

Child Rights Movement

CHILD PROTECTION POLICY

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Child Rights Movement

Introduction:

In view of the severely exploitative and abusive situation of children in Pakistan a group of likeminded NGOs realized that one off projects have not been able to solve the issues of violence, abuse, neglect and exploitation of children. Hence there is a need for a child rights movement in the country. This movement cannot be created without the active participation of all civil society actors coming together on a single forum. Countries where comparative progress has been made to address children's issues have done it through strong civil society advocacy and monitoring and by working collectively towards a common goal. Hence a Child Rights Movement was formed in Pakistan in 2008. As of June 2013, CRM has members all over Pakistan with CRM chapters in the provinces

The CRM has the following vision and mission:

Vision

All children in Pakistan enjoying their rights as enshrined in the constitution of Pakistan, UNCRC and ILO Standards

Mission

"To create an enabling environment for the protection and promotion of child rights in Pakistan through collective advocacy.

Overall Objective

To act as a civil society pressure group on issues faced by children

Objectives:

- To carry out advocacy for the purpose of institutional, policy and legislative reform
- To monitor the situation of children and report it to the government and the media and to monitor those actions of the Governments which have a negative impact on children
- To provide program and policy guidelines to the government and donors and develop updated fact sheets on child rights and child protection.
- To engage in media discourse and provide information for the general public and policy makers

1.0 Introduction

- "Child Protection is the term used to describe the responsibilities and activities undertaken to prevent or to stop children from being abused or ill-treated. In more detail, this means protecting children from specific acts of intentional or unintentional harm which may harm them physically, emotionally, sexually or by neglect
- Child abuse is a phenomenon prevailing across all geographical boundaries, religions and socio – economic classes. CRM as a national coalition feels the obligation to provide safer environment to the children in the communities, with whom it works. . This obligation stems from the belief that every child has the right to enjoy an environment, which contributes to her/his growth fulfilling all rights as endorsed in the UN Convention on the Rights of the Child.
- CRM is a coalition of organisations working on child rights, and come in contact with children .We need to ensure that children's right to protection is not compromised..

This policy aims to develop practical local procedures to prevent and respond to harm to children who come in contact with CRM and its members.

Child abuse is unacceptable and this document aims to:

- Reflect the commitment of CRM members to safeguard children
- Raise awareness among CRM members, volunteers and partners on the issue of violence against children.
- To develop a country specific procedural framework of child protection clearly stating the actions/steps with a consideration of culture, values, norms and laws

The guiding principle is that the protection of the child is always the overriding consideration for CRM

2.0 Definitions

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

Child abuse as a general term, is used about situations where, a child may experience harm, usually as a result of failure on the part of the parent or guardian to ensure a standard of care and protection. Child abuse takes place within the context of family or outside the family, e.g. in institutions, in the work place (child labour), in war zones and emergencies. It may include both actions and omissions by the parent or carer.

Abuse is normally categorised into four main forms; physical, sexual, emotional abuse and neglect.

2.1 Physical abuse

Physical Abuse is that which causes physical injury to a child, or a failure to prevent physical injury or suffering to a child. It includes hitting, shaking, burning, pinching, biting, choking, throwing, beating

Culturally within society physical punishment, but not severe physical abuse, is widely accepted by families and by the authorities. Physical punishment is one of the methods used in schools and institutions. As a result, CRM, has the major task of raising awareness before we can successfully challenge physical punishment and abuse.

2.2 Emotional abuse

Emotional or psychological abuse includes humiliating and degrading treatment such as bad name calling, constant criticism, belittling, persistent shaming, isolating, ignoring, rejecting, making fun of a child, and withdrawal of affection.

Emotional abuse refers to the adverse effect on the emotional and behavioral development of a child caused by persistent or severe emotional ill treatment.

2.3 Sexual Abuse and exploitation

Sexual abuse includes all forms of sexual violence including incest, early and forced marriage, rape, involvement in pornography, indecent touching or exposure, using sexually explicit language towards a child and showing children pornographic material.

Sexual abuse is the actual or likely sexual exploitation of a child or young person. Sexual abuse also includes female genital mutilation or female circumcision, underage marriage and all forms of sexual activities involving children including pornography (children used as sexual models, commercial sex). It does not involve just the physical act of sex but can be exposure to pornography, sexual harassment and inappropriate touching.

2.4 Exploitation:

Exploitation refers to the use of children for someone else's advantage, gratification or profit often resulting in unjust, cruel and harmful treatment of the child. These activities are to the detriment of the child's physical or mental health, education, moral or social-

emotional development. It covers situations of manipulation, misuse, abuse, victimization, oppression or ill-treatment. There are two main forms of child exploitation that are recognized i.e. child labor and child prostitution.

2.5 Neglect

Neglect: Deliberately, or through carelessness or negligence, failing to provide for, or secure for a child, their physical safety and development. Neglect includes abandonment, the failure to properly supervise and protect children from harm as much as is feasible, the deliberate failure to provide medical care or carelessly exposing a child to harm can amount to neglect. Not meeting a child's need for cleanliness, clothing, emotional support, love and affection, education, nutritious food, clothing, adequate shelter or safety; leaving a child unwatched and unsupervised; leaving a child in an unsafe place or causing a child to be in a dangerous situation or place;

Not seeking necessary medical or dental attention for a child when it is urgently needed. Neglect may be willful or otherwise.

2.6 Violence:

There are a number of definitions of violence used depending on the focus and approach taken to it. The UN Study on Violence Against Children (2006) definition of violence draws on Article 19 of the Convention on the Rights of the Child: "all forms of physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.

3.0 Background

In Pakistan, like any other community in the world, there is a general behavior for childcare and it has its roots in traditional, cultural and religious values. However, this does not rule out the possibility of child abuse, which as the matter of fact, prevails here in a number of different forms. Some of these forms are evident due to traditional practices and beliefs such as early marriage, and the sanctioning of physical punishment.

However, to fulfill its commitment to safe guard children from all kind of abuse and neglect CRM has apolicy and code of conduct and the purpose of this local policy is to enable member organizations, volunteers and partners to operate within the Pakistani context to comply with our international commitment.

Development of practical local procedures that can easily be implemented requires our agreement upon the different concepts of child abuse in accordance with the cultural background of the Pakistani communities.

4.0 Need to protect children

Child abuse is unacceptable because of its range of effects on children. The effects can include death, permanent physical damage, permanent intellectual impairment, educational problems, emotional problems, criminal or delinquent behavior, loss of attachment to significant adults or relationship problems, low self-esteem, aggressive behavior (abused children may become abusers) and stress and anxiety which may lead to use of drugs. These effects can be both short-term and long lasting.

It is CRM's responsibility to ensure that children are not subjected to any form of abuse and to prevent further abuse where this has already occurred. In our homes or working places staff members and volunteers need to be role models of how to deal with children, sensitive to acts of abuse, and aware of children's concerns or complaints - for example, children who express discomfort may indicate possible abuse and can lead to disclosure of abusive acts (although there are many other reasons why children may appear distressed).

5.0 Framework for Protection of Children in Pakistan

The laws regarding children generally have considerable weaknesses. Moreover, they are fragmented and scattered; there is no single law that particularly protects children from abuse. However, Pakistan is signatory to UN Conventions and has also been enacted some new laws for children.

The United Nations Convention on the Rights of the Child (1989, Article 19) requires all state parties signatory to it to take appropriate measures to protect children from neglect and all forms of abuse i.e. physical, sexual and emotional.

The Government of Pakistan has signed and ratified the Convention on the Rights of the Child (CRC) and is committed to uphold the principles enshrined in the CRC for protection of children and has enacted various laws to provide a legal cover/protection against various forms of abuse.

Pakistan is signatory to UN-Optional Protocol to CRC on the involvement of children in Armed Conflict-2000 (Signed in Sept.2001)

Pakistan is signatory to UN-Optional Protocol to CRC on the sale of children, Child prostitution and Child Pornography-2000. (Signed in Sept.2001)

Salient features of Pakistan's Child Protection framework are:

- a) Pakistan is signatory to UN – CRC and has devised;
- b) National Child Protection Policy and National Plan of Action

Constitution of Pakistan provides protection to children under:

- a) Sindh Children Act 1955
- b) Juvenile Justice System Ordinance 2000
- c) Punjab Destitute & Neglected Children Act 2004
- d) The Protection of Children act, 2005
- e) The Child Labor and Shelter less Children Act 2006

Pakistan Penal Code has following sections for Child Protection:

- 366 - deals with the procuring of minor girls
- 367 – deals with the kidnapping of a person in order to subject him/her to grievous hurt, slavery etc.
- 377 - deals with unnatural offence like rape etc.

7.0 Our Values and Principles

Violence against children takes place irrespective of class, culture, caste and creed.

The situation of all children must be improved through promotion of their rights as set out in the UN Convention on the Rights of the Child. This includes the right to freedom from abuse and exploitation.

8.0 Rules and Code of Conduct for CRM members

CRM members should be able to contribute significantly to the prevention and relief of a child's distress as a result of abuse. The initial responses can be crucial in the child's road to recovery from abuse. CRM members and volunteers, in either reassuring the child

themselves ,or in advising partner organizations as to how to do so,can go a long way towards supporting a child in such circumstances.

Children should be able to expect from CRM members organisations' staff, volunteers, associates the following behaviours:

- ◆ Never hit a child, or use language which is abusive....., Be a positive role model
 - ◆ Be Loving/caring/responsible
 - ◆ Provide Encouragement/Motivation
 - ◆ Give advice and guidance
 - ◆ Treat boys and girls equally
 - ◆ Allow children to make decisions, particularly about their own lives
- All CRM members, volunteers, consultants and partners in Pakistan should always:

- Respect children's dignity in homes or work places
- Listen carefully to children
- Act on children's concerns/problems immediately
- Act fairly on matters that involve children and adults altogether
- Play positive role in safeguarding children and promoting their safety.
- Pay reasonable wages to their house staff.
- Employer will ensure provision for recreation and rest time
- Ensure fair hours and conditions of employment for their house staff.
- Endeavor to provide advice and clear guidance to children.
- Try as much as possible to involve children in decision-making.

CRM members, volunteers and others should never:

- Employ children under 16 to 18years of age, or those who are not being provided primary school education
- Beat or otherwise assault children
- Hit or otherwise physically abuse children.
- Develop physical/sexual relationships with children
- Develop relationships with children who could in any way be deemed exploitative or abusive.
- Act in ways that may be abusive or may place a child at risk of abuse.
- Must also seek consent of children and their parent/guardian to take pictures and must inform who these will be used.

14.0 Code of Conduct

It is important for all members, volunteers and others in contact with children to:

- Be aware of situations, which may present risks and manage these.
- Plan and organize the work and the workplace so as to minimize risks.
- As far as possible, be visible in working with children.
- Ensure that a culture of openness exists to enable any issues or concerns to be raised and discuss.
- ensure that a sense of accountability exists between members so that poor practice or potentially abusive behavior does not go unchallenged.
- Talk to children about their contact with members or others and encourage them to raise any concerns.
- Empower children - discuss with them their rights, what is acceptable and unacceptable, and what they can do if there is a problem.

In general it is inappropriate to:

- Spend excessive time alone with children away from others.
- Take children to your home, especially where they will be alone with you.
-

The members, volunteers and others *should* avoid actions or behavior that could be construed as poor practice or potentially abusive. For example, they should never:

- Use language, make suggestions or offer advice, which is inappropriate, offensive or abusive.
- Behave in a manner, which is inappropriate or sexually provocative
- Have a child/children with whom they are working to stay overnight at their home unsupervised.
- Sleep in the same room or bed as a child with whom they are working.
- Do things for children of a personal nature that they can do for themselves.
- Condone, or participate, in, behavior of children, which is illegal, unsafe or abusive.
- Act in ways intended to shame, humiliate, belittle or degrade children, or otherwise perpetrate any form of emotional abuse.
- Discriminate against, show differential treatment, or favor particular children to the exclusion of others.

15.0 Reporting Procedure

CRM will select a Child Protection and Response Committee for a period of 2 years who will be responsible to receiving and responding to child protection issues. CPRC will also support CRM members and the secretariat in operationalization of the policy.

Any child, his family, CRM staff or member of general public who suspect or know about an abuse of a child by CRM member staff, volunteers, associate must immediately report the incident.

Following the CRM Child Protection Procedures (CPP), involves reporting to CR committee. Decisions on reporting/ responding should be informed by the principle of best interests of the child in deciding whether or not external reporting should take place. The legal and professional responsibilities on CRM members must also be taken into account where it is decided that reporting should not take place, decisions, should be recorded.

9.0 CRM Child Protection Committee Composition

Child Protection Committee will comprise of five members.. The members will be from local NGOs.

10.0 Reporting Mechanisms for Abuse within CRM

It is important for CRM to thoroughly investigate any child protection concerns, especially where these relate to members, volunteers or other representatives of CRM. CRM CPP has zero tolerance for any child protection issue.

Process for Response to CP Issues:

- Child Protection Committee must be given complaints in writing
- The committee will immediately start the process of investigation..

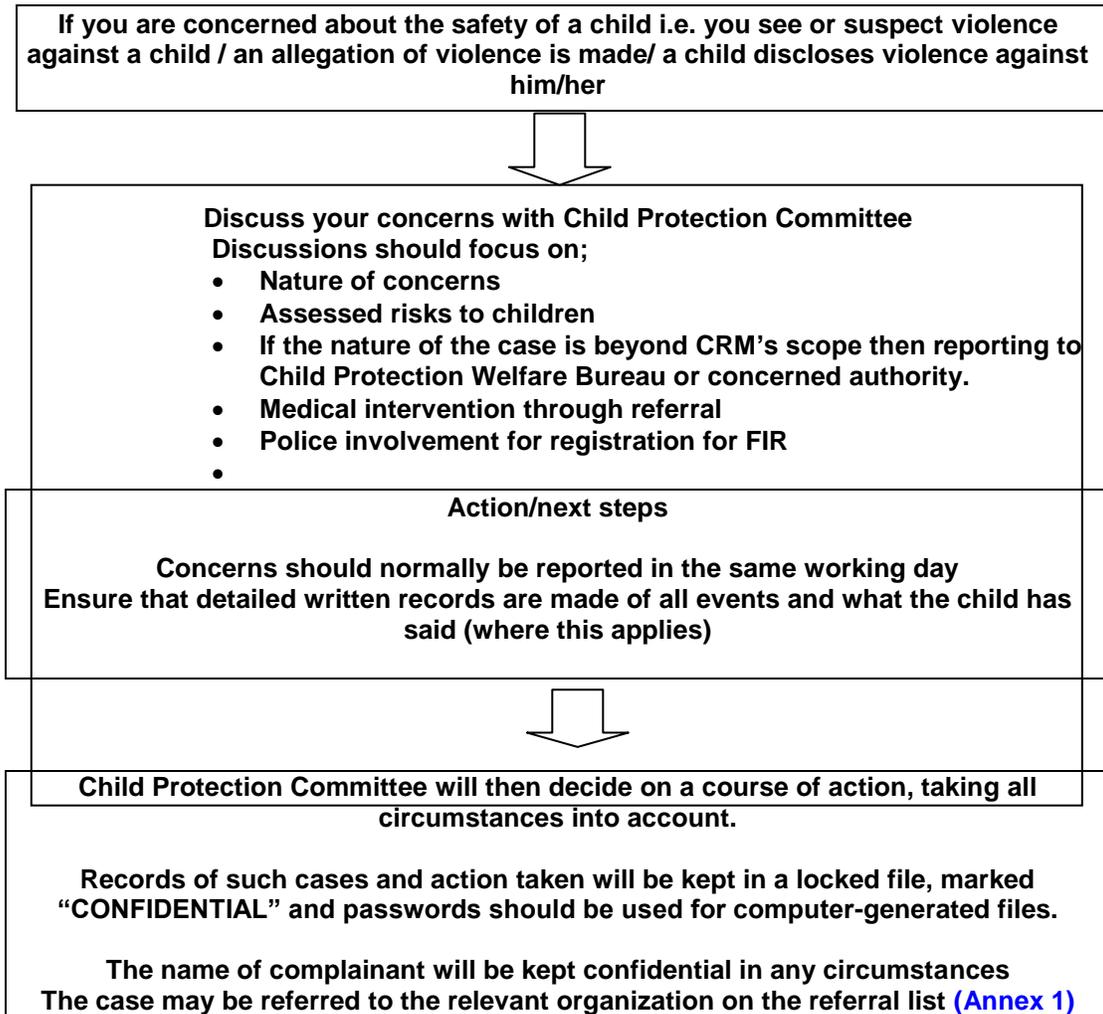
- After the investigation they will meet with complainant and accused to hear the case and CPC share findings with both complainant and accused.
- Complainant and accused will be given 5 days to request for appeal to any CPC member
- Within 14 days of appeal, decision will be given. This will be the full and final decision.

Note:

If a complaint is against any member of Child Protection Committee then he/she will not sit in the committee. A member of Executive Committee may be requested to join the committee for any review, conflict resolution or appeal.

CPC will ensure confidentiality.

11.0 A Framework for Action Against Child Abuse



Responding to Abuse

The following sections offer further guidance on how to respond to issues of abuse where you see, suspect or are told about allegations or incidents of abuse:

If you witness abuse directly, it is essential to take immediate action to protect the child,

Where it seems safe to do so, and the child is in danger, try to stop the abuse continuing and protect the child or young person.

This may mean;

- Intervening yourself, *while having regard to your own safety*
- Seeking help to intervene, and/or
- Involving child protection committee

However, it is imperative that you **take whatever action you can** to try and stop further abuse taking place, **but do not place yourself at risk.**

If you are informed about possible child abuse

You may hear of alleged or suspected abuse from any number of sources. If in the course of your work, you are told by an adult, for example, a colleague, a worker in another agency, and a member of the public it is essential that you raise concern with Child Protection Committee.

It is also possible that a child may tell you about abuse they themselves are suffering. In these circumstances, it is important to respond sensitively to the child in listening to their account.

It is important to reassure the child and discuss with them what will happen next. This must include internal reporting of the alleged abuse through the reporting procedures, but, depending on the nature of the allegations, action to meet the immediate protection needs of the child may be necessary.

Where you become concerned that child abuse may be occurring but have no actual evidence

In most situations it is unlikely that you will be certain that a child is being abused. Establishing, whether a child is being abused or not is usually a complex process. However, the policy requires that you become aware of the problem of child abuse and the risks to children, and that you prioritise the safety of children in all of your work and contact with them. Even where you are not 100% sure or do not have direct evidence that abuse is taking place, it is still important that you raise and report your concerns so that appropriate action can be considered.

The guidelines accept that;

- Child abuse is distressing for all concerned
- It is often difficult to accept that it may have occurred
- While some disciplinary and sexual practices may be regarded as culturally acceptable, they may contravene CRM's policy

You may worry that:

- You are mistaken,
- You will not be believed,
- There is no specific 'evidence'

- Impact on the child of your actions may be a negative or damaging one
- You won't know where it will lead
- You may be blamed and penalised yourself
- You are betraying a friend if the perpetrator is someone you know

However, in such cases, the approach should be one of

- Focussing clearly on the welfare of the child or children involved
- Asking "what if I'm right"?
- Informing and follow the procedures

CRM members and volunteers have a very clear responsibility to prevent abuse, protect children and raise concerns. The aim of the policy is to ensure that all concerns can be raised and considered; taking into account all relevant factors in each case, including those of local culture and custom.

12.0 What we will do

CRM members will meet its commitment to safeguard children through the following means:

- Awareness:** Ensuring that all staff and volunteers are aware of the problem of child abuse and the risks to children.
- Prevention** Ensuring, through awareness and good practice, that staff and volunteers minimize the risks to the children.
- Reporting** Ensuring that staff and volunteers are clear about what steps to be taken where concerns arise regarding the abuse of children by Sahil staff and Volunteers.
- Responding** Ensuring that action is taken to address the complaint in accordance with the policy.

13.0 Members/Volunteers/Consultants

Considering the aim of this policy, it is important that members/volunteers/consultants are made aware of this policy. Personnel terms and conditions should be reviewed to incorporate child protection guidelines. Furthermore, members and volunteers induction should cover child protection issues.

15.0 Action to be taken in the event of a violation of Child Protection Policy

If established that a member /volunteer/consultant has abused a child/children, then CRM's relevant disciplinary procedure should be followed.

Criteria of abuse

- Verbal abuse
- Physical abuse
- Employment of children /Child Domestic Labour
- All forms of violence including sexual abuse

Depending on the circumstances, seriousness of the allegations and the member's level of involvement in the incidence, the following "Procedure A" may be carried

Procedure A

- Suspend membership – to allow investigation to take place and decision on appropriate measures to be taken.
- Written warning
- Supervision to ensure behavior change for one month

If no compliance, the following disciplinary “Procedure B” may be taken.

Procedure B

1. Withdrawal of membership
2. Dismissal
3. Taken to court

If proven guilty of abduction, rape, sodomy, or any form of pornography step 2 and 3 of disciplinary procedure will be taken immediately.