

Child Protection Policy (CPP)



**INTERNATIONAL FORUM
OF SOLIDARITY - EMMAUS**

BOSNIA AND HERZEGOVINA

IFS-EMMAUS is the leading civil society organisation in Bosnia and Herzegovina fighting against trafficking in human beings and online child abuse and exploitation with it's over 280 employees, over 70 volunteers and a network of offices in Sarajevo, Doboj East, Srebrenica, Velika Kladuša, Zvornik and Mostar.

Introduction

IFS-EMMAUS Child Protection Policy (CPP) refers to common values, principles and beliefs, practical behaviors and steps that shall be undertaken - and guaranteed as such - in the implementation of all activities regarding children.

Policy principles are developed and based upon the Convention on the Rights of the Child¹ and national laws².

The UN Convention on the Rights of the Child defines a child as "a human being under the age of 18, unless the law applicable to the child states that the legal age is attained earlier". The Convention is an integral part of the Constitution of Bosnia and Herzegovina and is thus incorporated into the BiH legislation.

The Convention on the Rights of the Child provides the foundation for IFS-EMMAUS work and actions on the local, entity, national, regional and international level. All of our decisions and actions regarding children shall be guided by the principle of "the best interests of the child."³

¹ UN Convention on the Rights of the Child, General Assembly Resolution 44/25, November 20, 1989; Succession by Bosnia and Herzegovina (from Yugoslavia) – September 1, 1993;

² In accordance to the BiH Constitutional framework, there are four legislative layers in BiH: national and entity (BiH Federation, Republika Srpska and Brcko District). Each of these comprises Laws directly or indirectly addressing the position/status of the child: Criminal Code; Criminal Procedure Code; Family Law; Law on Social Welfare; Law on Child Protection; and Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings. Though the latter defines the legal age of children differently than the UN Convention („Junior juvenile is a juvenile who, at the time of committing the criminal offense turned 14, but not yet 16” and „Older juvenile is a juvenile who, at the time of committing the criminal offence, turned 16, but not yet 18”), Bosnia and Herzegovina respects the definition of the child in accordance to the UN Convention on the Rights of the Child;

³ „...ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures...for the care and protection of children.” (UN Convention, Article 3);

IFS-EMMAUS shall **inform and familiarize** all IFS-EMMAUS staff and Associates with the Child Protection Policy and its principles, ensuring those are respected by all.

We shall **identify and take actions** against any staff or associate who is suspected of, or identified abusing a child.

IFS-EMMAUS shall **raise the awareness** of staff, associates and general public on the issue of child abuse, associated risks and ways of prevention.

IFS-EMMAUS shall aim to prevent child abuse through all actions and programs.

We shall ensure our staff and associates are educated on the how to **report and respond** to child abuse and exploitation.

Policy statement

IFS-EMMAUS is committed to actively protect children from harm, any form of physical or mental abuse and violence, neglect, maltreatment and any form of exploitation. We are committed to ensuring that children's rights to protection are fully implemented. We are committed to promote child-safe practices, ensure the protection of children, and provide favorable conditions for their optimal, safe and dignified development and growth.

We are committed to ensuring the right of every child to a full and harmonious development, all rights and freedoms regardless of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, education, status in society and other characteristics. We are committed to providing a safe and secure environment for children where they shall be listened to, and appreciated.

IFS-EMMAUS shall **inform and familiarize** all IFS-EMMAUS staff, Assembly and Board members, volunteers, interns, consultants, advisers, associates, stakeholders, contractors, donors, partners, government officials, civil society colleagues, as well as guests and visitors (hereafter referred to as: Associates) related to IFS-EMMAUS offices, facilities or planned/implemented programs/activities with the IFS-EMMAUS Child Protection Policy (CPP) and its principles, ensuring those are respected by all. We shall **identify and take actions** - procedural and legislative - against any staff or associate who is suspected of, or identified abusing a child.

IFS-EMMAUS shall **raise the awareness** of staff, associates and general public on the issue of child abuse, associated risks and ways of prevention. This will be achieved through individual, group and public discussions, round tables and related events, induction trainings with new employees and informative sessions with associates, through the usage of written and verbal communication, media and public discourse.

IFS-EMMAUS shall aim and work to **prevent child abuse** through all actions and programs. Protection of children from abuse shall be ensured through training and capacity building of staff, as well as through guidelines and procedures on everyday action with children and youth, ensuring for their understanding and safeguarding. Regular supervision and monitoring of all staff actions with children shall be implemented, ensuring for the respect of the Policy and the

prevention of any form of abuse and exploitation. We shall advocate for the promotion and respect of children's interest in everyday individual and public actions involving children, with families, local communities and respective institutions and professionals, as well as general public and the media.

We shall ensure our staff and associates are educated on how to **report and respond** to child abuse and exploitation. IFS-EMMAUS shall develop guidelines for identifying child abuse, simple yet detailed reporting procedures on Policy violation, as well as mechanisms for action and response. We shall take concerns seriously and shall take rapid and transparent measures in responding to child abuse.

Definitions

Child

Child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.⁴

Child abuse

Abuse is a deliberate act of ill treatment that can harm or is likely to cause harm to a child's safety, well-being, dignity and development. Abuse includes all forms of physical,⁵ sexual, psychological or emotional ill treatment.⁵

Child marriage

A child marriage is defined as any union in which one or both of the partners is younger than the legal age allowed for marriage.⁶

Child pornography

Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.⁷

Child prostitution

Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration.⁸

Child sex tourism

Child sex tourism is the commercial sexual exploitation of children by people who travel from one place to another to engage in sexual acts with minors.⁹

Commercial sexual abuse of children

Commercial sexual exploitation of children is the exploitation by an adult with respect to a child or an adolescent – female or male – under 18 years old; accompanied by a payment in money or in kind to the child or adolescent (male or female) or to one or more third parties.¹⁰

Grooming

Grooming is defined as "actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child, in order to lower the child's inhibitions in preparation for sexual activity with the child".¹¹

Mental violence

Mental violence, is often described as psychological maltreatment, mental abuse, verbal abuse and emotional abuse or neglect and this can include:¹²

- ⇒ all forms of persistent harmful interactions with the child, for example, conveying to children that they are worthless, unloved, unwanted, endangered or only of value in meeting another's needs;
- ⇒ scaring, terrorizing and threatening; exploiting and corrupting; spurning and rejecting; isolating, ignoring and favouritism;

⇒ denying emotional responsiveness; neglecting mental health, medical and educational needs;

⇒ insults, name-calling, humiliation, belittling, ridiculing and hurting a child's feelings;

⇒ exposure to domestic violence;

⇒ placement in solitary confinement, isolation or humiliating or degrading conditions of detention; and

⇒ psychological bullying and hazing by adults or other children, including via information and communication technologies (ICTs) such as mobile phones and the Internet (known as "cyberbullying").

Negligence

Neglect means the failure to meet children's physical and psychological needs, protect them from danger, or obtain medical, birth registration or other services when those responsible for children's care have the means, knowledge and access to services to do so. It includes:¹³

⇒ physical neglect: failure to protect a child from harm, including through lack of supervision, or failure to provide the child with basic necessities including adequate food, shelter, clothing and basic medical care;

⇒ psychological or emotional neglect: including lack of any emotional support and love, chronic inattention to the child, caregivers being "psychologically unavailable" by overlooking young children's cues and signals, and exposure to intimate partner violence, drug or alcohol abuse;

⇒ neglect of children's physical or mental health: withholding essential medical care;

⇒ educational neglect: failure to comply with laws requiring caregivers to secure their children's education through attendance at school or otherwise; and

⇒ abandonment: a practice which is of great concern and which can disproportionately affect, inter alia, children out of wedlock and children with disabilities in some societies.

Physical abuse

Physical abuse includes fatal and non-fatal physical violence. Physical violence includes all corporal punishment and all other forms of torture, cruel, inhuman or degrading treatment or punishment; and physical bullying and hazing by adults and by other children.¹⁴

Physical punishment

Corporal or physical punishment is any punishment in which physical force is used and intended to cause some degree of pain or

discomfort, however light. Most involve hitting ("smacking", "slapping", "spanking") children, with the hand or with an implement - a whip, stick, belt, shoe, wooden spoon, etc.¹⁵

The quantification and identification of cases remains a challenge due to the possibility of concealing illegal activities on the Internet.¹⁷

Sexual abuse and exploitation

Sexual abuse and exploitation includes:¹⁶

- ⇒ the inducement or coercion of a child to engage in any unlawful or psychologically harmful sexual activity;
- ⇒ the use of children in commercial sexual exploitation;
- ⇒ the use of children in audio or visual images of child sexual abuse; and
- ⇒ child prostitution, sexual slavery, sexual exploitation in travel and tourism, trafficking (within and between countries) and sale of children for sexual purposes and forced marriage. Many children experience sexual victimization which is not accompanied by physical force or restraint but which is nonetheless psychologically intrusive, exploitive and traumatic.

Violence through ICT

Information and communication technologies represent an amazing opportunity that more and more children are using to learn, play, create, socialize, seek advice and express themselves, in particular through the Internet. Unfortunately, ICTs are also associated with risks and harm, exposing children to violent or harmful content, cyber-bullying, grooming by sexual predators, abuse and exploitation, in particular through the production and distribution of child sexual abuse and exploitation material or live web streaming.

⁴United Nations Human Rights (1990), Convention on the Rights of the Child;

⁵Save the Children (2010). Definition of Abuse, Neglect, Exploitation and Violence;

⁶Parliamentary Assembly of the Council of Europe – PACE (2005), Resolution 1468 "Forced Marriages and Child Marriages";

⁷United Nations Human Rights (2002), Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography;

⁸United Nations Human Rights (2002), Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography;

⁹ECPAT International (2008), Combating Child Sex Tourism: Questions and answers;

¹⁰International Labor Organization (ILO);

¹¹INHOPE;

¹²Ibid 14;

¹³Ibid 14;

¹⁴United Nations (2011), UN Convention on the Rights of the Child;

¹⁵Committee on the Rights of the Child, General Comment No. 8 (2006), The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment;

¹⁶Ibid 14;

¹⁷Council of Europe (2015), Protection of Children from Sexual Violence;

Values and Principles in working with children

- ⇒ child abuse is not acceptable under any circumstances;
- ⇒ the abuse of children represents the abuse of their rights;
- ⇒ children's right must be protected at all times, through the implementation of all IFS-EMMAUS actions;
- ⇒ health, safety, welfare and "best interest of the child" are considered priority;
- ⇒ we must aim to determine and accommodate children's needs whenever possible;
- ⇒ we shall work to improve and guard the well-being and development of children, in order to reach their full capacity;
- ⇒ we shall aim to ensure children are valued, respected and understood within their own culture, religion and ethnicity;
- ⇒ IFS-EMMAUS shall ensure children are listened to, understood, encouraged and assisted to participate in decisions that affect them throughout its programs' implementation;
- ⇒ we shall provide for an environment where children's opinions are heard and considered;
- ⇒ we commit to protect children, with and for whom we work;
- ⇒ IFS-EMMAUS associates are required to respect our Policy standards throughout the implementation of joint programs and activities.
- ⇒ on every occasion refer to children with respect and recognize them as individuals with their own rights;
- ⇒ work with children in a spirit of cooperation and partnership, based on mutual trust and respect;
- ⇒ value the views of children and approach them seriously;
- ⇒ work with them in ways that strengthen their capacities and skills and develop their potentials;
- ⇒ accept children within the context in which they live;
- ⇒ take any concerns seriously and take immediate steps to report and respond;
- ⇒ support any individual raising a concern and/or subjected to one, and ensure for their protection;
- ⇒ work in the best interest of the child;
- ⇒ work in partnership with parents/guardians and/or other experts to ensure the protection of children.

To achieve this, staff and associates of IFS-EMMAUS who are in contact with children should:

Ensuring Policy implementation

- ⇒ IFS EMMAUS staff and associates are familiarized with the Child Protection Policy (CPP);
- ⇒ all staff are obliged to sign, commit to and abide to the CPP principles and related Code of Conduct, which shall constitute an integral part of the employment contract;
- ⇒ all associates shall be familiarized with the CPP and shall commit themselves to abide and respect its provisions through the Memorandum of Understanding signed with the;
- ⇒ employment procedures shall include reference checks on previous work with children (if any) and overall suitability for such engagement;
- ⇒ all new employees shall undergo through the induction training with responsible IFS-EMMAUS staff/supervisor;
- ⇒ each workplace will contain contact information of individual responsible for reporting possible child abuse and related reporting procedures;
- ⇒ all staff shall be trained on identification and reporting of child abuse incidents;
- ⇒ supervision and monitoring of staff respecting the CPP and related Code of Conduct shall be performed on a regular basis and incidents reported through available mechanisms;
- ⇒ procedural and legislative actions shall be taken against any staff or associate who is suspected of, or identified abusing a child.

Code of Conduct ¹⁸

IFS-EMMAUS staff and associates in contact with children should never:

- ⇒ physically or emotionally/mentally hurt children;
- ⇒ hit or otherwise physically abuse children;
- ⇒ exert any other form of violence against children;
- ⇒ neglect, maltreat or misuse children in any way;
- ⇒ develop unnecessary physical contact with children;
- ⇒ develop any kind of relationship with children, that would be considered exploitative or abusive;
- ⇒ neglect, not take seriously or avoid to act upon the concern of the child;
- ⇒ put the child at risk of being abused.

IFS-EMMAUS staff and associates must avoid actions and behavior that can be interpreted as a potential abuse and should not:

- ⇒ use linguistic expressions, make suggestions or offer advice which is inappropriate, offensive or in any way demeaning;
- ⇒ physically behave inappropriate or in sexually provocative manner;
- ⇒ bring the child(ren) with whom they work, to spend the night at their home;
- ⇒ take a child(ren) into any private place out of view of other adults;
- ⇒ stay alone with children in office premises and other facilities;
- ⇒ spend additional time alone with children, away from others;
- ⇒ sleep in the same room, or bed as a child with whom they work;
- ⇒ act too personally with the child;
- ⇒ place themselves in compromising or vulnerable positions;
- ⇒ act in a way that embarrass, humiliate,

belittle or degrade children, or otherwise apply any form of emotional abuse;

- ⇒ discriminate, treat differently or favor particular children, excluding the others.

Staff and associates who work with children should:

- ⇒ be aware of situations that may pose a risk and be able to govern them;
- ⇒ plan and organize work and a place to work, so that the risk is minimized;
- ⇒ when working with children, as much as possible, avoid being alone with them or be at a prominent place;
- ⇒ enable open discussion about any problems or reasons for concern;
- ⇒ ensure that bad practices towards children are not left without reaction;
- ⇒ talk to children about their contact with staff and associates and encourage them to express themselves freely if they have concerns;
- ⇒ empower children - talk to them about their rights, what is acceptable and what is not, and what to do if there is a problem.

The list provided is neither exhaustive, nor exclusive, but provided as guidance to practices and actions involving children and youth. Staff and associates should avoid any form of inappropriate or potentially abusive behavior toward children and youth, as such – including failure to respect IFS-EMMAUS policies and standards – shall represent grounds for disciplinary actions, including dismissal from employment, volunteer/internship, Assembly/Board/Executive position or membership, termination of contract/protocol, and further legislative actions.

¹⁸Developed in cooperation with partner Save the Children.

IFS-EMMAUS Commitments to child protection

We are committed to ensure the safety and welfare of children.

We shall work on the prevention of child abuse and exploitation.

We shall build a protective environment of trust for all children in our care.

We shall actively protect children from harm, abuse, violence, neglect and any form of exploitation.

We are committed to ensuring that children's rights to protection are fully implemented.

We are committed to promote child-safe practices.

We are committed to ensuring the right of every child to a full and harmonious development, regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, education, societal status and other characteristics.