

Effective from 20 June 2018

CHILD PROTECTION POLICY

Preface:

Over recent years, there has been an increasing recognition of the widespread abuse of children and of the potential risks to children from adults in positions of trust. In Namibia, violence poses such a prevalent threat to children that we risk accepting physical, sexual and psychological violence as inevitable parts of childhood.

In response, the Legal Assistance Centre Namibia has committed to becoming a child safe organization and drawn on the initiative of the "Keeping Children Safe Coalition" and the standards set by Save the Children Sweden to ensure that all children involved in LAC programmes are protected from harm, abuse and exploitation. By adopting the standards advocated by the Keeping Children Safe Coalition and Save the Children Sweden and adapting them to the Namibian context, LAC seeks to meet its duty to protect children and institute safeguards to ensure the safety of both children involved in LAC programmes and LAC employees.

Our child protection standards reflect the following principles.

- All children have equal rights to protection from abuse and exploitation.
- All children should be encouraged to fulfill their potential and inequalities should be challenged.
- Everybody has a responsibility to support the care and protection of children.
- NGOs have a duty of care to children with whom they work and with whom their representatives work.
- If agencies work through and with partners they have a responsibility to meet minimum standards of protection for the children in their partners' programmes.

1. Statement of Commitment

In 2006, the United Nations Study on Violence against Children called for the urgent protection of children worldwide and recognized that much violence against children remains hidden due to fear, the desire to protect family "honour", societal acceptance, and the absence of a safe, trustworthy reporting mechanism.

There can be no compromise in challenging violence against children. Children's uniqueness - their potential and vulnerability, their dependence on adults – makes it imperative that they have more, not less, protection from violence.¹

LAC is committed to providing all children in Namibia with this care and protection and firmly believes in the right of every child to be protected from all forms of violence,

¹ United Nations, 2006, Secretary Generals Study on Violence Against Children-Article2.



abuse, neglect, and exploitation. The government of Namibia has guaranteed these rights by ratifying the Convention on the Rights of the Child:

States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.²

LAC supports the Government of Namibia in protecting its children and in upholding their rights under the Namibian Constitution to be free from abuse.

No persons shall be subject to torture or to cruel, inhuman, or degrading treatment or punishment.³

LAC is dedicated to creating a safe environment for children who benefit from LAC programmes and recognizes its legal and moral responsibility to adopt a duty of care to protect all children from abuse and exploitation.

All staff, volunteers, interns, consultants and partner organizations are expected to respect and abide by the procedures and guidelines set out in this policy document.

2. Goal, Objectives and Values

2.1 Goal

The goal of this policy is to ensure the creation of a safe environment for all children involved in LAC programmes in which their rights are understood and protected.

2.2 Objectives

We hope the implementation of this policy will:

- create a child-safe and child-friendly organization;
- ensure that the LAC considers the safety and well-being of children in all its programmes and activities;
- ensure all children participating in LAC programmes will be empowered by knowing and understanding their rights;
- educate LAC staff and partner organisations about how to respond and report on cases of abuse towards children.
- ensure all LAC staff embrace and adhere to the beliefs and commitments of the organization regarding child protection in both their professional and personal capacities.
- ensure all LAC Staff and partner organisations will adhere to the code of conduct as set out in the policy

² United Nations, 1989, Convention on the Right of the Child-Article 19.

³ The Constitution of Namibia, 1989, Article9.



- create a framework to deal transparently, consistently, and fairly with allegations concerning abuse
- create a space where children feel able and willing to speak out about abuse and are free from abuse.

2.3 Principles and Values on which the policy is based

- All children have the right to be protected from harm, abuse and exploitation as set out in the United Nations Convention on the Rights of the Child.
- All adults are responsible for safeguarding and promoting children’s welfare.
- In programmes involving child participation, the best interest of the child is paramount and should guide the work of LAC.
- The importance of parents, families and other caregivers in children’s lives should be recognized.
- We recognize the importance of working in partnership with other partner agencies in the protection of children.
- We recognize needs of staff and volunteers to training and support where applicable.
- All children have the right to participate and have a voice in decisions concerning their lives and their futures.
- It is important to create an environment where issues of child protection are discussed openly and are understood between children and adults.
- Children have the right to be children (play, learn and be free).
- Work with children should be based on respect for all children whatever their cultural, social, economic, political and religious backgrounds.

3. Definitions

3.1 Child

For the purposes of this policy, a ‘child’ is defined as anyone under the age of 18.⁴

⁴ This is consistent with the UN Convention on the Rights of the Child.



3.2 Child Abuse

Child abuse consists of anything which individuals, institutions or processes do or fail to do which directly or indirectly harms children or damages their prospect of safe and healthy development into adulthood.⁵

Child abuse includes:

Physical abuse: Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child, including by fabricating the symptoms of, or deliberately causing, ill health.

Emotional abuse: Emotional abuse is the persistent emotional ill treatment of a child that causes severe and persistent adverse effects on the child’s emotional development. It may involve: conveying to children that they are worthless or unloved, inadequate or valued only insofar as they meet the needs of another person; age or developmentally inappropriate expectations; causing children frequently to feel frightened; or the exploitation of children. Some level of emotional abuse is involved in all types of ill-treatment of a child.

Sexual abuse: Sexual abuse involves forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. They may include non-contact activities, such as showing children or involving children in the production of pornographic material or encouraging children to behave in sexually inappropriate ways.

Sexual exploitation: Sexual exploitation refers to any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another⁶

Neglect: Neglect is the persistent failure to meet a child’s basic physical or physiological needs, likely to result in the serious impairment of the child’s health or development, such as failing to provide adequate food, shelter and clothing, or neglect of, or failure to respond to, a child’s basic emotional needs.

3.3 Factors which Make Children More Vulnerable to Abuse

Although this policy applies to all LAC interactions with children, it is important to be aware that certain factors make some children particularly vulnerable to abuse. Whereas LAC staff members should remain alert and attentive to emotional, behavioral and medical indicators of child abuse among all children, particular attention should be paid to the following groups:

⁵ Based on standards from Save the Children Sweden.

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3.3.1 Orphans and Vulnerable Children (OVCs).

OVCs include:

- children with parents who have HIV or AIDS;
- children in a household with someone living with HIV or AIDS;
- children who have been orphaned by HIV or AIDS or another cause;
- children who are abused, neglected and/or trafficked;
- children who are very poor;
- children who are malnourished;
- children who are otherwise vulnerable.

3.3.2 Children with disabilities.

Children with disabilities are more dependent on adults for care and support for a greater period of their lives than their non-disabled peers. This greater dependence increases their vulnerability to abuse.

Further, children with disabilities often have less access to child protection services and may have impairments which make it difficult for them to understand or communicate what they are experiencing. It is also common for myths, prejudice and denial to prevent abuse from being recognized among children with disabilities. Unusual behavior may be seen as resulting from a child's disability rather than as a possible indicator of abuse which needs to be investigated. It is the responsibility of those who work with children with disabilities to ensure that they have equal access to child protection services and that their needs, both as children with disabilities, and as children, are appropriately met.

3.3.3. Children who live in homes where domestic violence occurs.

Children who live in homes where domestic violence occurs are always affected emotionally and are more likely to be affected physically than children from homes where there is no domestic violence. Special attention should be paid to children from homes where it is known that there is domestic violence so that preventative action can be taken to ensure the well-being and safety of the child. Preventative action could also include supporting the family to protect the child and minimize damage.

3.3.4. Children in prostitution.

All children involved in prostitution are victims of child abuse, even if they do not perceive themselves as victims.



3.5 Duty of Care

The term ‘duty of care’ identifies the moral and legal responsibility of all organizations working with children to protect children in their care from harm. This responsibility includes duties to prevent abuse by creating child-safe environments which minimize the risk of abuse and to respond immediately and appropriately where abuse does happen.

3.6 Direct Contact with Children.

“Direct contact with children” refers to an individual’s physical presence with a child or children in the context of the organisation’s work. Contact may be occasional or regular, short or long term and could involve visits to schools, churches or youth groups or attendance at conferences at which children are present. (This list is not exhaustive.)

3.7 Indirect Contact with Children

“Indirect contact with children” refers to:

- Having information about children in the context of the organization’s work, such as children’s names, addresses of children or projects, photographs and case studies.
- Providing funding for organizations that work “directly” with children. Albeit indirectly, this nonetheless has an impact on children, and therefore confers upon the donor organization responsibility for child protection issues.

This list of examples is not exhaustive.

3.8 Staff

The term “staff” is used broadly and includes LAC employees, trustees, interns, volunteers and consultants.

4. Preventing Child Abuse

These standards are designed to prevent child abuse by ensuring that LAC staff and all of its partners create child-safe environments for the children with whom they work.

LAC will ensure that the following standards are met.



4.1 Recruitment

LAC will ensure that all staff who will have direct or indirect contact with children are aware of this policy.

- The LAC will not hire anyone it reasonably suspects has engaged in child abuse, sexual exploitation of children or any other inappropriate treatment of or relationships with children in their personal or professional lives.
- Before beginning employment, all new employees must sign a personal declaration stating any previous criminal arrests or convictions in Namibia or any other country and provide documents that establish their identities, and disclose current and former residences.
- The LAC will investigate any criminal arrests or convictions disclosed by the new employee.
- Any employee who will regularly work directly with children will be asked to provide a police clearance certificate.
- All new employees must read, understand and accept compliance with the organization's Child Protection Policy and guidelines as part of the terms and conditions of employment. They will be informed that the Policy and guidelines apply equally to their personal and professional lives.

4.2 Staff Awareness, Training and Support

LAC's commitment to promoting awareness and standards of child protection extends to all levels of its structure.

- LAC will incorporate child rights and child protection awareness-raising into all of their programmes where they work with children, promoting its importance to the community wherever possible.
- The staff of partner organisations and other stakeholders, including children involved in LAC programmes, will be informed of the terms of the Child Protection Policy and Code of Conduct, and LAC procedures for reporting concerns or complaints of child abuse or child sexual exploitation. This information will be communicated in ways designed to ensure that the Child Protection Policy, Code of Conduct, and reporting procedures are understood.
- LAC's organizational ethos will encourage opportunities to learn about child protection issues. There will be opportunities within the organization to develop and maintain the necessary skills and understanding to safeguard children.
- All staff are expected to comply with this Policy and the Code of Conduct incorporated herein.



- All new staff will be briefed on and provided with copies of the Child Protection Policy, procedures, code of conduct, and guidelines within one week of beginning a position and before any direct or indirect contact with children.
- Current staff should receive a briefing on and be provided with copies of the Child Protection Policy, procedures, code of conduct, and guidelines within a designated time period of the Child Protection Policy coming into force.
- All staff working in direct contact with children will be fully briefed on the nature of child abuse, the effects of abuse; how to recognize signs of child abuse; how to respond to concerns about child abuse; information on who to contact in the event of any concerns about child protection issues; and the organization's code of conduct.
- All staff who have access to information about children such as personal contact information, including their address, specific cases or incidents, or any details of the child's personal history will be informed that such information should be kept confidential.

4.3 Responsibility for Implementing Policy

LAC's management will implement the child protection policy and procedures in the following manner:

- The trustees, director, and project coordinators will assume responsibility for assuring that the Child Protection Policy is being implemented.
- The Director and Unit Coordinators will be educated about the content of this policy, recognizing the signs of child abuse, structuring their programmes to avoid putting children or staff members at risk. They will encourage staff members, children involved in LAC programmes, and others to report incidence of abuse and will take responsibility for ensuring all persons involved in LAC programmes are aware of the Child Protection Policy and the procedures for reporting abuse. They will encourage open lines of communication and listen seriously to any allegations of abuse, while protecting the privacy of both the alleged perpetrator and the alleged victim.
- The Director will take primary responsibility for the implementation of the child protection policy and will receive and promptly investigate allegations of abuse regarding any child involved in an LAC programme or of violations of the Code of Conduct or Child Protection Policy by LAC staff members or partner organizations.

4.4 Communication Guidelines

- Access to printed and electronic personal information about children will be restricted to the minimum number of individuals who need to know within the organization.



- Personal and physical information that could be used to identify the location of a child and put them at risk will not be placed on the LAC website, in an LAC publication or in any other form of communication that allows for general or public access.
- All children participating in LAC programmes and activities will have their right to be accurately represented, through both words and images, protected and promoted. In particular, the LAC commits to avoiding:
 - Language and images that could possible degrade, victimise or shame a child.
 - Discrimination of any type.
 - The out of context use of images of children in ways that could possible degrade, victimise or shame a child.
- Text and images included in any print, broadcast or electronic materials will depict an accurate and balanced depiction of children and their circumstances.
- In images used by LAC, children will be appropriately clothed and not depicted in any poses that could be interpreted as sexually provocative.
- LAC staff will always ask permission from a child to take his or her photograph.
- Informed consent from the child and his or her guardian will always be obtained before an image of the child is be used for publicity, fund raising, awareness-raising or any other purpose. However, staff may obtain general written permission from the child and his parent or guardian for multiple uses of the image in the future.
- Children will always be presented as human beings with their own identities and dignity preserved.
- Where possible, children will be asked to give their own account rather than having somebody speak for them.
- No pornographic material or images may be installed, downloaded or displayed on any computer or other electronic device such as a cell phone, PDA, laptop, desk top, voice recorders, digital and videos camera owned by the LAC. No pornographic materials may be shown to or viewed in the presence of any child in any form, including through non-electronic media such as books, pictures or magazines or via any electronic device.

5. Responding to Allegations of Abuse

5.1 Duty to report

- All LAC staff have a duty to report to the Director any reasonable suspicions of child abuse or exploitation either against a child involved in an LAC programme or the programme of a partner organisation, by an adult involved or associated with an LAC programme, or by LAC staff. LAC staff must report reasonable



suspicions of child abuse and exploitation within twenty-four hours of forming the suspicion or of learning of an incident of abuse unless it is impossible or impracticable to do so or other exceptional circumstances exist. LAC staff must also complete and transmit to the Director a Child Abuse Reporting Form. The Director will then decide who else needs to be informed on a strictly 'need to know' basis in the best interests of the child, in order to protect the child and their right to confidentiality.

- If the Director does not respond appropriately, the staff member has a duty to notify the Trustees.
- If it is alleged that the Director was involved in the child abuse or the Director's objectivity in the incidence would otherwise be compromised, the staff member has a duty to report to the Chairperson of the LAC Board of Trustees.

5.2 Duty to investigate

- The Director has a duty to promptly investigate any report of child abuse or exploitation and must-
 - keep written records of the investigation, including (a) the identities of the alleged victim and perpetrator; (b) the individual who reported the abuse; (c) the identities of any person questioned regarding the abuse; (d) any statements made by any person related to the investigation or abuse; and (e) any other evidence or factual information pertaining to the alleged abuse or exploitation.
 - keep all records of his or her investigation confidential and secure, sharing them with others only as necessary, and never in a way that risks a child's health or well-being.
 - keep any allegations of child abuse involving LAC staff members, LAC partner organizations or children involved in LAC programmes confidential. Individuals should be notified only on a "need to know basis."
 - make recommendations to the Board of Trustees as necessary regarding the LAC's response to allegations of abuse against staff members or individuals associated with partner organizations.
- If it is alleged that the Director was involved in the child abuse or the Director's objectivity in the incidence would otherwise be compromised, the Chairperson of the Board of Trustees, or someone designated by him or her, shall be responsible for taking the actions described in this section.

5.3 Duty to cooperate

All staff have a duty to cooperate with investigations regarding child abuse and child sexual exploitation, including answering relevant questions from the Director and designated representatives charged with investigating allegations and providing evidence related to the allegations. Staff should otherwise keep all information related to the allegations and the investigation strictly confidential.



5.4 Care for children involved in abuse or sexual exploitation

As appropriate under the circumstances, LAC staff will refer a child involved in an incident of abuse or sexual exploitation covered by this Child Protection Policy or Code of Conduct and/or his parent or guardian to local child safeguarding resources and will help the child and/or parent or guardian to access those resources to the extent of LAC's capacity.

6. Consequences of Misconduct

- Where an employee has violated the Child Protection Policy or Code of Conduct, committed an act of child abuse or exploitation or engaged in any other behavior that unreasonably and unnecessarily puts a child at risk of physical, emotional, sexual, or psychological harm, this shall be treated as a case of serious misconduct under LAC's Disciplinary Code and Procedures and dealt with according to the procedures and sanctions in that policy;
 - For volunteers or interns, the sanction may include ending the relationship with the organization
 - For consultants, the sanction may include termination of the contract.
 - For a member of the Board of Trustees, the sanction shall be determined by the Board.
- Any such conduct which could constitute a criminal offence against a child will be reported to the appropriate **Gender-Based Violence Investigation Unit (GBVIU)** and all information and evidence gathered during the course of the investigation will be shared.

7. Monitoring and Review

- The Director must record and file all concerns, allegations and disclosures of child abuse and subsequent monitoring of child abuse in a safe secure place.
- The Child Protection Policy will be reviewed at least every five years. The LAC will consult with children and their carers as part of this review.



Code of Conduct

The following Code of Conduct clarifies **appropriate** and **inappropriate behavior** towards children in order to **protect children** from abuse, and to **protect staff** from unfounded accusations of child abuse.

Staff should interpret this code in the spirit of **transparency** and **common sense**, with the **best interests of the child** as the main consideration

PART 1 – APPROPRIATE AND INAPPROPRIATE BEHAVIOUR

1. Minimizing risk situations.

Try to:

- Avoid placing yourself in a compromising or vulnerable position;
- Be accompanied by a second adult when interacting with a child whenever possible;
- If it is necessary to meet with a child, meet with the child in a public place.

Try not to:

- Be alone with a single child, particularly in the following situations: a car; overnight; in your home or in the home of the child;
- Show favoritism to any child;
- Spend excessive amounts of time with any child;
- Give out personal information such as a home phone number or home address.

2. Sexual Behavior

Never:

- Sexually abuse or exploit a child.
- Engage in or allow sexual provocative games with children;
- Kiss, hug, fondle, rub or touch a child in an inappropriate or culturally insensitive way;
- Develop physical/sexual relationships with children (regardless of the age of majority or age of consent);
- Sleep in the same bed as a child;
- Do actions of a personal nature that a child could do for himself or herself, such as dressing and bathing;
- Encourage any crushes by children.



3. *Physical Behavior*

Always:

- Manage children's behavior in ways which are non-violent and do not degrade or humiliate children.

Never:

- Hit or otherwise physically assault or physically abuse children;
- Unnecessarily initiate any physical contact such as holding hands.

4. *Psychosocial Behavior*

Always:

- Be aware of the power balance between an adult and a child and avoid taking any advantage this may provide;
- Communicate with children in a way that is appropriate to their age, understanding and preference;
- Listen to children, take them seriously and treat them with sensitivity and respect.

Never:

- Use language that can mentally or emotionally harm any child;
- Act in a way that intends to embarrass or shame, humiliate or degrade a child;
- Show discrimination of race, culture, age, gender, disability, religion, sexuality or political persuasion;
- Drink alcohol in the presence of children who are participating in LAC programmes and activities;
- Provide alcohol to children who are participating in LAC programmes and activities.

5. *Peer Abuse*

Always:

- Be aware of the potential for peer abuse;
- Develop special measures/supervision to protect younger and especially vulnerable children;
- Avoid placing children in high risk peer situations (eg unsupervised mixing of older children).

Never:

- Allow children to engage in sexually provocative games with each other.

6. *Physical Environment*



Always:

- Develop clear rules that will address specific safety issues relative to the local physical environment of a programme or activity.

*7. Travel and Trips***Always:**

- Obtain consent from the parents/caregivers to take a child on a trip or engage in an activity;
- Request the parents/caregivers to sign an indemnity form before engaging the child in activities that require the child's active participation.
- Ensure that the child has access to a seat belt in any motor vehicle;
- Ensure the child has a safe means of traveling home after any activity.

Never:

- Travel alone with a child.

LAC staff should always be role models for children that they work with and for the adults who see their interactions with children.

PART 2 –RESPONDING TO A CHILD PROTECTION CONCERN*1. Introduction*

These guidelines and procedures are designed to minimize harm to a child who has been abused and ensure appropriate action is taken to care for the child. The child's welfare should always be prioritized. No child should be put at more risk by any action taken in response to the concern.

These guidelines and procedures must be followed whenever:

- a) **there is suspicion that a child is being abused** (you identify emotional, behavioural or medical indicators of abuse and/or you suspect the abuser);
- b) **an allegation is made that a child is being abused** (someone else tells you that a child is being abused and/or the abuser admits abuse to you);
- c) **you witness abuse;**
- d) **a child discloses abuse** (the child tells you s/he is being abused).

It is essential that:

- Concerns raised regarding child abuse are responded to immediately, professionally and appropriately.



- Positive steps to ensure the protection of children who are the subject of any concerns are always taken.
- As far as possible children who are the subject of any concerns are kept informed of any child protection measures that may have to be taken and involved in the decision making process.

2. How to respond to a child's disclosure of abuse

General points

- Stop and listen straight away.
- Accept what the child says.
- Keep calm and don't panic.
- Do not appear shocked.
- Do not seek help while the child is talking to you.
- Look at the child directly.
- Assure the child that they are not to blame for the abuse.
- Be honest.
- Let the child know that you will have to tell someone (but reassure them that only those who need to know will be told, and that it is in their best interest).
- Try not to repeat the same questions to the child.
- Never push for information.
- Never ask leading questions (questions which encourage a child to give one answer over another).
- Do not fill in words, finish sentences, or make assumptions.
- Be aware that the child may have been threatened.
- Make certain you distinguish between what the child has actually said and the inferences you may have made. Accuracy is very important in this stage of the procedure.
- Do not permit personal doubt to prevent you from reporting the allegation to the CPO.
- Be with another adult nearby and if possible in a safe and soothing environment.

Things to say

- I believe you.
- I am going to try to help you.
- I am glad that you told me.
- It's not your fault.

Things not to say

- You should have told someone before.
- I can't believe it! I'm shocked!
- No not him/her, he/she is a friend of mine.
- I won't tell anyone else.
- Why? When? How? Where? Who?'



At the end of the disclosure

- Reassure the child that it was right to tell you
- Let them know what you are going to do next (for example, that you will speak to the Director of the LAC, who will know what to do to help the child in the best way)
- Immediately seek help from the Director.
- Write down accurately what the young person has told you using the child protection reporting form. Sign and date your notes. Keep all notes in a secure and confidential place for an indefinite period. These are essential in helping LAC /other child protection organizations/the police decide what is best for the child, and as evidence as necessary.
- Seek help for yourself if you feel you need support.

The child's best interests are the most important factor when child protection measures are considered.



Child Abuse Reporting Form

If you are worried that a child is being abused you must report your concerns directly to the Director (or Acting Director) as soon as possible after of learning of the incident of abuse or forming your reasonable suspicion of abuse, whichever is sooner. You must also complete this form to the best of your knowledge either before reporting or after. This form will be kept in a secure and confidential place and the information on it only shared with those who need to know in the best interests of the child.

About You

Your name:----- Your job title:-----

Your organization and location:-----

Your contact details (phone, email and address):-----

Your relationship to the child - if relevant:-----

About the Child

Child's name:----- Child's gender:-----

Child's age:-----

Who does the child live with?-----

Child's address:-----

About your Concern

Please give a brief description of why you are concerned (include dates, times and location of any specific incidents, names of any witnesses and name(s) of alleged abuser):-----

Have you spoken to the child? If so what was said?



Any relevant observations made by you (emotional, behavioral or medical indicators):

Any other relevant information not previously covered:

Have you spoken to or reported your concerns to anyone else? If so give details of who you have spoken or reported to (name of person, name of organization – if relevant, their contact details, date and time you contacted them):

Do you believe the child in immediate danger?-----

Please explain the basis of your belief?

Are you in immediate danger?-----

Does the child require medical attention?-----

"I confirm that the information I have given is true and complete to the best of my knowledge."

Your Signature:

Date:



FOR THE DIRECTOR TO COMPLETE.

Outline immediate action taken and explain the reasons for this action. File in a secure and confidential place.

