

CHILD PROTECTION POLICY

1. INTRODUCING THE EAST AFRICAN CENTRE FOR HUMAN RIGHTS

The East African Centre for Human Rights (also known as EACHRights) is a non-partisan, regional Non Governmental Organization that seeks to promote, protect and enhance human rights in East Africa with an emphasis on economic and social rights for vulnerable and marginalized groups.

EACHRights' Vision and Mission

The vision of EACHRights is one of *“a society that respects and upholds human rights and human dignity”*. In an effort to achieve this, EACHRights' mission will be *“to promote social justice in East Africa through research, capacity building, advocacy and access to justice”*.

EACHRights' Strategic Objectives

EACHRights strategic objectives include-

- to be a leading think tank in the promotion, protection and enhancement of economic and social rights and equitable development among the vulnerable and marginalised groups;
- to expand within the East Africa region; and
- to enhance institutional sustainability, visibility, programmes and capacity.

EACHRights' Principles

EACHRights is run strictly and exclusively on principles of utmost professionalism, good corporate governance and transformational leadership and there shall be no compromise whatsoever on the same. EACHRights espouses gender equality and equity in its work. It is non partisan and people focused. These are the running call and mantra.

EACHRights' Programmes

1. Research and monitoring
2. Policy reform and advocacy
3. Capacity building and awareness creation
4. Access to justice

2. INTRODUCING THE CHILD PROTECTION POLICY

EACHRights' intends to implements projects that will work closely with children. It is in recognition of the fact that child abuse can and does occur and that there is always the potential risk of children to be abused. Therefore, there is need for a policy that considers all aspects and steers the organization to do all that can be done to keep children safe and operate ethically. Its purpose is to help us to develop a common understanding of child protection issues, develop good practice across the diverse and complex areas in which we operate and thereby increase accountability in this crucial aspect of our work. This policy, when put into practice, will help make sure that children are protected. It also ensures that staff and other representatives are protected

2.1 Our commitment to protect children

EACHRights is committed to the prevention and protection of children from all forms of child abuse. This policy sets out common values, principles, and beliefs and describes the steps that will be taken in meeting this commitment. It applies to all members of staff, consultants, interns and volunteers as part of their contractual obligations to the organization.

EACHRights recognises the personal dignity and rights of children towards whom it has a special responsibility. EACHRights' staff, volunteers and partners undertake to do everything to create a safe environment for children and to prevent their physical, sexual, psychological or emotional abuse. EACHRights is committed to acting at all times in the best interest of children. Towards achieving the above, EACHRights shall:

- Set in place, implement and regularly monitor and review procedures to protect children. These shall cover recruitment and selection procedures, staff induction, training, and management responsibilities.
- Adopt a code of behavior for all staff and volunteers and ensure that, when we work with partners, they meet minimum standards of protection for children.
- Ensure that any allegations of abuse are promptly and properly dealt with.
- Ensure that survivors are supported and perpetrators held to account.

The policy applies to all children with whom the EACHRights staff members have contact with, be in during or outside working hours, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability or other status.

2.2 Principles underpinning the Child Protection Policy

Several key principles underpin the provisions of the Child Protection Policy. These include:

- **Best interests of the child** are paramount and shall be the primary consideration in EACHRights' decision making
- **Child centered and rights based approach** in order to keep children sharply in focus in planning and direct work
- **Equality of opportunity** to ensure that all children have the opportunity to enjoy EACHRights' activities safely regardless of their gender, ability, race, ethnicity, circumstances or age. Vulnerable children will require particular attention in order to optimize their safety needs and promote their access to important opportunities.
- **Taking responsibility** in order to meet our obligations regarding our duty of care towards children, and taking action where we believe that a child is at risk or is actually harmed
- **Honesty and transparency** by informing those we work with, including children, about the EACHRights' Child Protection Policy, and the way we work to try and protect children
- **Confidentiality to protect sensitive personal data.** Information should only be shared and handled on a need to know basis, that is, access to the information must be necessary for the conduct of one's official duties. Only individuals who have legitimate reasons to access the information are allowed to receive it
- **Supporting and training** those working with EACHRights to recognize and respond to child protection risks and incidences
- **Working with others to protect children.** This includes involving law enforcement and specialist child welfare agencies where necessary.

3. UNDERSTANDING CHILD PROTECTION AND CHILD ABUSE

3.1 Definition of abuse

Child abuse is an act of commission and includes words or overt actions that cause harm, potential harm, or threat of harm to a child. Acts of commission are deliberate and intentional; however, harm to a child may or may not be the intended consequence. Intentionality only applies to the caregivers' acts-not the consequences of those acts. For example, a caregiver may intend to hit a child as punishment (i.e., hitting the child is not accidental or unintentional) but not intend to cause the child to have a concussion. They include physical abuse, sexual abuse, and psychological abuse.¹

Other accepted definitions of child abuse include that by World Health Organization², which says that 'child abuse' or 'maltreatment' constitutes "*all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or*

¹ Centre for Disease Control. (2014, March 10). *Injury, Prevent and Control*. Retrieved from Centre for Disease Control:

<http://www.cdc.gov/violenceprevention/childmaltreatment/definitions.html>

² Report of the consultation on child abuse prevention, 29-31 March 1999. Geneva, World Health Organization, 1999

commercial or other exploitation, 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 abuse has also been defined in the Children's Act³ to include physical, sexual, psychological and mental injury while child neglect.

3.2 What are the different forms of abuse?

The different forms of abuse can also amount to definition of key terms used in child protection⁴

(i) Child abuse

Child abuse or maltreatment constitutes all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, 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.

(ii) Physical abuse

Physical abuse of a child is that which results in actual or potential physical harm from an interaction or lack of an interaction, which is reasonably within the control of a parent or person in a position of responsibility, power or trust. There may be single or repeated incidents.

(iii) Emotional abuse

Emotional abuse includes the failure to provide a developmentally appropriate, supportive environment, including the availability of a primary attachment figure, so that the child can develop a stable and full range of emotional and social competencies commensurate with her or his personal potentials and in the context of the society in which the child dwells. There may also be acts towards the child that cause or have a high probability of causing harm to the child's health or physical, mental, spiritual, moral or social development. These acts must be reasonably within the control of the parent or person in a relationship of responsibility, trust or power. Acts include restriction of movement, patterns of belittling, denigrating, scape-goating, threatening, scaring, discriminating, ridiculing or other non-physical forms of hostile or rejecting treatment.

(iv) Neglect and negligent treatment

³ Children's Act No. 8 of the Laws of Kenya

⁴ Report of the consultation on child abuse prevention, 29-31 March 1999. Geneva, World Health Organization, 1999

Neglect is the failure to provide for the development of the child in all spheres: health, education, emotional development, nutrition, shelter, and safe living conditions, in the context of resources reasonably available to the family or caretakers and causes or has a high probability of causing harm to the child's health or physical, mental, spiritual, moral or social development. This includes the failure to properly supervise and protect children from harm as much as is feasible.

(v) Sexual Abuse

Child sexual abuse is the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violate the laws or social taboos of society. Child sexual abuse is evidenced by this activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person. This may include but is not limited to-

- The inducement or coercion of a child to engage in any unlawful sexual activity
- The exploitative use of child in prostitution or other unlawful sexual practices
- The exploitative use of children in pornographic performances and materials

(vi) Exploitation

Commercial or other exploitation of a child refers to use of the child in work or other activities for the benefit of others. This includes, but is not limited to, child labour and child prostitution. These activities are to the detriment of the child's physical or mental health, education, or spiritual, moral or social-emotional development.

(vii) Bullying

Bullying may be defined as deliberately hurtful behavior, usually repeated over a period of time, where it is difficult for those bullied to defend themselves. It can take many forms, but the three main types are physical (e.g. hitting, kicking, theft), verbal (e.g. racist or homophobic remarks, threats, name calling) and emotional (e.g. isolating an individual from the activities and social acceptance of their peer group). The damage inflicted by bullying can frequently be underestimated. It can cause considerable distress to children to the extent that it affects their health and development or, at the extreme, cause them significant harm (including self-harm). All settings in which children are provided with services or are living away from home should have in place rigorously enforced anti-bullying strategies.⁵

⁵ NSPCC inform. June 2010. *Child Protection Fact Sheet: The Definitions and Signs of Child Abuse. The online child protection resource. www.nspcc.org.uk/inform*

(viii) Child labour

The term “child labour” is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that-

- is mentally, physically, socially or morally dangerous and harmful to children; and
- interferes with their schooling by-
 - (a) depriving them of the opportunity to attend school;
 - (b) obliging them to leave school prematurely; or
 - (c) requiring them to attempt to combine school attendance with excessively long and heavy work.

But it must be noted that not all work done by children should be classified as child labour. Children’s or adolescents’ participation in work that does not affect their health and personal development or interfere with their schooling is generally regarded as being something positive. This includes activities such as helping their parents around the home, assisting in a family business or earning pocket money outside school hours and during school holidays. These kinds of activities contribute to children’s development and to the welfare of their families; they provide them with skills and experience, and help to prepare them to be productive members of society during their adult life.

In its most extreme forms, child labour involves children being enslaved, separated from their families, exposed to serious hazards and illnesses and/or left to fend for themselves on the streets of large cities – often at a very early age. Whether or not particular forms of “work” can be called “child labour” depends on the child’s age, the type and hours of work performed, the conditions under which it is performed and the objectives pursued by individual countries. The answer varies from country to country, as well as among sectors within countries.⁶

4. PREVENTIVE ACTIONS

EACHRights will meet our commitment to protect children from abuse through the following means:

- Careful recruitment of staff and volunteers.
- Prevention of child abuse through implementation of a staff code of conduct.
- Recognition and reporting of disclosures and suspicion of child abuse cases.

4.1 Recruitment and employment

⁶ Retrieved from <http://www.ilo.org/ipec/facts/lang--en/index.htm>

EACHRights will take all reasonable measures to prevent unsuitable individuals from working with children. Indeed, EACHRights will not employ or allow any person to volunteer who has a past history of abusing children or who has been convicted of doing so. Candidates for employment or voluntary positions will be asked to describe their previous experience of working with children and to provide at least two referees who can comment on their work with children for some jobs, certificate of good conduct may be required, to help in assessing the suitability of the applicant to work with children.

- Advertisements and job descriptions for posts will include a reference to EACHRights' commitment to child protection and our Child Protection Policy.
- Job offers made will be subject to satisfactory clearance from checking of statutory records and satisfactory verification of qualifications and the candidate's CV.
- Where staff are to work directly with children, additional care must be taken to ensure that they are suitable. This should include checking identification, qualifications and obtaining references from previous employers
- Staff should be asked to sign a self declaration statement confirming that they have no convictions for any offence involving any type of harm to a child or children, and should declare anything that may affect their suitability to work with children.

4.2 Staff Code of Conduct

Agreement to work under the Child Protection Policy is a condition of involvement with EACHRights. To this end, EACHRights' commitment to child protection will be stated in appropriate corporate documents and will make its policy and procedures available to anyone who requests them. EACHRights will ensure that all staff are aware of and have access to this Child Protection Policy. The induction programme⁷ for all staff will include an explanation of the policy. All managers have the responsibility for ensuring that the staff they manage continue to be aware of the Policy, and for reminding them of its provisions when the need arises.

In planning or co-ordinating multi-agency or coalition or network organised events and activities, EACHRights will ensure that child protection considerations have been taken into account by all partners.⁸ EACHRights expects all staff and volunteers to follow the code of conduct, which is designed to minimize the risk of an incident occurring or being alleged.

4.3 Disclosures and suspicion

⁷ Induction of staff will be done by the designated Child Protection Officer after which the policy shall be signed by staff that has been inducted.

⁸ Partners will be taken through the organization Child Protection Policy and sign it afterwards

EACHRights recognizes that disclosures (i.e. when a specific allegation of abuse is made against a named individual) and suspicion (i.e. when concern is expressed about abuse that may have taken place or be in prospect) should always be investigated and acted upon swiftly, making the welfare of children the paramount consideration. Any information offered in confidence should be received on the basis that it will be shared with relevant people in authority. Parents or guardians will also be informed if appropriate. Apart from this, careful confidentiality will be observed. If a child or young person tells you they are being, or have been, abused:

- Listen to and accept what the child says.
- Do not investigate, and do not inform, question or confront the alleged abuser.
- Take the alleged abuse seriously.
- Reassure the child or young person that they have done the right thing by telling you and that they are safe with you.
- Let them know you need to tell someone else. Do not promise total confidentiality.
- Let the child or young person speak freely but do not press for information: use open ended questions when talking to them.
- Let the child or young person know what you are going to do next and that you will let them know what happens.
- Record carefully what you have heard whilst it is still fresh in your mind. Include the date and time of your conversation and any incident disclosed.

If any member of staff or volunteer suspects abuse, or if a child or young person makes a disclosure, or if a person external to EACHRights reports a suspicion or allegation relating to EACHRights staff, volunteers or activities, the following steps should be taken:

- Avoid any delay.
- Report this to the Director, who is the designated Child Protection Officer
- The Director or designated manager will ensure an assessment is made and a report given to the appropriate authority or Police Station if necessary. However, if urgent action is required to protect children this should be done immediately.
- No staff member or volunteer will prejudice their own standing or position within EACHRights by responsibly reporting potential or suspected child abuse.

5. RESPONSIBILITIES

5.1 Responsibilities of the EACHRights management

- If a member of staff is the subject of an allegation of child abuse either within EACHRights or in his/her personal capacity, that staff member will be asked to take leave from their duties on full pay until an investigation has been completed.
- If a volunteer or intern is the subject of an allegation of child abuse, that volunteer will be suspended from their work until an investigation has been completed.
- In both cases, it should be made clear that suspension does not imply guilt but rather protects all parties whilst an investigation is undertaken. If a disclosure of abuse takes place in which the alleged abuser is a member of EACHRights staff or a volunteer, or the incident has taken place on EACHRights premises or in connection with EACHRights activities, EACHRights will inform the authorities. If a suspicion is expressed, EACHRights will undertake a risk assessment and then take appropriate action, which may involve contacting statutory authorities.
- If an allegation of child abuse is made involving a member of EACHRights staff, this allegation, together with a record of the investigation undertaken and the outcome, will be recorded in their personal files. Confidentiality regarding these records will be scrupulously maintained and information will only be released to the line management of the staff member concerned or to those in positions of authority externally who have reason to need it for the protection of children.
- If an incident of child abuse takes place in connection with EACHRights as an organization or any of activities⁹, EACHRights undertakes to provide psycho-social and in-house support for the alleged survivors and the alleged abuser whilst an investigation is carried out. EACHRights will also seek to ensure that any continuing support needed after a situation has been resolved is made available as far as is practical. If a member of EACHRights staff or anyone closely associated with EACHRights' work in some recognizable capacity is found to have committed acts in relation to children which are criminal or which contravene in a serious way the principles and standards set out in this policy, EACHRights will take disciplinary action and/or any other action which may be appropriate to the circumstances.
- Photographs, videos and personal information

5.2 Responsibilities the Board of Trustees

- EACHRights will ensure that this policy is reviewed every 2 years and that an annual report on any incidents relating to child protection is made to the Trustees.

⁹ To include offering services during emergency situations

By signing below, I certify that I have read, fully understood and agreed to abide by EACHRights' Child Protection Policy.

NAME

SIGNATURE

POSITION

DATE