children equally and fairly, and will not engage in discrimination of any kind.
4. I will never humiliate any child, or allow a child to be humiliated, and nor will I perpetrate or tolerate any degrading or abusive behaviour, be it physical, sexual, verbal, psychological or of any other kind. I will never use obscene, insulting or derogatory language or gestures.

5. I will not engage in any behaviour or take any action which might be construed to constitute maltreatment or abuse of a child. In no circumstances will I enter into a sexual relationship or engage in any form of sexual activity with a child.
6. I will respect all local legislation relating to children, including laws which govern the work they may do and protect them from exploitation. If I have to ask children to do some light work, I will be scrupulous in respecting International Labour Organisation Convention 138 on Minimum Age, which defines light work to be work which is not likely to be harmful to their health or development, and not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction. Light work by children of under 12 years of age is prohibited.
7. I will never allow myself to be alone with a child in a secluded location and nor will I ever invite an unaccompanied child into any private residence, unless the child is at immediate risk or in imminent danger.
8. I will never favour one child over another.
9. I will respect the confidentiality and private lives of children. In the event that, with the appropriate prior authorisation, a photo of child is taken, or a video of a child is made, I will systematically ensure that they are not portrayed in a manner which is degrading, or could have sexual connotations. Whenever I take or publish photos, I will systematically ensure that my subjects are not naked, nor dressed in a manner which is inappropriate.
10. I will take systematic measures to ensure that all communications – audio, video or written – respect the human rights of any children (or others) portrayed, including, in particular, their anonymity (where appropriate), and do not expose them to a risk of reprisals or abuse of any kind.
11. In no circumstances will I produce, publish, watch or share any pornographic material featuring children (or, indeed, adults), and/or show any such material to children.
12. I undertake to bring immediate attention, following the procedure laid down by COTM, to any behaviour or activity that I either witness myself, or about which I learn from a reliable source, which involves children and which is in breach of this code of conduct.