



Supporting street children through
education, healthcare and the arts

Anjali House Child Protection Policy

Introduction

Anjali House is a non-government organisation that cares for around 100 former street children in Siem Reap, providing them with free food, education, healthcare and access to the arts.

"We believe that no child should be forced to beg or work. We believe that they have the right to enjoy their childhood - to learn, play, make friends and grow in a safe and happy environment. These are basic rights that no child should be denied."

Statement on commitment to child protection

As an organisation with a mission to support former street children, Anjali House's first priority is the safety and wellbeing of the children under its care. Anjali is committed to a strict child protection policy to ensure that children are not exposed to abuse, exploitation, violence or neglect. This policy conforms to the general principles of the UN Convention on the Rights of the Child as follows:

- **Best Interests of the Child:** The best interests of the child will be Anjali's primary consideration in all decisions and actions concerning a child. When weighing up alternatives, Anjali will seek to ensure that the final decision or action arrived at will be that in which the child receives the maximum benefit possible. Anjali 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:** Anjali 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:** Anjali abides by the principle that a child has the right to have his or her views taken into account in accordance with their age development in major decisions affecting their life. They will be given the opportunity to express their ideas and views and be heard on matters affecting them. Anjali will in all cases give serious consideration to the child's wishes (and those of their legal guardians where appropriate) throughout any decision-making process. All children have the right to self-determination.

Given that Anjali cares for children up to 18 years old and young people older than 18 years, this child protection policy covers all Anjali students under the organisation's care, regardless of age.

Purpose of the policy

- This policy has been developed to provide a practical guide to prevent child abuse in Anjali's programs, including a Code of Conduct and child abuse reporting procedures, which will reduce the risk of children being harmed, protect children from abuse, and adults from false or malicious allegations of misconduct.
- This policy will demonstrate Anjali's commitment to protect children from harm and abuse.
- This policy aims to educate all Anjali associates about child abuse, and promote an open and aware environment within a child safe and a child friendly culture, where everyone is committed to keeping children safe.
- Anjali is obliged to adhere to local and international child protection criminal laws, which prohibit the abuse and exploitation of children. These include local Cambodian laws, and international laws and Conventions in relation to all forms of child abuse and child exploitation, including: child sex tourism, child sex trafficking, child labour and child pornography.

Guiding principles

- Anjali believes that any form of child abuse and exploitation is unacceptable and will not be tolerated.
- The United Nations Convention on the Rights of the Child is the universal foundation for child protection. The fundamental principle of the Convention is that children have their own indivisible rights.
- Anjali 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.
- Anjali recognises its duty of care to take all reasonable steps to ensure that children are safe from harm at all times, and its obligation to provide safe and protective services and environments.
- Anjali will demonstrate commitment to actively preventing child abuse, including taking positive action to prevent child abusers becoming involved with Anjali in any way, and taking stringent measures against any Anjali associate who commits child abuse.
- Adherence to this policy is a mandatory requirement for all Anjali associates, and Anjali will ensure that all associates are made aware of this policy and the Code of Conduct.
- Anjali believes that all children should be equally protected and assisted regardless of their gender, nationality, religious or political beliefs, family background, economic status, physical or mental health or criminal background.
- Anjali is guided by the following local legislation:
 - The Constitution of the Kingdom of Cambodia, especially articles 41 and 42 (see appendix I);
 - The Cambodian current and future laws and tools on child rights, such as:
 - Criminal Code of the Kingdom of Cambodia (2010)
 - Art. 217: Violence with Intention
 - Art. 239: Rape
 - Art. 246: Indent Assault
 - Art. 249: Offence of Exposing Genitals
 - Art. 250: Sexual Harassment

- Art. 302: Offence of violating the picture right of an individual
 - Art. 337: Offence of not offering food to or not taking care of a minor under fifteen years
 - Art. 339: Offence of putting a minor into working conditions damaging their health
 - Art. 341: Indecent offence against a minor under fifteen years
 - Art. 343: Offence of inciting a minor to drink alcohol
 - Art. 344: Offence of inciting a minor to beg
 - Art. 345: Offence of inciting a minor to commit a felony or misdemeanour
 - Art. 530: Offence of not informing about abuse of a minor (*ie. mandatory reporting*)
- The Law of Suppression of Human Trafficking & Exploitation of Cambodia (2008)
 - Art. 34: Purchase of child prostitution
 - Art. 42: Sexual Intercourse with minors under fifteen
 - Art. 43: Indecent act against minors under fifteen years; and
 - Positive traditional practice

Context

Child abuse happens in all societies throughout the world. Child abusers can be anyone – male or female - including those who work with or care for children. Child abuse affects boys and girls. Child abuse in any form including physical, emotional or sexual abuse, or neglect, is a serious offence that can threaten the wellbeing and reputation of the child, the accused person and the related organisation.

Many of the children under Anjali's care have experienced abuse of some form in their home environment and so it is paramount that Anjali provides a safe and protected place for the children to call their own. For this reason, Anjali takes child abuse very seriously. Experience has shown that child abusers are not likely to remain in an organisation where there are rigorous child protection policies and procedures, and where stakeholders are trained to identify and report suspicious behaviour. Therefore, Anjali has robust child safe recruitment procedures, and all Anjali associates are responsible for reporting suspected child abuse or exploitation of any kind, and managing the reporting process in a sensitive way that maintains the confidentiality of all parties.

Definitions

- **Child** means every person below the age of 18.
- **Child abuse** is the physical, sexual, emotional mistreatment or neglect of a child resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power.
- **Child protection** is an activity or initiative designed to protect children from any form of harm, particularly harm arising from abuse, neglect or exploitation.
- **Physical abuse of a child** is when a person purposefully injures or attempts to injure a child from an interaction or lack of interaction which is reasonably within the control of a person in a position of responsibility, power or trust over the child. This may take the form of slapping, punching, shaking, kicking, burning, shoving, grabbing

or choosing not to assist a child when a situation is causing them physical pain. There may be a single incident or repeated incidents.

- **Emotional abuse of a child** is any action that is not physical but that has a negative effect on the social, intellectual or emotional development of a child. Emotional abuse is categorised loosely as the chronic behavioural pattern directed at a child whereby a child's self esteem and social competence is undermined or eroded over time. It can take the form of name-calling, threatening, belittling, ridiculing, intimidating, isolating, ignoring or other non-physical forms of hostile or rejecting treatment towards the child.
- **Neglect of a child** is the failure to provide the child with the basic necessities of life such as food, clothing, shelter, education, supervision emotional development and/or protection from foreseeable harm in the context of resources reasonably available to the family or caretakers of the child and to the extent that the child's health and/or development are at risk.
- **Sexual abuse of a child** is when a person who is position of responsibility, trust or power over a child involves the child in sexual activity which is intended to gratify or satisfy the needs of the other person and which the child does not fully comprehend, is unable to give informed consent to, or is not developmentally prepared and cannot give consent. This can include contact acts (such as rape or sexualized touching) or non-contact acts (such as exposure to pornography or taking sexualized photographs of the child).
- **Child Exploitation** is when a child is used in work or other activities for the benefit of others. This includes, but is not limited to, the commercial sexual exploitation of children whereby a child is sexually abused in return for cash or for kind and child labour whereby a child is forced to work or perform other acts to an extent detrimental to the child's physical, social or mental development.
- **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.
- **Duty of care** is a common law concept that refers to the responsibility of the organisation to provide children with an adequate level of protection against harm. It is the duty of the organisation to protect children from all reasonably foreseeable risk of injury.

Scope of the policy

This policy applies to all associates of Anjali: employees, prospective employees, volunteers, interns, Board and Advisory Board members, child sponsors, students' parents and relatives while on-site at Anjali House, visitors, counterparts, consultants, contractors, and partner organisation members. The term Anjali associates will be used in this policy.

Child protection risk management

Risk assessment table – see separate document

Anjali recognises that there a number of potential risks to children in the delivery of our programs to children, therefore we have assessed and managed these risks to reduce the risk of harm to Anjali students. This is achieved by examining various aspects of our work and their potential impact on children. By regularly educating our associates on child protection issues, we aim to continually be aware of risks and actively minimise them.

Code of conduct for working with children

This code of conduct gives guidelines deemed to be appropriate and proper behaviour for Anjali associates when interacting with children under the care of Anjali. They are primarily designed to protect children but are also intended to protect associates from false accusations of inappropriate behaviour or abuse.

Acceptable behaviour:

- Treat children with dignity and respect regardless of ethnicity, race, colour, gender, age, language, religion, political or other opinion, disability or other status.
- Listen to children and allow them to be engaged in decisions that may affect them.
- Display appropriate language, actions and relationships with children at all times. Extra care should be given to protecting the reputation of female children and female Anjali associates by ensuring that language and behaviour at all times reflect appropriate male-female relationships, which are respectful of and in line with Cambodian culture and customs.
- Be responsible for your actions and reactions to children at all times. Be aware that children at Anjali may, because of the circumstances and abuses they might 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. Associates should be alert to such behaviour and avoid being placed in a compromising or vulnerable position. Any advances of this nature should be immediately reported to the CPO or Director.
- Where possible and practical, implement the 'two-adult' rule, whereby two or more adults supervise all activities with children. If for any reason an individual conversation or counselling session is warranted with a child, another adult must be within eyesight.
- Immediately raise concerns regarding a child's safety or wellbeing in accordance with Anjali's reporting procedure outlined in this policy.
- Comply with all relevant local legislation concerning child abuse and child labour.
- Accompany any visitor or non-staff member on-site at any Anjali facility.
- Gain permission from the CPO or Director for contact with a child off-site.

Unacceptable behaviour:

- Act in ways intended to shame, humiliate, belittle or degrade children or perpetrate any form of emotional abuse.
- Exert inappropriate physical force when dealing with a child. This includes, but is not limited to, pushing, shoving, hitting, slapping or any other action that could cause fear, intimidation or distress.
- Hold, kiss, hug, fondle or touch minors in an inappropriate or culturally insensitive way. Under no circumstances should any physical contact be, or have the appearance of being, sexual in any way.
- Use inappropriate, offensive or discriminatory language when speaking with a child.
- Exclude or favour a particular child.

- Take a child to your home, guesthouse, hotel or accommodation.
- Socialise with a child outside the Anjali House premises apart from a friendly hello.
- Make contact with a child online or via social media.
- Take a child to a café or restaurant or buy them food without prior approval from the CPO or Director. If the child is obviously hungry, then inform the CPO or Director immediately.
- Take a child on a motorbike, tuk-tuk or car without prior approval from the CPO or Director.
- Buy presents of any kind for a child without prior approval from the CPO or Director.
- Hire a child to do domestic work or to perform other work without prior approval from the CPO or Director. This is necessary to ensure the child's age and working conditions meet the criteria specified in the MOSALVY Prakas on Light Work for Minors and other relevant labour laws. These include hiring only minors over the age of 12 years old, limiting workdays and hours, and providing access to education. Associates who do not meet these criteria may be in violation of child labour laws and are subject to investigation for child abuse and/or exploitation.
- Access child pornography through any medium.
- Engage any child in any form of sexual activity or acts, including paying for sexual services or acts.

Inappropriate conduct towards children, including failure to follow the behaviour standards listed above, is grounds for discipline, up to and including dismissal and/or police notification and legal action.

Use of children's images

Anjali recognises the importance of protecting the privacy of children, and portraying them in a dignified and respectful manner. The guidelines on the use of children's images are as follows:

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

Employment of staff and volunteers

Anjali recognises the need to implement strong child protection guidelines within the recruitment and selection process of staff and volunteers. Our aim is to employ the most

suitable people for the position, and also to reduce the risk of engaging people who may pose a risk to children. The guidelines are as follows:

- Advertisements for job vacancies will clearly state that Anjali is committed to child protection and that prospective employees' commitment to child protection is a condition of employment.
- All prospective Anjali associates will be informed of Anjali's Child Protection Policy at the start of the recruiting process.
- Screening of applicants will include a written application, personal interviews (where possible), and a copy of passport/ID card. During the interview process, applicants will be asked about previous work with children.
- Where possible and permissible by local law, applicants for positions as a staff member or volunteer are requested 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 possible and permissible by law in their home countries.
- Anjali reserves the right to refuse to employ an applicant if reference checks reveal that the person is not suitable to work with children or for any reason that may pose a risk to children. Anjali also reserves the right to terminate a contract if any future background checks reveal similar information.
- The Child Protection Policy will be reviewed during new staff and volunteer 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.
- The Director reserves the right to suspend or dismiss a staff member or volunteer for breach of the Child Protection Policy.

Child sponsor guidelines

Anjali recognises the need to implement specific guidelines to manage the child protection risks within its child sponsorship program. The guidelines are as follows:

- Anjali has in place a specific child protection policy document for its child sponsorship program, which is shared with each child sponsor on signing up to the program. On joining the program, each child sponsor must read and acknowledge the policy.
- All communications between the sponsor and sponsor child must be facilitated by Anjali. Direct contact between the two parties is not permitted.
- Child sponsors may visit Anjali by appointment, but are not permitted to meet their child sponsor unless that is the express wish of the child. In this case, the meeting will be brief, and supervised by an Anjali staff member.
- Child sponsors are not permitted to give presents or money to their child sponsor.
- Child sponsors are not permitted to take a child off-site.

Visitor guidelines

- Visitors are allowed at Anjali by prior appointment only.

- All visitors must sign in to the visitor sign in book on arrival at Anjali. On signing in, the visitor must read and acknowledge the Child Protection Policy.
- All visitors must be closely monitored by Anjali staff or volunteers.
- No visitor should be left alone, with or without children, when at Anjali.
- Photography is only permitted if Anjali management have given approval.

Child abuse reporting procedures

Flow chart - see separate document

Anjali takes child abuse very seriously and therefore has a very clear and detailed process in place to manage the reporting and investigating process for any allegation of child abuse.

It is the responsibility of all associates to report suspected child abuse or exploitation of any kind, and manage the reporting process in a sensitive way that maintains the confidentiality of all parties where possible and appropriate. Failure to report suspected child abuse or misconduct may result in disciplinary action by the Director, at his or her discretion, and is a criminal offence in Cambodia (Art. 530 of the Criminal Code: Offence of not informing about abuse of a minor).

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

Any infringements of this type will be fully investigated and any perpetrators will be prosecuted to the full extent of law.

The reporting and investigating process should follow these steps:

Who should report?

- Any person who has knowledge of, suspects, or has witnessed a potential child protection issue involving an Anjali associate.

What should be reported?

- Any disclosure or allegation from a child, Anjali associate or any other person regarding the safety/abuse exploitation of a child.
- Any observation or concerning behaviour exhibited by an Anjali associate that breaches the Anjali House Code of Conduct.

Who to report to?

- The CPO or the Director.
- In the event that the complaint is connected to the CPO and/or Director, the investigation must be directed to the Anjali Advisory Board or Board.

When to report?

- Child abuse concerns must be raised immediately, or within 24 hours, to allow for early intervention and a prompt investigation.

How should it be reported?

- A verbal report, immediately or within 24 hours

- A written statement, 48 hours after the verbal report, using the Incident Reporting Document

What will happen first?

- The CPO and/or Director will speak to the child and ensure that the child is safe and receives medical attention if required.
- Within 48 hours of receiving the report, the CPO and/or Director will begin an internal investigation to determine the seriousness of the behaviour.

What will happen next?

1. At the discretion of the Director, any Anjali associate can be suspended on full pay (where applicable) pending investigation. The associate will be informed that an allegation has been made against him/her and they will be given the opportunity to respond.
2. In the event that an allegation is proven to be untrue or unfounded, appropriate steps will be taken for 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 any associate accused of child abuse, including counselling or other appropriate forms of support.
3. If abuse is proven 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 counselling or any other form of assistance deemed necessary and appropriate. The person who reported the incident will also be followed up.
4. If the investigation concludes that child abuse has occurred which is not subject to criminal prosecution, the associate will be subject to disciplinary action within Anjali, up to and including dismissal.
5. If the investigation concludes that abuse has occurred which is subject to criminal prosecution according to national laws, all findings will be reported to the relevant national 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.
6. Throughout, and at the conclusion of, the investigation, the associate, the child and/or his or her family as appropriate should be informed of any concerns or allegations, the results of the investigation, and what corrective action, if any, will be taken.
7. If the media becomes involved when a concern or allegation is raised within Anjali, the Director will deal with all media enquiries.
8. In the event that an associate is dismissed for proven child abuse, Anjali will disclose such information as requested by police, prospective employers etc. Such disclosures will be made in accordance with the applicable law and/or customs.

Other – responding to disclosure of child abuse by a child

- The Anjali associate must remain calm and in control and reassure the child that something will be done to keep them safe.
- The Anjali associate must take the child seriously.
- The Anjali associate should:
 - Listen carefully
 - Tell the child that you believe him or her
 - Tell the child it is not their fault and he/she is not responsible for the abuse
 - Tell the child you are pleased he/she told you
 - Tell the child you have a duty to pass the information on to the CPO and/or Director

- The Anjali associate should not:
 - Make promises you can't keep, such as promising not to tell anyone
 - Push the child into giving details of the abuse
 - Indiscriminately discuss the disclosure with other people

Involving children in child protection

- Anjali is committed to child participation, and will educate children about the Anjali Child Protection Policy, Code of Conduct, child abuse reporting process, and who to contact if they are at risk, have been abused or are concerned about another child.
- Anjali will regularly incorporate child-friendly information about children's rights and self-protection from all types of abuse into the curriculum, especially using UNICEF's child-friendly document on the Convention on the Rights of the Child.
- Anjali will display the Code of Conduct and child abuse reporting process in English and Khmer in public areas of Anjali House.
- Appropriate literature such as help-line posters, leaflets about how to report an incident, and other child-safe information will be made available to the children.

Educating associates on child abuse, protection and this policy

- Anjali is committed to educating its associates about child abuse, child protection and this Child Protection Policy.
- The Director will initiate an open culture, encouraging opportunities for associates to raise concerns, to question, to discuss, to give feedback, and to learn about child protection issues. This will be done during staff meetings, through specific child protection training, and on other relevant occasions.
- Anjali will educate its staff and volunteers about child safe practices during the induction process, with follow up training every six months.
- Anjali will regularly inform the parents of students at Anjali about Anjali's commitment to child protection, and how they can contribute to a child safe community, and how to recognise and respond to concerns about child abuse.
- Anjali will make publically available the Child Protection Policy and other updates on child safe practices on-site at Anjali and electronically via its website, newsletter and social media.

Roles and responsibilities

- Board/Advisory Board
 - Give final approval of the Child Protection Policy at each bi-annual review.
 - Lead internal investigation of any child abuse allegation against the Director or CPO.
- Director
 - Initiate an open culture at Anjali about child protection and reporting of child abuse.
 - Make the ultimate decision on any action to be taken against an associate accused of child abuse.
 - Oversee internal investigations of any child abuse allegation (except for an allegation against the Director or CPO).
 - Review this policy every two years, or after an incident, to ensure it remains updated and relevant.

- Child Protection Officer
 - This role is carried out by the Head of Social Work at Anjali House.
 - Main contact person for any Anjali associate to report concerns of child abuse
 - Lead internal education and training about child protection.
 - Assist the Director in internal investigations of any child abuse allegation (except for an allegation against the Director or CPO).
 - Report on child protection activities in the Quarterly Report to the Director.
 - Ensure that all staff and volunteers read and understand this policy, and keep a record of their signed acknowledgement on file.
- All Anjali associates
 - Report any disclosure of, or suspicions about, child abuse to the CPO immediately.
 - Abide by the Code of Conduct.

Reviewing the Child Protection Policy

The policy will be reviewed every two years by the Director, with sign off from the Advisory Board or Board. The next review date is: November 2015.

Understanding the Child Protection Policy

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

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

Signature

____/____/_____
Date

If responding by email, please state your acceptance of the terms contained within this Child Protection Policy. You will receive a hard-copy of the Policy to sign at Anjali House.

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.