

Introduction

The need to protect children is a universal obligation that is embraced by The Asia Foundation in its work and is explicitly required by some donors. Children who experience exploitation and abuse are less likely to fully participate in their own development, education and well-being, and more likely to suffer mental health issues, reduced educational outcomes and drug and alcohol abuse.

The Asia Foundation staff and partners who come into contact with children during delivery of programs are in a position of trust and authority, and should avoid actions or conduct which may constitute poor practice or potentially abusive behavior. While The Asia Foundation has limited programming that provides direct support for implementation with children, we are committed to child protection as set forth in the following policy.

Scope

This policy applies to all part-time, full-time, and temporary The Asia Foundation employees and trustees, as well as sub-recipients, consultants, and sub-contractors, and partners working with The Asia Foundation.

Definitions

- *Child* - The United Nations Convention on the Rights of the Child defines a child as "a human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier". Even though law for some countries defines the age of majority as substantially lower than 18, the Asia Foundation has adopted the definition of child as below the age of 18 for the purposes of applying this policy.
- *Child Abuse* - The Asia Foundation defines child abuse as all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including commercial exploitation, sexual abuse while in the care of parent(s), legal guardian(s), or any other person responsible for the care of the child.

Principles and Values

The Asia Foundation adopts the following five guiding principles as a basis for its child protection policy:

- *Zero tolerance of child exploitation and abuse* – The Asia Foundation will not tolerate child exploitation and abuse. Through enactment of this policy, we endeavor to reduce the risk of child exploitation and abuse associated with delivering program activities. We will not knowingly engage — directly or indirectly — anyone who poses an unacceptable risk to children and will, to the extent of the law and policy, discipline those who exploit or abuse children in the course of delivery of our programs.
- *Recognition of the best interests of children* - Some children, such as children living in poverty or areas impacted by disasters, are particularly vulnerable to exploitation and abuse. The Asia Foundation will ensure anyone who works with children is aware of these vulnerabilities and makes every effort to keep the best interests of children at the forefront of their work.
- *Sharing responsibility for child protection* – The Asia Foundation will work with donors, partners, sub-recipients, and subcontractors to effectively manage risks to children.
- *Risk management approach* – The Asia Foundation will assess the risks to children in its programs and, through implementation of and compliance with, this policy work to manage those risks.
- *Procedural fairness* – The Asia Foundation will process reports and suspicions of exploitation and abuse as set forth in its whistle-blower and other ethics policies.

Goal

To protect children from all forms of exploitation and abuse in the course of The Asia Foundation's work

The Asia Foundation's Child Protection Code of Conduct

Employees and trustees of The Asia Foundation, as well as sub-recipients, consultants, sub-contractors, and partners working with the Foundation will comply with the following code of conduct as related to child protection:

- Treat children with respect regardless of race; color; sex; language; religion; political or other opinion; national, ethnic or social origin; property; disability; birth or other status;
- Not use language or behavior towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate;
- Not engage children in any form of sexual activity or acts, including paying for sexual services or acts;
- Wherever possible, will ensure that another adult is present when working in the proximity of children;
- Not invite unaccompanied children into one's home, unless they are at immediate risk of injury or in physical danger;
- In an official capacity, not sleep close to unsupervised children unless absolutely necessary, in which case the staff must obtain their supervisor's permission and ensure that another adult is present if possible;
- Use any computers, mobile phones, or video and digital cameras appropriately and never exploit or harass children or access child exploitation materials through any medium;
- Not use physical punishment with children or discipline them in any other manner;
- Not hire children for domestic or other labor and comply with all relevant national and local laws in relation to child labor;
- When photographing or filming children for work related purposes take precaution to protect them. Before photographing or filming a child:
 - Assess and endeavor to comply with local traditions and restrictions for reproducing personal images;
 - Explain how the photograph or film will be used. Must obtain consent from the child's caretaker;
 - Ensure that photos and films present children in a dignified and respectful manner, and not in a vulnerable or submissive manner. Children should be adequately clothed and not portrayed in poses that could be seen as sexually suggestive;
 - Ensure that images are an honest representation of the context and the facts;
 - Protect the child's identity: The child should remain anonymous, and staff must ensure that file labels, meta data or text descriptions do not reveal identifying information about a child when sending images electronically;
- Immediately report concerns or allegations of child abuse or exploitation;
- Immediately disclose to Human Resources all charges, convictions, and other outcomes of a child exploitation or abuse offense which occurred before or occurs during the association with The Asia Foundation.
- The above is not an exhaustive or exclusive list. The Asia Foundation will provide training to ensure that its staff understand and comply with the principles of this child protection policy. All individuals working for, or on behalf of The Asia Foundation will be required to sign a statement that they will adhere to the Child Protection Code of Conduct.

This policy is subject to review annually or following a reported child protection incident, whichever is earlier. Policies that apply to programs funded by specific donors are detailed below.

Australian Department of Foreign Affairs and Trade

The Asia Foundation must immediately notify the Australian Department of Foreign Affairs and Trade (DFAT) Child Protection Compliance Section if any DFAT-funded personnel or an DFAT-funded partner's personnel are accused of, charged with, arrested for, or convicted of criminal offenses relating to child exploitation and abuse.

The Asia Foundation's existing robust recruitment screening process includes panel interviews, a pre-employment application process requirement to disclose any felony conviction in the past seven (7) years, and a detailed reference

check. In addition, candidates for positions involving contact with children also will be subject to criminal background checks (where obtainable) and a behavioral interview with specific questions related to working with children. The Asia Foundation also will include the topic of child protection as part of our overall employee Business Ethics and Code of Conduct training.

Guidelines for Reporting Suspected or Actual Abuse of Children

Reporting Principles

Reporting suspected or actual child abuse is mandatory for all part-time, full-time and temporary The Asia Foundation employees and trustees, as well as sub-recipients, consultants, sub-contractors, and partners working with The Asia Foundation.

No The Asia Foundation staff member or partner will prejudice their own position or standing with the Foundation by responsibly reporting someone they believe is breaking the Child Protection Code of Conduct.

Responsible reporting also means that any person making a report should bear in mind that all concerns are allegations until they have been investigated. For this reason, it is important for anyone raising a concern to follow the specific reporting guidelines set out below. In particular, confidentiality is expected within the reporting chain.

Reporting Through Internal Channels

Anyone who becomes aware of or is concerned about suspected or actual child abuse should report this activity to his/her immediate supervisor or The Asia Foundation's management. If the concern is related to his/her supervisor or the supervisor does not take appropriate action, an employee may report these concerns to a Human Resource Representative, the Executive Vice President, the Country Representative, or Deputy Country Representative. Supervisors, Directors and others to whom reports are made must promptly convey these reports to the Executive Vice President.

Reporting Through an External Channel

In the event an employee is uncomfortable with reporting through internal The Asia Foundation channels or is not satisfied with the response, the employee may report the activity using EthicsPoint, The Asia Foundation's external third party hotline. All reports submitted through EthicsPoint are confidential and may be made anonymously by choice of the reporter. Details of the reporting process are covered in The Asia Foundation Whistle-Blower Policy and Procedures Manual located on the TAF Intranet.

Any information provided to an investigator will be handled with strict confidentiality. The Asia Foundation will take action only if breaches of the Child Protection Code of Conduct can be proven conclusively.

Specific Reporting Guidelines

Any concerns, allegations, or disclosures must be communicated as soon as possible through the official internal or external reporting channel.

Records should be detailed and precise, focusing on what was said or observed, who was present and what happened. Speculation and interpretation should be clearly distinguished from reporting. All such records should be treated as highly confidential. They should be passed only to the persons identified in these specific reporting guidelines. It is the responsibility of each individual in possession of the information to maintain confidentiality.

The Asia Foundation will make every effort to keep all report information confidential. Information will only be provided on a need-to-know basis. In certain instances, the Foundation and its staff will have an obligation to report concerns to appropriate external bodies. This usually will occur as a consequence of the reporting procedure. However, if urgent action is required in order to protect children it may occur prior to the reporting process.

Responding to Concerns

In order to protect children it may be necessary to take immediate action to ensure that the Child Protection Code of Conduct is not broken again and/or that further abuse cannot take place. The best interests of the child and the desire to secure the best outcomes for the child should always govern decisions regarding what action should be taken in response to concerns.

Annex 1 – Understanding Forms of Child Abuse

- *Forms of Child Abuse* - Child abuse can occur in a variety of forms, be it physical abuse, emotional abuse, sexual abuse, neglect, or bullying.

- *Physical Abuse* - "Physical abuse occurs when a person purposefully injures or threatens to injure a child or young person. This may take the form of slapping, punching, shaking, kicking, burning, shoving, or grabbing. The injury may take the form of bruises, cuts, burns, or fractures" (Child Wise, 2008).
- *Emotional Abuse* - "Emotional abuse is a persistent attack on a child or young person's self-esteem. It can take the form of name calling, threatening, ridiculing, intimidating, or isolating the child or young person" (Child Wise, 2008). Children may also be subject to emotional trauma or abuse if they are forced to or inadvertently become a witness to domestic violence. When this occurs deliberately it is a form of abuse.
- *Neglect* - "Neglect is the failure to provide the child with the basic necessities of life, such as food, clothing, shelter, and supervision to the extent that the child's health and development are at risk" (Child Wise, 2008).
- *Sexual Abuse* - "Sexual abuse is the actual or likely sexual exploitation of a child. Sexual abuse includes rape, incest and all forms of sexual activity involving children, including exposing children to, or taking, pornographic photographs" or other media/materials (Child Wise, 2008). Child sexual abuse damages children physically, emotionally and behaviorally. Both its initial effects and long-term consequences have impact on the individual, their family, and the community.
 - Initial effects of child sexual abuse may include:
 - Medical conditions such as sexually transmitted diseases, pregnancy and physical injury
 - Emotional problems such as guilt, anger, hostility, anxiety, fear, shame, lowered self esteem
 - Behavioral problems such as aggression, delinquency, nightmares, phobias, eating and sleeping disorders
 - Problems at school and truancy
 - Long-term consequences may include:
 - Sexual dysfunction (such as flashbacks, difficulty in arousal; avoidance of or phobic reactions to sexual intimacy)
 - Promiscuity
 - Prostitution
 - Discomfort in intimate relationships
 - Isolation
 - Marital problems
 - Low self esteem
 - Depression
 - Mental health problems
- *Bullying* - Bullying is the use of force, threat, or coercion to abuse, intimidate, or aggressively impose domination over a child. The behavior is often repeated and habitual.

Recognizing the Signs

Who is Most Likely to Abuse a Child?

- Someone who is known to the child.
- Someone whom the child trusts.
- Someone whom the family trusts, i.e. not a stranger.

- Someone who has access to the child.
- Someone who has him/herself experienced abuse as a child.

How to Recognize Abuse

Listed below are a number of indicators of abuse; however, they may vary by cultural and economic context. It should be noted that this list is not exhaustive but is a guideline to help establish whether some form of child abuse or exploitation has taken place.

Emotional Signs of Abuse:

- Sudden under achievement or lack of concentration
- Inappropriate relationships with peers and/or adults
- Changes or regression in mood or behavior, particularly when a child withdraws or becomes clinging
- Depression or extreme anxiety
- Nervousness, frozen watchfulness
- Obsessions or phobias
- Persistent tiredness
- Running away/stealing/lying

Indicators of Possible Physical Abuse:

- Any injury inconsistent with explanation given to them
- Injuries to the body in places not normally exposed to falls or rough games.
- Reluctance to change for, or participate in, games
- Repeated urinary infections or unexplained tummy pains
- Bruises, bites, burns, fractures, etc., which do not have a reasonable explanation
- Infections and/or symptoms of sexually transmitted diseases
- General bruises, scratches or other injuries not consistent with accidental injury.

Indicators of Possible Sexual Abuse:

- Any allegations made by a child concerning abuse
- Excessive preoccupation with sexual matters and detailed knowledge of adult sexual behavior, or engaging in age-inappropriate sexual play
- Sexually provocative or seductive with adults
- Sudden changes in mood or behavior
- Open displays of sexuality
- Lack of trust in familiar adults; fear of strangers
- General bruises, scratches or other injuries not consistent with accidental injury
- Acting-out behavior – aggression, lying, stealing, unexplained running away, drug and alcohol abuse, suicide attempts.

Indicators of Possible Neglect:

- Frequent tardiness or non-attendance at school
- Inadequate care

How Child Sex Offenders Choose and "Groom" Children

Child sexual abuse is different from other forms of abuse that children may experience in that it is usually premeditated. Sexual offending is not a random act; frequently it is carefully thought out and well planned. Offenders will take time to groom their victim. This appears to have two elements: choosing a victim who appeals to the offender, and picking someone the offender believes he/she can safely victimize.

What follows is a process called "grooming". In this process the offender will manipulate people and situations in order to gain and maintain access to their victim/s. Some sex offenders' work alone; others operate in a network.

Grooming is an insidious process. It is a dual process of building a trusting relationship with the child and his/her care giver(s), and isolating the child in order to abuse him/her.

Grooming occurs before the sex offence in order to obtain access to the child and after the offence in order to maintain access, and to ensure the child's silence and the caregivers' / adults' continued trust.

Why Don't Children Tell?

Sex offenders frequently justify their behavior long after the fact by saying that the victim did not say no. The assumption that children will resist the abuse, preferably violently, is based both on ignorance about the power relationship between adults and children and an underestimation of the skillfulness of offenders. A number of barriers children face when speaking out and revealing abuse have been identified.

Children Do Not Speak Out Because They:

- Are scared
- Think they are to blame
- Think they are strange in some way
- Do not want the abuser to get into trouble
- Feel embarrassed
- Feel guilty
- Feel alone