

TBC'S CHILD PROTECTION POLICY

1. INTRODUCTION

The Border Consortium (TBC) is committed to the fundamental right of all children to grow up in a safe environment, free from exploitation and abuse, and to the protection of children who come into contact with any aspect of the TBC programme, its staff members, both long- and short-term, TBC representatives (including Board members, TBC camp-based stipend staff, volunteers, child minders, contractors, sub-contractors, consultants, suppliers, service providers, researchers, and interns), visitors, and TBC partners. TBC recognises the value of children and the importance of their well-being in the communities in which TBC works.

This TBC policy is based on Thailand's and Myanmar's Child Protection Laws, the UN Convention on the Rights of the Child (UNCRC), other relevant international laws, and the culture and values of the communities with which we work.

2. CONTEXT

Child exploitation and abuse is a global issue that affects both boys and girls. Although most abuse tends to take place within the family or the community, it is a fact that children may become victims of abuse at the hands of organisations that are meant to provide them with support and services. International agencies are not immune from this issue. It is clear that many organizations – their staff and their representatives - are in a position of power and authority in relation to the children with whom they are working. Children must rely on adults to ensure that their right to protection is achieved. It is also true that child sex offenders often target aid agencies by seeking employment or volunteer placements. Children in emergencies and protracted refugee situations are particularly vulnerable to abuse and exploitation not only in their own community but also from aid workers and others such as suppliers and service providers.

All organizations that are involved with children in any capacity have a duty of care and protection for those children. TBC is no exception. The number of children who are beneficiaries of the TBC programme is 50% of the total camp population (according to TBC's Monthly Population Report, January 2014). TBC recognizes that the organization must actively honour its commitment to those children to ensure their freedom from exploitation and abuse.

3. SCOPE & REVIEW

This Policy outlines TBC's commitment to principles, systems, and appropriate actions for the prevention of and response to potential situations of child abuse within the organisation's programme. All incidents of child exploitation or of policy non-compliance are to be reported and responded to as would occur in cases of child abuse. In accordance with the UNCRC, and for the purposes of this policy, TBC defines a child as any person below 18 years of age.

This policy is **effective immediately and applies to all staff members, and other representatives (including TBC Board members, TBC camp-based stipend staff, volunteers, child minders, contractors, sub-contractors, consultants, suppliers, service providers, interns), and TBC partners.** It also **applies to all visitors** hosted by TBC during visits to the communities where we work. The **policy remains in effect during and after work hours and applies to all children;** the highest standards of ethical behaviour towards children is expected of all those who are associated with TBC, either as staff members, representatives, partners, or visitors, both in their professional and private lives.

TBC's partners are also included in this policy. TBC is working with partner organisations to ensure that their child protection policies are in compliance with the requirements of TBC and its donors.

In order to keep this policy up-to-date and relevant, it is reviewed annually, and amended as necessary at the start of each calendar year, as part of the annual Staff Policy Manual and Code of Conduct review. In addition, TBC will undertake periodic, random auditing of the implementation of this policy at all levels of the programme.

4. GLOSSARY OF TERMS¹

- a. **Beneficiary** refers to individuals, groups, or organizations, whether targeted or not, that benefit, directly or indirectly, from The Border Consortium programme.
- b. **Child Protection** refers to the prevention of and the response to violence, exploitation, and abuse against children and the responsibility of organizations to ensure that the rights of the children with whom they come into contact are protected. The term is used to describe the actions, which are taken to protect children from any form of maltreatment.

¹ These terms are based on the Australian Government's Department of Foreign Affairs and Trade's definitions included in its Child Protection Policy and also garnered from a number of child-focused organizations.

- c. **Child Abuse** is a general term used to describe *ill treatment that can harm or is likely to cause harm to a child's safety, well-being, dignity, and development*. It is usually a failure on the part of a parent/caregiver or organisation/community to ensure a reasonable standard of care and protection. Child abuse can be broadly categorised into five main forms of maltreatment: **physical abuse, sexual abuse, emotional abuse, neglect, and commercial exploitation**. Children may be subject to more than one form of abuse.
- **Physical Abuse** is the use of physical force against a child that causes or is likely to cause physical injury or suffering. Physically abusive behaviour includes (but is not limited to) shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling, and poisoning.
 - **Sexual Abuse** of a child is defined as the use of a child for sexual gratification by an adult or a significantly older child or adolescent. The adult involved may be a family member, have no familial relationship, or may be a person in a position of power or authority; or may be another child, who by age or development, is in a relationship of responsibility, trust, or power. Child sexual abuse includes all forms of sexual violence including incest, and rape as well as indecent touching or exposure, using sexually explicit language towards a child and exposing a child to or involving the child in pornography.
 - **Neglect** is the failure on the part of the parent or caregiver (where they are in a position to do so) to provide appropriate care and protection of the child, which results in significant impairment of the child's health or development. Types of neglect include physical, emotional, educational, and environmental.
 - **Emotional or Psychological Abuse** of a child is the failure to provide a developmentally appropriate, supportive, nurturing environment, so that the child can reach his or her full potential in the context of the society in which the child lives. This type of abuse may include humiliating and degrading treatment such as name-calling, constant criticism, belittling, persistent shaming, threatening, solitary confinement, and isolation or other non-physical forms of hostile or rejecting treatment.
 - **Commercial Exploitation** of a child refers to the use of a child in work or other activities for the financial benefit of others. This includes, but is not limited to, child labour. According to the International Labour Organisation, child labour refers to work that is mentally, physically, socially, or morally dangerous and harmful to children and interferes with their schooling. Not all work done by children is classified as child labour nor considered exploitative. **Commercial Sexual Exploitation** of a child is the abuse of a position of vulnerability, differential power, or trust for sexual purposes; this includes profiting monetarily, socially or politically from the sexual exploitation of another. It includes using one's position of authority, influence or control to pressure, force or manipulate a child to engage in sexual activity.
- d. **Child Pornography** – the UNCRC's Optional Protocol defines child pornography as '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. This includes any material that a reasonable person would regard as offensive. This material can be in print, and or in any form of electronic media including film, video, DVD, internet, social media, etc.
- e. **Partners or Partner Organizations** are organizations with which TBC has signed a partnership agreement to administer certain aspects of the programme. These organizations include, but are not limited to the Karen Refugee Committee (KRC), the Karenni Refugee Committee (KnRC), the Karen Women's Organization (KWO), Karenni Women's Organisation, etc.
- f. **Representative** for the purposes of this policy, the term representative includes any person, company, or group that through a contractual agreement is responsible for implementing any part of the TBC programme. The term representative includes consultants, contractors, Board members, service providers, suppliers, inspectors, interns, and volunteers involved in the TBC programme.

5. RESPONSIBILITY

Child protection is everyone's responsibility. All TBC staff members and TBC representatives must do their best to prevent child abuse and to report any incidents of concern as soon as they become aware of them. TBC also has a responsibility to ensure that a robust and transparent mechanism that includes reporting, investigation, follow-up, and disciplinary procedures is in place to deal with any alleged abuse of a child.

The Executive Director (Executive Director) has overall responsibility for ensuring that the TBC child protection policy and procedures are implemented and is the first point of contact for reports of suspected or alleged abuse of a child. He/she must be contacted immediately, by telephone, as soon as the staff member, representative, or visitor becomes aware of any incidents of concern. If the Executive Director is not available or is on leave, the person in-charge of TBC (Acting Executive Director) or any Senior Management Team member delegated by the Executive Director should be contacted.

Upon receiving a report, the Executive Director or Acting Executive Director will activate TBC procedures for addressing the issue and will provide direction to the staff (see below).

6. RELEVANT TBC POLICIES

The following TBC policies relate to or specifically refer to child protection:

a. Staff Recruitment

TBC is committed to child safe recruitment processes. The TBC Recruitment Guidelines, found as an appendix of the TBC Staff Policy Manual outline the policies and procedures for recruitment of TBC employees. The reference checking form includes a question that asks for any concerns about this individual working with 'children and other vulnerable populations'. Behavioural questions to detect past or potential issues related to child protection are covered by the interviews.

In accordance with the TBC Staff Policy Manual's Section on Staff Conduct, new staff members are required to complete a 'Statement of Good Standing' before signing a contract.

They are also required to apply for a current Criminal Records Check. This should be done both in their home country as well as in recent host country, where they have been before living in Thailand or Myanmar.

b. Representatives

All sections of the TBC Staff Policy Manual (with the exception of the employment, pay practices, allowances and benefit provisions) apply also to TBC representatives (including Board members, TBC camp-based stipend staff, contractors, consultants, suppliers, service providers, researchers, and interns).

c. Procurement Policy

Chapter IV of the TBC Procurement Policy (Code of Ethics) outlines in detail the requirements of both the Child Protection Policy and the Code of Conduct that relate to child protection (including references to child labour) in terms of procurement practices and procedures.

d. TBC Code of Conduct

All TBC staff members, representatives, partners, and visitors must sign the TBC Code of Conduct before being engaged. This Code of Conduct includes a section on commitment to child protection.

e. Orientation

The child protection policy is reviewed, in depth, with every new staff member during the formal orientation process. This review is provided by the Human Resources Manager before the new staff member begins working.

f. Training

TBC is committed to providing child protection training to TBC staff, representatives, and partners. For staff members, TBC aims to provide initial training within the first year of employment and refresher trainings every two to three years.

g. Behaviour toward Children

Appropriate behaviour protocols are listed in section 7 c) below. These protocols are rules of appropriate and proper behaviour, which are there to protect children from exploitation and abuse and to protect adults from false accusations.

h. Visual Images

Before taking a photograph of a child, adult or group of people permission must be received first. The child, adult, or group of people must know what the photograph will be used for while permission is being sought.

Photographing children should only be done with informed consent from the child and parent/caregiver by a TBC staff member while another staff member is present. Photographing groups where children are present requires consent by consensus of the group.

Photographs of children used for publication and/or for the website should ensure that the child and/or children are portrayed in a respectful manner. Any photographs for which permission has been given should present children in a dignified manner, not weak or submissive. Children should be adequately clothed and not in poses which could be interpreted as sexually suggestive.

All photographs to be included in publications and/or for use on the TBC website that include children, must first be approved by the Communications Specialist and/or the Technical Programme Director (TPD).

Note: this policy on visual images applies to all staff members, representatives, and TBC-sponsored visitors.

i. Child Protection Focal Point and Child Protection Team

The Technical Programmes Director is the Child Protection Focal Point for the organisation. Any concerns related to child protection, child exploitation or allegations of suspected breach of TBC's child protection policy should be reported to the Technical Programmes Director immediately. If the Technical Programmes Director is not available, the Executive Director should be contacted.

The Child Protection Team is comprised of five members of TBC staff, led by the Programme Director. Terms of Reference for the Child Protection Team are attached to this Policy. Team members are selected by the Technical Programmes Director in consultation with the Programme Director. Members of this team receive supplementary training on child protection and provide support to the Technical Programmes Director as required. In some cases, administrative investigations of reported abuse will be undertaken by members of this team. An additional role of this team is to carry out random, periodic child protection audits throughout the year in preparation for the annual review of the policy.

j. Confidentiality

All information related to a report of an incident of concern, including the identity of the person reporting the incident, the victim of the alleged abuse, and the TBC staff member or representative about whom the complaint is made, must be kept confidential. The incident is to be discussed only with the Technical Programmes Director, unless otherwise delegated by the Technical Programmes Director or the Executive Director. As the TBC focal point the Technical Programmes Director will provide direction to staff members involved in the case, in terms of investigation procedures, disciplinary measures, and disclosure.

k. Partner Organisations

All TBC partner organisations must develop and implement effective child protection policies in compliance with the TBC requirements.

7. PREVENTION

a. Recruitment of Human Resources

- All prospective employees are informed of TBC's Child Protection Policy during the recruitment process and are required to commit to upholding the policy as a condition of their employment.
- All prospective employees are required to provide a list of references which are checked prior to employment; questions on child protection are included in the reference check. Verbal communications with referees for background check is mandatory.
- Each new staff member must provide a criminal record check for each country in which he/she has lived for 12 months or longer in the last five years².
- A statement of good standing disclosing any charges and convictions related to child exploitation must be provided to the Executive Director.
- All employees must sign the TBC Code of Conduct.

b. Engagement of Representatives

- All TBC representatives (including Board Members, TBC camp-based stipend staff, child minders, contractors, sub-contractors, consultants, suppliers, service providers, and interns) will be informed of TBC's Child Protection Policy and will be required to commit to upholding the Policy as a condition of engagement with TBC
- Representatives are required to provide a criminal record check³ or an agreed alternative as a condition of engagement
- All representatives must sign the TBC Code of Conduct
- All representatives who are carrying out their responsibilities within the refugee camps must be accompanied and supervised by a responsible TBC staff member at all times and wear TBC-issued ID

c. Visitors

- Anyone who is visiting the refugee camps under the auspices of TBC (donor representatives, embassy officials, etc.) is also subject to the terms of TBC's Child Protection Policy and Code of Conduct
- Visitors must wear TBC-issued identification and be accompanied by a TBC staff member at all times.

d. Awareness and Education

- Employees, representatives, and visitors are provided with an orientation on TBC's child protection policy, before visiting TBC field sites where there will be exposure to child beneficiaries.
- All employees receive training, at least once every two to three years, on the concepts of child protection and TBC Child Protection Policy.
- Interns and volunteers with TBC will be monitored by their TBC supervisor(s) to ensure that the child protection policy is understood and followed.

² The TBC HR Recruitment Guidelines are in the process of being revised to ensure compliance.

³ **NOTE:** In the case of TBC camp-based stipend staff, it is impossible to obtain a police check; character references from appropriate camp management staff will be required. In the case of certain staff of suppliers (e.g. drivers, labourers), it is impractical to try to arrange police checks given the turnover and their undocumented status; they will be vouched for by the owner of the transportation company, accompanied at all times by TBC staff/representatives in the camps, and wear TBC-issued ID. They will be briefed on Code of Conduct and the Child Protection Policy

e. Behaviour toward Children

TBC staff, representatives, and partners **WILL NOT**:

1. Act in ways that will shame, or humiliate a child; or perpetrate any form of verbal, emotional sexual or physical abuse on a child
2. Use inappropriate language—offensive, discriminatory, demeaning, abusive, or sexual in nature—or behaviour, when either speaking to or in the presence of a child
3. Physically abuse children by shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling, poisoning, etc.
4. Engage in any type of sexual activities with a child including paying for sexual services or acts
5. Invite unaccompanied children into their home unless they are at risk of injury or physical danger
6. Be alone with or travel alone with a TBC-assisted child. Adults should avoid being placed in a situation that might expose them or make them vulnerable to suspicion, scandal, etc. or could be misinterpreted. Where possible and practical, a 'two-adult' rule should be followed; i.e. an adult should be in the presence of another adult when in the presence of a child. This could be a parent, caregiver, relative, other TBC representative, NGO worker, etc.
7. Solicit or engage in a dating relationship with a TBC-assisted child
8. Hire a child or children, below the minimum working age according to Thai and Myanmar law, as house help or other kinds of help (e.g. gardener, etc.);
9. Hold, hug, kiss, fondle, or touch children in an inappropriate or culturally insensitive way.
10. Use any computers, mobile phones, video cameras, cameras or social media inappropriately; exploit or harass children or access child exploitation material through any medium
11. Take photographs of children without informed permission from the parent or primary caregiver. Any photographs for which permission has been given should present children in a dignified and respectful manner not vulnerable or submissive. Local traditions and restrictions for reproducing personal images should be assessed and attempts made to comply with them. Photographs should be an honest representation of the context and the facts. Children should be adequately clothed and not in poses which could be interpreted as sexually suggestive.
12. Reveal identifying information about a child through file labels, meta data, or text descriptions when sending images electronically or publishing images in any form.

TBC staff **WILL**:

1. Comply with all relevant Thai and Myanmar legislation, including labour laws in relation to children
2. Promote proper respect and dignity for all children, and will demonstrate care, regardless of their race, gender, age, religion or disability, sexual orientation, social background and culture
3. Expect these standards of behaviour by other adults and will report any concerns or violations, through the proper reporting mechanism as described in this Code of Conduct below and within the TBC Child Protection Policy
4. Ensure that activities or programmes for which they are responsible do not pose any risk to children
5. Immediately disclose all charges, convictions, and other outcomes of an offense, which occurred before or occurs during the association with TBC that relate to child exploitation and abuse

8. RESPONSE

a. Reporting Mechanism

- It is mandatory that TBC staff, representatives, and visitors immediately report any information about, or observation of actual or suspected abuse to the Technical Programmes Director
- Any TBC staff that has knowledge or suspicion that a child is at risk must also report it to the Technical Programmes Director
- TBC supports the camp-based mechanisms through which beneficiaries, including children can report abuse or suspected abuse
- After receiving a report from a TBC staff member, the Technical Programmes Director will provide direction to the staff member. This may include completing an Incident Reporting Form
- Non-compliance with any aspect of the Child Protection Policy is subject to TBC's disciplinary policies and procedures

