



**The Asia Foundation**

# **Child Protection Policy**

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# **PART 1: POLICY**

## **I. Introduction**

The Asia Foundation (the Foundation, TAF) has a zero tolerance approach to child exploitation or abuse. The Foundation recognizes that the need to protect children is a universal obligation, and that organizations that work with children have a role in protecting them and need policies and procedures to enable them to do so. The Child Protection Policy is part of the Foundation's Ethics Policies framework. The policy is principles based, articulates the Foundation's zero tolerance of child exploitation and abuse, and includes expectations of Foundation staff and Foundation-funded partners in the management of child protection risks. The policy enables the Foundation to uphold donor requirements and commitments as well as expectations of the international development community.

In support of this policy, all Personnel must immediately report any suspected or alleged case of child exploitation, abuse, or policy non-compliance by anyone within scope of this policy in connection with professional duties or business. All reports should be made in accordance with Section XI of this policy. All Foundation personnel and subawardees falling under the scope of this policy must familiarize themselves with the policy and the principles it contains, and are bound by the policy provisions, including the Child Protection Policy Code of Conduct.

Guidance on implementation of the policy, including required procedures, forms, and tools can be found in the Implementation Guide/Sections. If you are unsure about what constitutes child exploitation and abuse or policy non-compliance, you should contact the head of your office and/or the Executive Vice President/Chief Operating Officer.

## **II. Goal**

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

## **III. Scope**

1. This policy applies to:
  - a. Foundation employees, interns, volunteers, trustees;
  - b. individual contractors; and
  - c. Foundation's subawardees<sup>1</sup>
2. The compliance requirements for these categories of individuals and organizations differ in accordance with the child protection risk context and in accordance with specific donor requirements.<sup>2</sup>

## **IV. Guiding Principles**

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

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<sup>1</sup> See definitions in Part 2: Section I.

<sup>2</sup> The Asia Foundation Child Protection Policy has been informed by and is designed to comply with DFAT's Child Protection Policy ([www.dfat.gov.au/childprotection](http://www.dfat.gov.au/childprotection)) and the nine minimum standards stated therein.

1. **Zero tolerance of child exploitation and abuse** – The Foundation does 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.
2. **Recognition of the best interests of children** - The Foundation is committed to upholding the rights and obligations contained in the Convention on the Rights of the Child. The Foundation recognizes that some children, such as children with a disability and those living in poverty or areas impacted by disasters, are particularly vulnerable to exploitation and abuse. The Foundation will endeavor to 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.
3. **Sharing responsibility for child protection** – The Foundation will work with donors and all relevant parties to effectively manage risks to children.
4. **Risk management approach** – While it is not possible to eliminate all risks of child exploitation and abuse, careful management can reduce the risks to children that may be associated with program activities. The Foundation will assess the risks to children in its programs and through implementation of and compliance with this policy work to manage those risks.
5. **Procedural fairness** – The Foundation uses fair and proper procedures when making decisions that affect a person’s right or interests. The Foundation will process reports and concerns of exploitation and abuse as set forth in The Asia Foundation Whistle-Blower Policy and other ethics policies.

## V. Country-Specific Annexes

1. In order to ensure that this policy is implemented in accordance with national laws and regulations, each Country Office shall incorporate a Country-Specific Annex into its local distribution of the Child Protection Policy. Country-Specific Annexes specify laws and legislative provisions relevant to child protection.
2. Country Offices must update Country-Specific Annexes with any relevant changes in the legal and regulatory environment.

## VI. Implementation

1. The Foundation’s Office of the President is responsible for coordinating the implementation of this policy.
2. Each Country Office is responsible for ensuring that this policy is implemented in all aspects of program delivery, within the relevant national context.

## VII. Code of Conduct

1. All Foundation employees, interns, volunteers, and trustees must comply with standards of behavior set out in the Child Protection Code of Conduct, and must be provided with and sign the Child Protection Code of Conduct in Part 2: Section II.
2. Individual contractors who have contact with or work with children must comply with

standards of behavior set out in the Child Protection Code of Conduct and must be provided with and sign the Child Protection Code of Conduct in Part 2: Section II .

3. The Foundation will retain a copy of the Child Protection Code of Conduct as signed by each person.
4. A failure to comply with the Child Protection Policy or Code of Conduct may lead to disciplinary action, including dismissal, suspension, or transfer to other duties; legal action; or, in the case of a criminal offense, referral to law enforcement or other external bodies for criminal investigation and prosecution.

## **VIII. Child Safe Recruitment and Screening Obligations**

1. The Foundation commits to following child safe recruitment and screening for employees, interns, volunteers, trustees, and individual contractors who have contact with or work with children.
2. Anyone falling in the above categories must be subject to Child Safe Recruitment Procedures in Part 2: Section III.
3. The Foundation will not permit any person to work or have contact with children if they pose an unacceptable risk to children's safety or wellbeing.
4. Foundation offices will incorporate child safe recruitment procedures into their relevant employee and/or policy handbooks as standard practices.

## **IX. Management Requirement for Subawards**

1. The Foundation will ensure that all subawardees comply with this policy and effectively manage any identified child protection risks.
2. Each grant agreement will include a requirement on the subawardee to comply with this policy.
3. Subawardees may also be subject to specific donor requirements relevant to child protection. These requirements are outlined in the Procedures for Managing Subawards at in Part 2: Section VII.
4. The Foundation will ensure each agreement with a subawardee includes a right to suspend or terminate the agreement or activity in whole or in part for non-compliance with this policy.

## **X. Use of Images of Children**

1. The Foundation's Child Protection Code of Conduct contains requirements for ensuring the protection of a child's or children's identity and dignity when photographing, filming, or using images for work-related purposes. See provisions outlined in the [Guidance for Digital Images](#) document, which includes the standard [Image Release Form](#).
2. The Foundation's IT Policy contains guidelines on ensuring appropriate use of Foundation communication systems as pertaining to child protection. Country-specific policies must include such provisions and be referenced in the relevant Country Specific Annex.

## **XI. Reporting Concerns and Breaches**

### **Mandatory reporting**

1. The Foundation will ensure that all subawardees comply with this policy and effectively manage any identified child protection risks.
2. Foundation Personnel, and subawardees must immediately report any behavior that may be child abuse or child exploitation, including possession of child exploitation material, or policy non-compliance by
  - a. Foundation employees, interns, volunteers, trustees, visitors, and individual contractors; and
  - b. subawardees, including their personnel, visitors, and sub-contractors.
3. Reports can be made verbally (and followed up in writing) or in writing, and should be detailed and provide as much information as possible. Guidance on information to include in a report is provided in the Child Protection Policy Incident Reporting Form at in Part 2: Section VIII.
4. All reports will be treated confidentially, except in cases where the report gives rise to an obligation to report to appropriate external bodies such as law enforcement or child protection agencies
5. No Foundation personnel will prejudice their own position or standing with the Foundation by responsibly reporting child protection concerns. See also protections provided for in the Foundation's Whistle-Blower Policy.

### **Making a report**

6. Foundation Personnel can report to<sup>3</sup>:
  - a. Immediate Supervisor;
  - b. Human Resources Officer;
  - c. Deputy Country Representative;
  - d. Country Representative; or
  - e. Executive Vice President
7. Foundation Personnel can also report through EthicsPoint, the Foundation's external third-party hotline. All reports submitted through EthicsPoint are confidential and may be made anonymously. Details of the reporting process through EthicsPoint are covered in the Whistle-Blower Policy.
8. Subawardees can report to<sup>4</sup>:
  - a. Foundation Country Office, including Country Representative and Deputy Country Representative;
  - b. Foundation Headquarters, including Executive Vice President; or
  - c. the donor organization.
9. All reports made to the Foundation or through EthicsPoint must be promptly conveyed

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<sup>3</sup> Contact information for reporting can be found at Part 2: Section XI

<sup>4</sup> Contact information for reporting can be found at Part 2: Section XI

to the Foundation's Executive Vice President.

### **Reporting to donors**

10. The Foundation will immediately report to the respective donor all cases where a donor- funded:
  - a. Foundation employee, intern, volunteer, or individual contractor; or
  - b. personnel or subcontractor of a subawardee, is accused of, charged with, arrested for, or convicted of criminal offenses relating to child exploitation and abuse.

## **XII. Responding to Concerns and Breaches**

1. The safety and wellbeing of the child will be the primary consideration in all responses taken by the Foundation.
2. The Foundation will identify immediate and potential risks to the child and take all available action to ensure the child's safety, including referral to support services and child protection agencies.
3. The Foundation will formally investigate all reported breaches of this policy and Code of Conduct.
4. The Foundation will take all appropriate action to address breaches of this policy and Code of Conduct, and to ensure that further breaches do not occur.

### **Breaches by Foundation Personnel**

5. Action may include one or more of the following:
  - meeting to discuss the breach and opportunity to provide his/her account of/understanding of the situation;
  - performance management;
  - further training on the Child Protection Policy;
  - formal warning and monitoring;
  - transfer to other duties;
  - report to law enforcement and/or child protection agencies;
  - suspension;
  - dismissal.

### **Breaches by personnel or subcontractor of a subawardee**

6. The Foundation may suspend or terminate an agreement or activity in whole or in part if the subawardee does not take appropriate steps to manage and resolve reports of child abuse or child exploitation, including possession of child exploitation material, or policy non-compliance within their organization.

## **XIII. Training and Awareness**

1. All Foundation employees, interns, volunteers, and trustees must participate in regular child protection awareness training.

2. Individual contractors who have contact with or work with children must also participate in child protection awareness training.
3. Required Child Protection Awareness Training is conducted at induction and refresher training is annual. Training is conducted every three years or upon Policy Update.
4. Refresher Training takes place annually with the Ethics and Compliance Training and Refresher. Records of attendance, training materials, agenda and schedules are maintained. Updates and changes to the policy are communicated through internal notifications.

#### **XIV. Date of Effect and Review**

The policy is effective from April 1, 2019. This policy will be reviewed every five years, or earlier if there are changes to relevant standards, or if updated following an incident, so that it remains current, effective, and appropriate.



## **Part 2: IMPLEMENTATION GUIDE**

The following sections present required procedures, forms, and tools to be used by all Foundation offices to ensure effective and ongoing compliance with the Child Protection Policy. These sections serve as an Implementation Guide to assist offices in undertaking procedures in a systematic way on an ongoing basis.

In some sections, links are provided to further guidance materials rather than inserting the guidance materials directly into the sections. This approach is for ease of updating of such materials and keeping this document streamlined. Foundation offices should be sure to print all linked documents in addition to the sections for any hard-copy versions.

## I. Definitions

<b>Behavioral-based interview questions</b>	Interview questions that probe the applicant’s past behavior in specific situations relevant to the position. Behavioral-based questions give interviewers additional information as to the applicant’s suitability to work with children.
<b>Changes in circumstances</b>	Personnel should report the following changes in circumstances to management: <ul style="list-style-type: none"> <li>- involvement in criminal activity</li> <li>- disciplinary procedures and criminal or civil court proceedings relating to child exploitation and abuse.</li> </ul>
<b>Child or children</b>	In accordance with the United Nations Convention on the Rights of the Child, ‘child’ means every human being under the age of 18 unless under the law applicable to the child, majority is attained earlier. For the purposes of this policy, the Foundation considers a child to be a person under the age of 18 years.
<b>Child abuse</b>	Includes one or more of the following: <ul style="list-style-type: none"> <li>- <b>physical abuse</b>—the use of physical force against a child that results in harm to the child. Physically abusive behavior includes shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning</li> <li>- <b>neglect</b>—the failure by a parent or caregiver to provide a child (where they are in a position to do so) with the conditions that are culturally accepted as being essential for their physical and emotional development and well-being</li> <li>- <b>emotional abuse</b>—refers to a parent or caregiver’s inappropriate verbal or symbolic acts toward a child or a pattern of failure over time to provide a child with adequate non-physical nurture and emotional availability. Such acts have a high probability of damaging a child’s self-esteem or social competence</li> <li>- <b>sexual abuse</b>—the use of a child for sexual gratification by an adult or significantly older child or adolescent. Sexually abusive behaviors can include fondling genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling breasts, voyeurism, exhibitionism and exposing the child to, or involving the child in, pornography.<sup>8</sup></li> <li>- <b>exploitation</b> – see below definition of ‘child exploitation and abuse’.</li> </ul> <p>Note: the above includes a child or children being present (hearing or seeing) while a parent or sibling is subjected to any of the above</p>
<b>Child abuse material</b>	Material that depicts (expressly or implicitly) a child as a victim of torture, cruelty or physical abuse.

<b>Child exploitation and abuse</b>	<p>One of more of the following:</p> <ul style="list-style-type: none"> <li>- committing or coercing another person to commit an act or acts of <b>abuse</b> against a child</li> <li>- possessing, controlling, producing, distributing, obtaining or transmitting <b>child exploitation material</b></li> <li>- committing or coercing another person to commit an act or acts of <b>grooming</b> or <b>online grooming</b>.</li> </ul>
<b>Child pornography</b>	<p>In accordance with the Optional Protocol to the Convention on the Rights of the Child, ‘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.’</p>
<b>Child pornography material</b>	<p>Material that depicts a person, or is a representation of a person, who is, or appears to be, under 18 years of age and is engaged in, or appears to be engaged in, a sexual pose or sexual activity, or is in the presence of a person who is engaged in, or appears to be engaged in, a sexual pose or activity, and does this in a way that a reasonable person would regard as being, in all the circumstances, offensive.</p>
<b>Child protection</b>	<p>An activity or initiative designed to protect children from any form of harm, particularly arising from child exploitation and abuse.</p>
<b>Contact with children</b>	<p>Working on an activity or in a position that involves or may involve contact with children, either under the position description or due to the nature of the work environment. This includes indirect contact with children in the community. Examples include: oral and written communication (including electronic communication) relating to a child; visiting premises (e.g. schools, hospitals, shelters, or other health or residential facilities that provide services to children); any community consultation (data collection, surveying, training).</p>
<b>Criminal record check</b>	<p>A check of an individual’s criminal history record. Individuals need to consent to a criminal record check and should be informed of the purpose for which the resulting police clearance certificate will be used.</p> <p>Under the Child Protection Policy, criminal record checks must be conducted for <u>each country</u> in which the individual has lived for 12 months or longer over the last five years, and for the individual’s country of citizenship.<sup>5</sup></p> <p>In limited instances it may prove impossible to obtain a reliable criminal record check. A statutory declaration, or local legal equivalent, outlining efforts to obtain a foreign police check, and disclosing any charges or spent convictions related to child exploitation, may be accepted in lieu.<sup>6</sup></p>
<b>Grooming</b>	<p>Generally refers to behavior that makes it easier for an offender to procure a child for sexual activity. For example, an offender might build</p>

<sup>5</sup> This is consistent and in compliance with DFAT’s Child Protection Policy, see Endnote 5 therein.

<sup>6</sup> Ibid

	a relationship of trust with the child, and then seek to sexualize that relationship (for example by encouraging romantic feelings or exposing the child to sexual concepts through pornography).
<b>Individual/independent contractor</b>	An individual engaged by The Asia Foundation to provide a specific service or product, answer a business need, or resolve a problem. For the purposes of this policy, the term also includes individual consultants.
<b>Online grooming</b>	The act of sending an electronic message with indecent content to a recipient who the sender believes to be a child or minor with the intention of procuring the recipient to engage in or submit to sexual activity with another person, including but not necessarily the sender.
<b>Personnel</b>	Personnel are employed by an organization (employee, including paid interns), engaged by an organization on a contract or consultant basis (individual contractor or consultant), or engaged by an organization on a voluntary or unpaid basis (volunteer or unpaid intern).
<b>Police clearance certificate</b>	The certificate showing the results of a criminal record check, which is issued by the police or other authority responsible for conducting such checks.
<b>Policy non-compliance</b>	The failure to abide by the Foundation’s Child Protection Policy.
<b>Subawardee</b>	An entity awarded a subgrant to perform programmatic activities as required by the Foundation’s donor, or an entity issued subcontract to deliver portions of the Foundation’s contractual obligations to its funder. Such organizations or companies have their own legal entities, and their staff are not considered Foundation employees.
<b>Trustee</b>	A member of The Asia Foundation’s Board of Trustees.
<b>Unacceptable risk</b>	The portion of identified risk that cannot be tolerated, and that must be either eliminated or controlled. For people deemed an unacceptable risk, control mechanisms are not considered appropriate.
<b>Working with children</b>	Engaging in an activity with a child where the contact would reasonably be expected as a normal part of the activity and the contact is not incidental to the activity. Working with children includes volunteering and other unpaid work. Examples include working at activities and services for children such as: disability services/facilities, residential care, child protection services, child education services, child accommodation services, health services for children, counselling and support services for children, and emergency response (e.g. humanitarian assistance to children and families).

## II. Child Protection Code of Conduct

### The Asia Foundation Child Protection Code of Conduct

I, \_\_\_\_\_, acknowledge that I have read, understand, and will comply with The Asia Foundation's Child Protection Policy, and agree that in the course of my work or association with The Asia Foundation, I must:

- a. Treat children with respect regardless of race; color; gender; sex; language; religion; political or other opinion; national, ethnic or social origin; property; disability; birth or other status;
- b. Not use language or behavior towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate;
- c. Not engage children under the age of 18 in any form of sexual activity or acts, including paying for sexual services or acts;
- d. Wherever possible, will ensure that another adult is present when working in the proximity of children;
- e. Not invite unaccompanied children into private residences, unless they are at immediate risk of injury or in physical danger;
- f. Not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission and ensure that another adult is present, if possible;
- g. Never use any computers, mobile phones, social media, or video and digital cameras to exploit or harass children or access child exploitation materials through any medium;
- h. Not use physical punishment on children;
- i. Not hire children for domestic or other labor which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury;
- j. Comply with all relevant U.S. and local legislation, including labor laws in relation to child labor;
- k. Immediately report concerns or allegations of child abuse, exploitation and policy non-compliance in accordance with the Foundation's Child Protection Policy;
- l. Immediately disclose all charges, convictions, and other outcomes of an offence that relates to child exploitation and abuse which occurred before or occurs during the association with The Asia Foundation.
- m. Understand that the onus is on me, as a person associated with The Asia Foundation, to use common sense and avoid actions and behaviors that could be construed as child exploitation and abuse.

These behaviors are not intended to interfere with normal family interactions.

When photographing or filming a child or using children's images for work-related purposes, I

must:

- a. Assess and ensure local traditions or restrictions for reproducing personal images are adhered to before photographing or filming a child;
- b. Obtain informed consent from the child and parent or guardian of the child before photographing or filming a child, and explain how the photograph or film will be used;
- c. Ensure photographs, films, videos, and DVDs 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;
- d. Ensure images are an honest representation of the context and the facts; and
- e. Ensure file labels, meta data, or text descriptions do not reveal identifying information about a child when sending images electronically or publishing images in any form.

A failure to comply with the Child Protection Policy or Code of Conduct may lead to disciplinary action, including dismissal, suspension, or transfer to other duties; legal action; or, in the case of a criminal offense, referral to law enforcement or other external bodies for criminal investigation and prosecution.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

### III. Child Safe Recruitment and Screening Procedures

The Foundation commits to maintaining a robust recruitment and screening process for **employees, interns, volunteers, trustees, and individual contractors who have contact with or work with children** in the course of their employment or engagement with the Foundation, and to prevent a person from working with children if they pose an unacceptable risk.<sup>7</sup>

The procedures for implementing the required child safe recruitment and screening obligations are as follows:

**1. Ensure that recruitment procedures incorporate the following required screening measures for positions<sup>8</sup> designated as “contact with children” or “working with children.”**

**a. Obtain and maintain a signed Criminal History Declaration and Authorization Form. (See Part 2: Section IV.)**

This form serves to obtain consent from an individual for a criminal record check. The individual should be informed of the purpose for which the resulting clearance will be used.

**b. Conduct or receive a criminal record check.**

Criminal record checks must be conducted for each country in which the individual has lived for 12 months or longer over the last five years, and for the individual’s country of citizenship.<sup>9</sup> In limited instances it may prove impossible to obtain a reliable criminal record check. A statutory declaration, or local legal equivalent, outlining efforts to obtain a foreign police check, and disclosing any charges or spent convictions related to child exploitation, may be accepted in lieu.<sup>10</sup>

The Human Resources unit in Headquarters will be responsible for conducting criminal history checks for employees and individual contractors who:

- work in the US,
- are posted outside their home country (i.e. Third-Country Nationals), or
- work in their home country office but have previously lived in another country for 12 months or longer over the last five years.

Country offices are responsible for this step for domestic employees who have not lived outside their country for 12 months or longer over the last five years.

Recruitment processes should be planned accordingly to incorporate sufficient time for criminal record checks. Country offices should inform the Human Resources unit as early as possible regarding criminal record checks to be conducted by that unit.

Criminal record checks must be documented. The Human Resources unit will retain criminal record check documentation for individuals for which HR has conducted the background check. For criminal record checks conducted by Country Offices, those offices should retain criminal record check documentation in a confidential location managed by the Country Representation or the Human Resources staff in that office, depending on the HR filing system in that office. Criminal record check documentation should not be inserted into or maintained in an employee’s personnel file.

**c. Conduct and document verbal reference checks using the Verbal Reference Check**

<sup>7</sup> DFAT Child Protection Policy Standards 2 and 6.

<sup>8</sup> As indicated, this refers to recruitment of employees, interns, volunteers, trustees, or individual contractors/consultants.

<sup>9</sup> This is consistent and in compliance with DFAT’s Child Protection Policy, see Endnote 5 therein.

<sup>10</sup> Ibid

**Form. (See Section V.)**

Verbal reference checks entail speaking with the referees, over the phone or in person, of a candidate for employment or engagement; asking questions related to the individual's prior contact or work with children; and documenting the conversation in the Verbal Reference Check Form. This step may be conducted in addition to standard written reference checks; alternatively, country offices and units may choose to use the verbal reference check process to ask the full set of standard reference questions along with the child protection related questions.

For employment and short-term engagement positions that are processed through the US payroll system, verbal and written reference checks will be conducted by the Human Resources unit.

**The following additional measure is required for positions designated as “working with children:”**

**d. Incorporate behavioral-based interview questions**

Child protection behavioral-based interviewing asks interviewees to provide examples from their past behavior in specific situations relevant to the position and working with children. A member of the interview or recruitment committee should be assigned to conduct a child protection behavioral-based interview with the candidate, using the CPP Behavioral-based Interview Form. (See Section VI)

For employment and short-term engagement positions that are processed through the US payroll system, Child Protection Policy behavioral-based interviews will be conducted by the Human Resources unit

**2. Ensure that employment and engagement contracts reference the Child Protection Policy and contain provisions for dismissal, suspension, or transfer to other duties for any breaches of the Child Protection Code of Conduct.<sup>11</sup>**

**Sample language for Employment Contracts**

“Policies and Procedures:

- 1) Child Protection Policy: As an employee of The Asia Foundation you agree to comply with the Child Protection Policy, Code of Conduct and Reporting Process. A breach of the Child Protection Policy, Code of Conduct or Reporting Process may provide grounds for engagement with The Asia Foundation to be terminated. The Foundation has a disciplinary process to evaluate any and all breaches of the Policy which includes disciplinary actions up to, and including immediate termination of employment. A breach of the Child Protection Policy or Code of Conduct may result in dismissal, suspension or transfer to other duties. Other disciplinary actions may include: meeting to discuss the breach and opportunity to provide his/her account of /understanding of the situation; performance management; further education on the Child Protection Policy; formal warning and monitoring; internal investigation; criminal consequences. You will use common sense and avoid actions that are abusive or exploitative of children, or could be construed as such. Participation in The Asia Foundation's training sessions on child protection may be periodically required.
- 2) The Foundation requires all employees to comply with written policies and procedures. These may be changed from time to time.”

**Sample language for Engagement Contracts (for Individual Contractors or Consultants)**

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<sup>11</sup> See DFAT Child Protection Policy Standards #6 and #7.



### **“Child Protection Policy”**

The contractor attests that they acknowledge The Asia Foundation’s:

- Child Protection Policy
- Child Protection Policy Code of Conduct
- Child Protection Reporting Process

The contractor agrees to comply with the Policy, Code of Conduct and Reporting Process. A breach of the Policy, Code of Conduct or Reporting Process may provide grounds for engagement with The Asia Foundation to be terminated. A breach of the policy or Code of Conduct may result in dismissal, suspension or transfer to other duties. The contractor will use common sense and avoid actions that are abusive or exploitative of children, or could be construed as such. Participation in The Asia Foundation’s training sessions on child protection may be periodically required.”

### **3. Update recruitment procedures in office handbooks, manuals, or memos to include child safe recruitment and screening obligations.**

To ensure CPP provisions are fully integrated into standard office procedures, offices and units should revise their employee handbooks, office policy and procedure manuals, or whichever relevant documents contain procedures for recruitment of staff and contractors to incorporate the CPP steps and forms presented in this policy. Offices should review those manuals regularly and amend as needed so that these procedures are systematically carried out on an ongoing basis.

### **4. Train staff with responsibility for recruitment and screening functions on these provisions of the CPP.**

Country offices and units must train staff who are responsible for managing recruitment processes of employees, contractors, interns, and/or volunteers on these child safe recruitment and screening provisions. This may include full-time human resources staff or staff who undertake this role as a part of their other duties.

### **Additional Guidance on Recruitment and Screening Obligations**

The Human Resources unit in Headquarters maintains a **Master List** of all positions designated as contact or working with children. Country offices and units should inform HR when new positions or contractor/consultancy opportunities are designated to fall into this category.

Certain positions are **automatically designated as “contact with children”** given the high likelihood that these positions will have contact with children in carrying out their work:

- Country Representatives
- Deputy Country Representatives

If your office or unit determines that such positions in some cases meet the threshold of “working with children,” then the additional screening measures for that category should be applied.

The Office of the President has determined that **Trustees** do not fall within either category of “contact with” or “working with” children.

#### IV. Criminal History Declaration and Authorization Form

The following statement is to be completed and signed by any individual applying for or in a position designated as “Contact with children” or “Working with Children”.

**Part One – Criminal History:**

**Have you been arrested for any crime involving children that is currently undergoing an active pending criminal investigation or trial that has not yet been resolved?**

Yes      No

*Please Note:* You do not need to disclose an arrest that has been resolved. An arrest has been resolved if you were released and no accusatory pleading was filed charging you with an offense, if the charges have been dismissed, or discharged by the district attorney or the court.

**Have you been convicted of any crime involving children?**

Yes      No

If you answered “Yes” to either questions above, please provide the following information for each arrest or conviction. You may voluntarily provide any explanation that you wish to have considered as part of your application, including any evidence of rehabilitation. If you have more than one arrest or conviction that you must disclose, please use an additional piece of paper and attach it to this form.

Violation:

Court:

Date and place of arrest or conviction:

Penalty (fine, sentence, dates of probation):

Name under which arrested or convicted:

Explanation (optional):

**Part Two – Criminal Check Authorization**

I authorize The Asia Foundation to undertake any necessary inquiries, including criminal record and reference checks, as part of my appointment or recruitment process.

Full Name (print): \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## V. Verbal Reference Check Form

Candidate Name: \_\_\_\_\_

Position: \_\_\_\_\_

### Required Questions:

1. In what capacity do you know CANDIDATE? For how long have you known him/her?
2. S/he has indicated that her title at ORGANIZATION was TITLE and that her last salary was \$XXXXX. Can you verify this information?
3. What were CANDIDATE's responsibilities while working with/for you?
4. What are CANDIDATE's three strongest qualities?
5. Why did you and CANDIDATE stop working together?
6. Would you want to hire him/her for an assignment in the future or to work with him/her again?
7. Has CANDIDATE had contact with children in the performance of their duties in the position of XXXX? If yes, please elaborate.
8. To the best of your knowledge, has CANDIDATE ever exercised poor judgment with regard to child safety either within or outside of the workplace? If yes, please elaborate.

### Check completed:

*Signature of person conducting reference check:*

*Date:*

\_\_\_\_\_

\_\_\_\_\_

*\*These questions are optional and should be customized to the position and requirements.*

### Position-Specific

1. How would you describe CANDIDATE's management style? In your experience working with her, did she have any supervisory or leadership roles?
2. What do you think of CANDIDATE's interpersonal and leadership skills?
3. Do you think CANDIDATE is qualified to be POSITION? Why or why not? What specific characteristics lead you to this conclusion?
4. What do you think of CANDIDATE's ability in the area of XXXXX? Have you ever worked with her in this area?
5. Did you ever work with CANDIDATE in a donor-funded environment? How would you describe her interactions with donors and government counterparts?
6. What do you think of CANDIDATE's communication skills? Is she stronger in written or in verbal communication?

7. In your work with CANDIDATE, what was your impression of her ability to represent the organization in the public sphere?
8. Would you be able to comment on CANDIDATE's political and cultural sensitivity?

## VI. Behavioral-based Interview Form

### For Positions Designated as “Working with Children”

Child protection behavioral-based interviewing asks interviewees to provide examples from their past behavior in specific situations relevant to the position and working with children. During the interview process, the interviewer should undertake the following:

- Probe the candidate’s attitude and values in regards to children
- Focus questions on previous experiences of working with children, request examples of how the applicant responded to instances that may be in “grey areas”
- Structure questions to probe the motivation for wanting to work for the Foundation
- Assess the candidate’s response
- Ensure the structure of the interview is replicated with all candidates

### Examples of Child Protection Behavioral-based Interview Questions

- Do you foresee any risks to children through this project or activity? How would you mitigate such risks?
- What was your degree of interaction with children in past positions? What was your approach to working with children in those positions?
- For this position, what do you anticipate to be the nature of your interaction with children? How do you plan to carry out your work with children?
- What are some ways staff can ensure that professional boundaries are maintained when working with children?

I confirm that I conducted the child protection behavioral-based interview with

\_\_\_\_\_ for the position of \_\_\_\_\_ on this date \_\_\_\_\_,  
in order to fulfill one of the key requirements of the Foundation’s Child Protection Policy.

I also confirm that the candidate’s answers were; satisfactory (...) / unsatisfactory (...) in keeping with the Foundation’s Child Protection Policy, specifically the Child Protection Code of Conduct.

---

Name of Interviewer

Signature

Date

## VII. Procedures for Managing Subawards

Revised July 1, 2017

The Foundation's Child Protection Policy requirements for subawardees vary depending on involvement of children in the Foundation-funded activities and specific requirements of the donor. For this reason, the Foundation developed a classification system through which all of its subawardees will be categorized, and based on this categorization, the relevant requirements of the Child Protection Policy will be applied.

### Basic Determination ([CP Form 1 - A](#))

The basic determination is the starting point to categorize subawardees. Prior to making a subaward, the Foundation will make initial determinations whether the subawardee is going to:

- 1) Receive funding from the Foundation under awards with specific requirements such as DFAT.
- 2) Implement activities that involve contact with and/or working with children.

Through the guidance of [Subaward Compliance Decision Tree](#) and completion of the [CP Form 1: Basic Determination](#), subawardees will be categorized below and additional procedures will be applied as follows:

Org. Category	Type of entity and level of involvement of children in activities	Organizational Review [CP Form 1 -B]	System's Review [CPAR Part II]	Assessment of Overall Risk Context [CPAR Part III]	Full Assessment
Type A	Subaward activity <b>does not</b> involve either contact with or working with children. If DFAT funded, organization is <b>not</b> child-focused.	Only when DFAT funded.	No	No	No
Type B	Subaward activity <b>does</b> involve contact with children but organization is <b>not</b> child-focused.	Yes	No	No	No
Type C	➤ C1. Subaward activity <b>does</b> involve working with children.	No	Yes	Yes	Yes
	➤ C2. Subaward activity <b>does</b> involve contact with children and the organization is child focused.	Yes	Yes	Yes	When rated "High Risk"
	➤ C3. Subaward activity <b>does not</b> involve children; however, the activity is DFAT funded and the organization is child-focused.	Yes	Yes	Yes	

For subawardees under Classification A, the Foundation staff responsible for oversight must complete only CP Form 1 – A and Part 1 of the [CP Form 2: Child Protection Assessment Report](#). The nine (9) minimum standards do not apply.

### Organizational Review ([CP Form 1 - B](#))

Subawardees with activity involving contact with children and DFAT funded

subawardees regardless of involvement of children will be reviewed to determine if they are child focused organization. Subawardees involving contact with children and assessed as a non-child-focused organization are under Classification B. DFAT funded subawardees without involvement of children and non-child focused will fall under Classification A.

### **System's Review ([CP Form 2 CPAR Part II](#))**

Subawardees with activity involving working with children, those with contact and child-focused organization and those DFAT funded even without involvement of children and child-focused are checked whether they have an effective system in place to protect children. Existing policy will be reviewed to ensure it meets the nine (9) minimum standards. The Foundation staff responsible for oversight must complete Part II of the [CP Form 2 CPAR](#). The Foundation should assist subawardees to develop a compliant child protection policy if existing policy does not meet the nine (9) standards.

### **Assessment of Overall Risk Context ([CP Form 2 CPAR Part III](#))**

Subawardees under Classification C will be assessed for its overall risk context based on the results of the above. The full assessment of child protection risk is conducted for Classification C1 and those with Classification C2 and C3 receiving further assessment of high risk.

The [CP Form 2: Child Protection Assessment Report](#) must be accomplished to document the above procedures.

### **Subagreement Provisions and Flow downs**

The Foundation will incorporate in all subagreements the applicable provisions of the Child Protection requirements and the specific requirements of the donor (e.g. DFAT). Relevant cascade clauses will be included to ensure that the same requirements apply to subawardees' subcontractors.

There are two sections in the subagreement package where the Foundation will flow down the Child Protection requirements:

- 1) TAF Special Terms and Conditions (Attachment I)
- 2) TAF General Terms and Conditions (Attachment II)

There is a matrix in the [CP Flow Down Instructions](#) which shows how the Foundation will incorporate the child protection requirements of its various donors to its subagreements.

### **Post Award Procedures**

After the subaward has been made to a compliant subawardee, there will be additional measures taken in order to ensure continued compliance with the policy which include the following:

- Train Subawardee on the Foundation's Child Protection Policy – The Foundation will integrate in its subawardee training program a specific discussion on the Foundation's Child Protection Policy. Greater frequency of training will be conducted for subawardees that involve working with children.
- Monitor Subawardee and integrate Child Protection Policy-related considerations into M&E Framework – The Foundation will continue to observe the subawardees' consistent and continued compliance to its child protection requirements during the Foundation's site visits. Child protection risks will further be assessed throughout the lifecycle of program activity and as part of the M&E process.
- Incidence Reports from Subawardees – The office or unit will address reports of child

exploitation and abuse from the subawardee and inform Foundation Headquarters immediately to determine appropriate action. Instances of abuse and breaches will be handled by the Foundation through actions outlined in the Foundation's Child Protection Policy.

For copies of the relevant documents mentioned in this section, please click the hyperlink below:

- [CP Subaward Compliance Decision Tree](#)
- [CP Form 1: Child Protection Basic Determination](#) [CP Form 2: Child Protection Assessment Report](#) [CP Flow Down Instructions](#)



## VIII. Incident Reporting Form

This form may be used to report any incident or behavior that you suspect may be child exploitation and/or abuse, including possession of child exploitation material, or Child Protection Policy non-compliance by a Foundation staff member, intern, volunteer, individual contractor or consultant, subawardee, or trustee. A report may be submitted in accordance with the provisions on reporting outlined in the Child Protection Policy. All information provided will be treated confidentially to the extent possible, in accordance with the Foundation's Child Protection and Whistleblower policies.

**Name of person reporting:**

**Date of report:**

**Position:**

**Office:**

**Date/time of incident:**

**Location:**

Describe below the details of the incident or concern, including:

- name of person/s and/or organization/s involved
- name, nationality, and occupation of alleged offender
- what happened
- whether local law enforcement, the alleged offender's employer organization, or other organizations have been informed or have knowledge of the incident
- title of program, if the incident relates to a particular Asia Foundation program
- details of what actions have been taken, if any, and/or what action is proposed
- any other relevant information

**Detail**

## **IX. Understanding Forms of Child Abuse**

This section provides further information on understanding forms of child abuse to aid in the implementation of the Child Protection Policy. Any questions on the subject matter should be directed to the Human Resources unit in Headquarters.

### **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.

#### **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 caregiver(s), and isolating the child in order to abuse him/her. Grooming occurs before the sex offense in order to obtain access to the child and after the offense 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 is based both on a lack of understanding 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

## X. Legislation Relevant to Child Protection

A range of laws are relevant to this policy, including United States national and extraterritorial laws, and local laws in countries where The Asia Foundation works. A number of international child protection instruments also apply. Additional resource links are located at the end of this section.

### 1. Relevant U.S. legislation

A key resource in understanding U.S. legislation related to the protection of children from exploitation and abuse is the Child Exploitation and Obscenity Section (CEOS) of the United States Department of Justice. This agency produces the Citizen's Guide To U.S. Federal Child Exploitation and Obscenity Laws:

<https://www.justice.gov/criminal-ceos/citizens-guide-us-federal-child-exploitation-and-obscenity-laws>

That guide contains summaries of federal laws related to the following subject matters, as well as additional resources and FAQs:

- [Federal Law on Child Pornography](#)
- [Federal Law on Child Sexual Abuse](#)
- [Federal Law on Child Support Enforcement](#)
- [Federal Law on the Extraterritorial Sexual Exploitation of Children](#)
- [Federal Law on International Parental Kidnapping](#)
- [Federal Law on Obscenity](#)
- [Federal Law on the Prostitution of Children](#)
- [Federal Law on Sex Offender Registration](#)

Other relevant legislation includes:

- The Child Abuse Prevention and Treatment Act (CAPTA)<https://www.childwelfare.gov/topics/can/definining/federal/>
- [Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today \(PROTECT\) Act of 2003](#)

In addition, the United States is party to the two key anti-child labor ILO conventions:

- ILO Convention No. 138: Minimum Age for Admissions to Employment and Work
- ILO Convention No. 182: Worst Forms of Child Labor  
<http://ilo.org/ipec/facts/ILOconventionsonchildlabour/lang-en/index.htm>

### 2. Local Legislation

Most countries in which TAF works have legislation relating to child exploitation and abuse. These local laws and regulations are captured in the Country-Specific Sections to the Child Protection Policy, located in the Policies and Procedures Portal on OneTAF. When working in-country, DFAT staff and individuals or the personnel of contractors and organizations undertaking activities funded by DFAT are required to abide by local legislation, including labor laws about child labor.

## XI. Reporting Contacts

3 Easy Ways to Report from Anywhere		
<b>1 Company Network</b>		Use Link: <b><a href="https://secure.ethicspoint.com/domain/media/en/gui/7866/index.html">https://secure.ethicspoint.com/domain/media/en/gui/7866/index.html</a></b>
<b>2 Public Internet</b>		Go to: <b>www.ethicspoint.com</b>
<b>3 Toll-Free Phone</b>		Call: <b>1-866-ETHICSP (1-866-384-4277)</b> or see pages 3 and 4 for the number in your country

The Asia Foundation Network	Public Internet	Toll-Free Phone
Click on the following link to “File a Report” [ <a href="https://secure.ethicspoint.com/domain/media/en/gui/7866/index.html">https://secure.ethicspoint.com/domain/media/en/gui/7866/index.html</a> ].	From any computer having Internet access (home, public library, neighbor, etc.), go to <a href="http://www.ethicspoint.com">www.ethicspoint.com</a> and click on “File a Report”	Call EthicsPoint’s toll-free hotline specified above. A compliance specialist will assist you in entering your report into the EthicsPoint system.

## XII. Policy Change Log

Version	Who Updated	When Updated	Details
1.	Nicole Sayres, Senior Director, Asia Operations Coordination	June 2016	TAF Child Protection Policy approved by the Board
2	Nicole Sayres, Senior Director, Asia Operations Coordination	October 2016	Update to Section 3.2 – addition of ‘personnel’ to the list of terminology
3	Maya Drexler Salomon, Director, Staff Recruitment and Development	April 2019	Updated Policy following review by DFAT