Norwegian Afghanistan Committee

PROVISIONAL

CHILD PROTECTION POLICY 2018

"Children are not things to be molded, but people to be unfolded."

Jess Lair, author

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INTRODUCTION

Children and youth are individuals with inviolable rights. As adults we all have both an individual and collective responsibility to provide protection for children and youth.

> "A good childhood lasts a lifetime"
>
> Action plan to combat violence and sexual abuse against children and youth (2014–2017)
> Norwegian Ministry of Children, Equality and Social Inclusion

The United Nations Convention on the Rights of the Child was launched in 1989. Afghanistan and Norway are both signatories to the Convention. Since 1989 significant progress has been made towards securing the rights of children in countries throughout the world, including Afghanistan. Nevertheless, children continue to face physical, sexual, emotional abuse and neglect.

> "No child or family in Afghanistan has escaped the social, economic and emotional turmoil brought about by decades of widespread conflict and displacement."
>
> National Strategy and Action Plan for Children 'at-risk' (2004)
> Afghan Ministry of Labor, Social Affairs, Martyrs and the Disabled (MoLSAMD)

All forms of abuse constitute a major social and security problem, and a public health concern. Norway has banned corporal punishment of children, while violence is used systematically in child rearing in Afghanistan and most other countries throughout the world. Children and youth who experience violence and sexual abuse may suffer the effects for the rest of their lives. By raising awareness among the public, and by supporting the Afghan government and civil society actors in providing quality legal protection, awareness, prevention, treatment, education and support, we as development partners can help to reduce the adverse impacts of violence and abuse for both the present and future generations. Efforts to safeguard the legal rights of children are important and necessary in any environment, regardless of context.

Every child deserves to be seen, to be heard, to participate and to develop. No child should ever be exposed to violence or sexual abuse. Such acts are severe breaches of international law and to human decency. If we are to combat violence and abuse successfully, the scope of preventive and supportive measures must be enlarged. Therefore both government, private and civil society sectors must work together. Effective prevention requires that we as a society are willing to invest, and by doing to prevent human suffering. The Norwegian Afghanistan Committee (NAC) therefore gives priority to preventive efforts through education, health, governance and community mobilization.

COMMITMENT

The Norwegian Afghanistan Committee (NAC) supports the education of more than 200,000 children and youth, and thousands of teachers and health-care-workers in mostly rural and hard-to-reach communities throughout Afghanistan. NAC is firmly committed to the highest ethical standards, to Afghan, Norwegian and international law, and promotes and practices the provisions outlined in UN Convention of the Rights of the Child (1989) in all its programs and operations.

It is our aim is to educate children and youth and to protect them from exploitation, abuse, violence and neglect. NAC promotes equal access to education for all both towards the communities we serve, as well as within the organization itself. Therefore as part of all NAC employment contracts, employees commit to the following:

> *"By signing the NAC contract the employee confirms that he/she agree with the gender equality and equity goals of the NAC and actively promotes equal access to quality education for girls and boys as well as children with disabilities in his/her own family. He/she therefore commits himself/herself to enroll all his/her children in school going age (nine-year compulsory education), regardless of gender, abilities and disabilities in the nearest public school. Failing to do so may lead to termination of this contract. If no school is available in the area where he/she resides a special exemption may be issued by the Country Director after a thorough verification."*

NAC is actively engaged with families, teachers, village elders, religious leaders, communities and governments to change behaviors and attitudes towards children so that their rights are observed and respected. NAC works towards strengthening the role of families and schools in society. Good parenting and good teaching contributes to creating a safe environment for children, which is why it is important to help and support parents, guardians and schools. If children do not receive adequate care in their own home, education, health and social services must intervene and support at an early stage. Children and families in difficult circumstances must be given rapid assistance tailored to their individual needs. This can only be achieved through collaboration between service-providers and across administrative levels. The core focus of all our efforts must always be the child's best interests.

Combating violence and sexual abuse is not a private matter. Everyone who comes into contact with children and youth in their day-to-day work must dare to ask difficult questions, and listen to the stories that emerge. Knowledge plays a crucial role in these encounters, as does the ability to see and detect when children and youth may have been exposed to violence or abuse. NAC therefore works towards upgrading professional expertise in several sectors, including education and health. As an organization that educates and trains thousands of teachers, midwives, nurses, health-nurses, physiotherapists, and other education- and health-care-providers NAC is well positioned to make a significant impact.

We all have a duty to speak up and act when we have reason to believe that a child or a youth is at risk. Religious leaders, school principals, headmasters, teachers and health-care workers have a special responsibility to act on any suspicion of violence or sexual abuse.

We can all make a difference in the lives of children and youth at risk. There is no excuse for looking the other way. Stamping out violence and sexual abuse poses a multitude of challenges. We must make use of all necessary means. Safeguarding the interests of children and youth is one of NAC's most important contribution towards fulfilling the obligations imposed by the Convention on the Rights of the Child.

BACKGROUND

Afghanistan continues to be one of the most difficult places in the world to be a child. Progress in child protection lags far behind in comparison to most other sectors. Children are abused physically, sexually, emotionally and through neglect. Boys and girls regularly become victims of armed conflict and rising crime, and continue to be recruited into armed criminal (ACG) and opposition groups (AOGs). According to UNICEF and Save the Children millions of Afghan children are forced to work, often under hazardous circumstances and in abuse situations, to contribute to their survival of the families. Child labor significantly reduces their opportunities for healthy social, emotional, physical and cognitive development.

The rights of young girls and boys are continuously violated by harmful traditional practices that lead to abuse and exploitation. Children are being deprived of liberty in inadequate juvenile detention centers with little access to legal or social services. Girls are being imprisoned for running away from rape, physical abuse or forced marriage. Physical and humiliating punishment remains a common practice in schools and homes, with no legal framework in place to protect victims. Children with disabilities are even more vulnerable to physical, emotional, sexual and other forms of abuse.

Whilst most child abuse occurs within families and communities, children also experience abuse and exploitation at work and in organizations which provide them with support and services. NAC is committed to prevent any form of violence and abuse within the organization, and in the schools, colleges, universities and institutions it support.

DEFINITIONS

WHAT IS A CHILD?

A child means girl and boy below the age of eighteen years. National law and guidance or local customs may be based on different definitions of age of childhood and the onset of adulthood, but in accordance with UN Convention of the Rights of the Child, the standard for the Norwegian Afghanistan Committee (NAC) is that children under the age of eighteen should receive equal protection as far as possible, regardless of local age limits.

"The Convention defines a 'child' as a person below the age of 18, unless the laws of a particular country set the legal age for adulthood younger. The Committee on the Rights of the Child, the monitoring body for the Convention, has encouraged States to review the age of majority if it is set below 18 and to increase the level of protection for all children under 18."

Article 1, UN Convention on the Rights of the Child (1989)

WHAT IS CHILD PROTECTION?

Protection within the scope of this policy is defined as the responsibilities, measures and activities that NAC undertakes to safeguard children from harm.

WHAT IS CHILD ABUSE[1] Child Abuse is defined as all forms of violence and physical abuse, emotional abuse, sexual abuse and exploitation, neglect or other form of exploitation of children, includes any actions that results in actual or potential harm to children.

Child abuse may be a deliberate act or it may be failing to act to prevent harm. Child abuse consists of anything which individuals, state institutions, organizations or processes do, or fail to do, intentionally or unintentionally which harms children or damages their prospect of safe and healthy development into adulthood.

Children and youth must be informed about their rights, just as parents, schools, communities and the state must be informed about their responsibilities towards children and youth.

Violence and abuse includes but is not limited to the following:

1) PHYSICAL ABUSE

- Punishing children excessively
- Smacking, punching, beating, shaking, hitting, kicking, burning, shoving and grabbing
- Leaving children in uncomfortable and/or undignified postures for an extended period of time or in poor environments
- Forcing children to work in poor working conditions, or in work that is inappropriate for their age (e.g. hard physical labor), and to work for long hours

[1] Save the Children UK, South East and East Asia Regional Office (Programmes Unit) (2006) / Child-Safe Organizations: Self Study Manual [Ref: http://www.ecpat.org/wp-content/uploads/2017/02/02_Child-Safe-Organisation_Self-Study-Manual_eng.pdf [10.05.2018]

- Forcing children to join an armed opposition group (AOG), an armed criminal group (ACG), or to conduct or participate in suicide missions
- Forcing children to conduct criminal activities, e.g. pick-pocketing, smuggling, selling drugs and doing illegal activities
- Gang violence
- Harmful initiation ceremonies
- Physical bullying, incl. threatening to harm children, or someone the children love

2) EMOTIONAL ABUSE

- Isolating or excluding children
- Stigmatizing children
- Blackmailing and threatening to harm children, or someone they love
- Treating children who are victim, as suspects, e.g. repeated questioning and investigations of abuse cases
- Failing to provide a supportive and protective environment
- Failing to value and respect children
- Failing to value the opinion and respond to the emotional needs of children
- Failing to give children an appropriate sense of self, e.g. criticizing looks, skin complexion weight and height
- Treating or looking at children with disdain, disrespect, denigration
- Patterns of belittling, denigrating, blaming, scaring, discriminating or ridiculing
- Spreading rumors
- Bullying (i.e. deliberate hurtful behavior, usually repeated over a period of time, where it is difficult for those bullied to defend themselves);
  1. Verbal bullying, e.g. racist, sexist or homophobic remarks, name-calling, threats, abusive text messages, and;
  2. Emotional, e.g. tormenting, ridiculing, humiliating, ignoring, isolating form the group.
- Forcing children to get married
- Exploiting children
- Blackmailing children

3) SEXUAL ABUSE AND EXPLOITATION:

Involvement of under-age children in sexual activities, as well as older youth that s/he does not fully comprehend, is unable to give informed consent to, or is not developmentally prepared for, such as:

- Sexual abuse with physical contact:
  - Kissing or holding children in a sexual or inappropriate manner
  - Touching and fondling the genital areas of children
  - Making children touch another person's genital areas
  - Making children perform oral sex
  - Vaginal or anal intercourse and other sexual activity
  - Incest (sex with close family members)
  - Child marriage – Marriage of girls and boys under the legal age
  - Sexual exploitation, pornography and prostitution, where sexual abuse of children involve any kind of commercial transaction (monetary or in-kind)

- Sexual abuse without direct physical contact:
    - Obscene calls or obscene remarks on a computer, pictures on a phone, SMSs, or in written notes and drawings
    - Virtual sex
    - Online sexual solicitation and grooming
    - Voyeurism
    - Exhibitionism
    - Exposure to pornography
    - Sexually intrusive questions or comments
    - Forced to self-masturbate or watch others masturbate
    - Sexual exploitation and child sex tourism also may be abusive without physical contact (for example, a tour operator or taxi driver who arranges tours and/or children for sex tourists is an exploiter of children as well).

4) NEGLECT

Neglect also harms children although it is more about being inactive and not doing something than the previous forms of abuse, which are more active. Neglect may Include:

- Inattention and/or omission of care
- Failing to protect from harm
- Leaving children at unattended for a long period without supervision
- Sending children away without due consideration to their wellbeing
- Failing to ensure that children have suitable nutrition, e.g. when parents have limited resources it is important that they manage the size of their family accordingly (ref. responsible parenting)
- Deliberately withholding food from children as a form of punishment
- Failing to ensure that children attends school – This is mainly the responsibility of parents and guardians, but also that of schools, communities and the government
- Failing by relatives, teachers and community health workers to follow up, or to report repeated bruising, burns or any other signs of possible abuse
- Giving in to children's wishes because it is an easy option, despite knowing that these choices are not in the best interest of their physical, social, emotional or cognitive development
- Failing to take time to reasonably monitor children's activities and thus potentially exposing them to risks, e.g. allowing children to play alone on the street without proper monitoring without adequate supervision to mitigate potential risks (exposure to traffic, strangers, etc.)
- Failing to ensure a safe environment (exposure to harmful items such as guns, knives, medication, narcotics, pornography, etc.)

NOTE: Physical abuse, neglect and sexual abuse are also emotional abuse

NAC GUIDELINES

- **ETHICAL GUIDELINES AND COMMITMENTS**

  NAC staff, interns, officers, consultants and volunteers represents an organization built on the principles of solidarity between people, respect for human rights and dignity for all. The NAC Ethical Guidelines and Commitments are binding for all staff, interns, officers, consultants and volunteers, as we are both individually and collectively responsible to act in accordance with the principles and values stated in the NAC Ethical Guidelines and Commitments.

  The Ethical Guidelines and Commitments were approved by the NAC Board of Directors on 26th February 2018. They will aid all staff, interns, officers, consultants and volunteers in upholding the values and principles of the NAC and ensure that we protect the rights and dignity of our staff, members, partners and beneficiaries. The NAC Ethical Guidelines and Commitments automatically form an integral part of any consultancy or short or long term employment contract for the NAC in both Afghanistan and Norway and is also covering the NAC Whistle Blower Policy that forms an integral part of the NAC Ethical Guidelines and Commitments.

  If anyone fail to adhere to the Ethical Guidelines and Commitments staff, interns and consultants face disciplinary action, dismissal or even legal action. All staff, interns, officers, consultants and volunteers have the duty to report any breach, or suspected breach, of the NAC Ethical Guidelines and Commitments according to the Whistle Blower Policy that is incorporated into the guidelines. NAC staff, interns, officers, consultants and volunteers understand that they, as development and humanitarian workers, have a special responsibility to uphold the highest ethical standards in both their professional and private lives.

  With the Ethical Guidelines and Commitments NAC wish to contribute to the development of democratic and just Afghanistan free from harassment and abuse, where all women and men, girls and boys have the right to respect, dignity and peace.
  PLEASE SEE: NAC Ethical Guidelines & Commitments on www.afghanistan.no

- **SAFEGUARDINING PROCEDURES WHEN WORKING WITH CHILDREN:**

  - **POLICE CLEARANCE CERTIFICATES:** International staff members, consultants and volunteers are required to have a Police Clearance Certificate from their home country. Until this is in place they are not permitted to work directly with children and youth, or with adults at risk who are particularly vulnerable to abuse (e.g. individuals

that are often persons marginalized due to economic and social status and persons with disabilities).

If an international staff member fail to present an original copy of a Police Clearance Certificate within four months of taking up employment his/her contracts will be terminated (ref. NAC HR & Personnel Policy (2018)).

- **POLICE CLEARANCE CERTIFICATES / DECLARATION OF INTEGRITY:** National staff members, consultants, interns, volunteers and visitors are required to have a **Police Clearance Certificate** issued by the Ministry of Interior. In communities where this is not possible, staff members, consultants, interns, volunteers and visitors must present a personal **Declaration of Integrity** signed by two senior government officials from the home district, or from two senior UN or NGO officials. Until this is in place they will not be permitted to work directly with children and youth, or with adults who are particularly vulnerable to abuse (e.g. persons with disabilities).

  If a national staff member fail to present an original copy of a Police Clearance Certificate or a Declaration of Integrity within four months of taking up employment his/her contracts may be terminated (ref. NAC HR & Personnel Policy (2018)).

- **TRAVEL CONSENT FORM:** When NAC organizes transportation for children and youth (under the age of 18 years) parents or guardians must sign a **Travel Consent Form** where they grant NAC permission to transport and/or house their children or youth at a staff house or hostel during a workshop, course or training. Alternatively NAC may allow one adult family member to travel with the children. For parents and guardians who have limited literacy skills, the content and intention of the form must be explained in detail before they sign.

- **CONCENT FORM FOR PHOTOS AND VIDEOS:** In accordance with the Provisional Child Protection Policy NAC will not permit photographs, video or other images of children and youth to be taken without verbal consent, while written consent of the parents or guardians as well as of the children and youth themselves is necessary when taking photos and making videos of girls above the age of 12 due to cultural sensitivities. For parents and guardians, as well as children and youth who have limited literacy skills, the content and intention of the form must be explained in detail before they sign.

- **CONCENT FORM FOR COLLECTING AND KEEPING INDIVIDUAL DATA:** In accordance with the Provisional Child Protection Policy NAC will not collect sensitive data from children and youth to be taken and kept without the informed consent of the parents/guardians as well as of the children and youth themselves. And, when sensitive data from children (and about children) is collected it will be protected when stored (hard- and soft-copy) and only have restricted access to ensure privacy.

- # RISK IDENTIFICATION AND MANAGEMENT

RISK IDENTIFICATION

NAC recognizes that due to the nature of its work the organization is at risk of being targeted by individuals wanting to exploit or harm children and that there are potential risks to children in the delivery of NAC programs. NAC understands that the effects of abuse on children are both devastating and long term. NAC will not permit a person to work with children if they pose an unacceptable risk to children's safety or wellbeing. Therefore NAC will undertake the following preventative measures:

- Proactively assessing and managing risks to children in NAC programs (and in the communities in which NAC works) to reduce the risk of harm. This is achieved by examining each stage of the project management cycle and its potential impact on children.
- Proactively assessing and managing risks to children in sponsorship, marketing and communications activities, information, systems and technology (IST) and human resource (HR) operations
- Implementing preventative measures when gaps are identified
- As an organization NAC will always be vigilant and uncompromising in the safeguarding of children when implementing the Provisional Child Protection Policy. Staff and others engaged in NAC activities should continually be aware of potential risks, and be actively minimizing opportunities and mitigating situations where children can be harmed.

MANAGEMENT AND SUPERVISON

Management and supervision of risks related to the safeguarding of children is actively addressed in the organization, e.g. through:

- **HR:** Recruitment of staff, interns, consultants and volunteers, induction and training
- **Information safeguarding and IST** in activities with access to information technology and in storing of information
- **Media, Communications and Marketing** considerations on safeguarding of children and limiting their exposure to risks when fundraising and seeking sponsorships
- **Accountability of the Management:** It is the responsibility of the Board of Directors, Secretary General, Country Director, and all management to ensure that all NAC staff, consultants and partners in their area of responsibility are aware of, sign onto and agree to abide by the NAC Ethical Guidelines and Commitments, and the NAC Child Protection Policy.

- **The commitment for NAC officers, staff, interns, consultants and volunteers to:**
    - Sign and agree to adhere to the Child Protection Policy, and the NAC Ethical Guidelines and Commitments, including the Whistle Blower Policy;
    - Report breaches and suspicion of breaches as outlined in the Whistle Blower Policy. This is a mandatory requirement and failure to do so may result in disciplinary action;
    - Respond to a child suspected of having been abused or exploited in accordance with applicable local office procedures;
    - Cooperate fully and confidentially in any investigation of concerns or allegations, and;
    - Contribute to an environment where children are safeguarded, respected and encouraged to discuss their concerns and rights.
- **Reporting**
    - As outlines in the Ethical Guidelines and Commitments, and the Whistle Blower Policy, it is mandatory for all NAC officers, staff, interns, consultants and volunteers to report concerns or allegations of child abuse through the following reporting channels:
        1) Through the responsible regional or project manager and the Country Director
        2) Through the Country Director if the regional manager is involved
        3) Through the Secretary General if the Country Director fails to act or if he/she is involved
        4) Through the Chair of the Board if both the Secretary General and the Country Director fail to act or themselves are involved
        5) Through the Staff-Contact appointed by the Board should the Chair of the Board fail to act or if he/she is involved
        6) You can also report directly to the elected female or male staff representative

        (See: Reporting guidelines as outlined in the NAC Ethical Guidelines and Whistle Blower Policy)
    - NAC considers any form of abuse and exploitation of children to be completely unacceptable.
    - NAC will investigate and act upon any concerns and reports of child abuse and with immediate effect, including informing donors as outlined in the respective grant agreements
    - An allegation of child abuse is an extremely serious issue. In following this Policy, and it is essential that all parties involved in investigation and follow-up of allegations maintain ensure confidentiality (ref. Confidentiality Clause in the NAC Ethical Guidelines and Commitments). Sharing of any information, which could identify a child, an alleged perpetrator or the informant/reporter could put them all parties at risk and should be done strictly on a 'need to

know' basis. Unless abuse has actually been proved to have occurred, one must the practice is to always refer to "alleged abuse" and "alleged abuser" to also protect the person being accused and to prevent bias.

- If an NAC officer, staff member, intern or volunteer raises a legitimate concern about suspected child abuse, which proves to be unfounded (following an investigation), no action will be taken against the employee.
- Any employee who makes false and malicious accusations, will face disciplinary action (ref. NAC Ethical Guidelines and Commitments). NAC will take appropriate legal or other action against those who makes false and malicious accusations of child abuse.

CONCLUDING REMARKS

The involvement of humanitarian and development workers in acts of sexual exploitation and abuse is a grave violation of our responsibility to do no harm and to protect people affected by crises. NAC is firmly committed to the global fight on sexual exploitation and abuse, regardless of gender, sexual orientation or age.

NAC's Senior Management Team in Afghanistan and Norway have established clear structures and procedures for ensuring compliance with the Child Protection Policy and all policies and documents outlining safeguarding measures for all staff, partners and beneficiaries. All NAC staff members, interns and volunteers will receive regular training and information on identifying, preventing and responding to acts, or suspicions, of violence and abuse.

Protection is an overarching objective for all NAC programs and operations. Protection is a cross-cutting commitment in all of NAC's work.

NAC will always actively work on ensuring further attention to and integration of safeguarding and protection principles to ensure the safety, dignity, and rights of the children, youth, women and men we serve, and work with.

SAFEGUARDING POLICIES & DOCUMENTS

NAC Policies and Documents outlining safeguarding measures:

1. NAC Code of Conduct
2. NAC Ethical Guidelines & Commitments
3. NAC HR & Personnel Manual
4. NAC Child Protection Policy

Review of Policy: *The Child Protection Policy will be reviewed every three years. The Country Director will manage the review, and officers, staff, interns, volunteers, partners and beneficiaries will be consulted in the review process.*

Current version (last updated): August 2018