



Child Protection Policy

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13. INTRODUCTION

13.1. Preparation of this policy

This policy is the outcome of concerted effort summed up from staffs of FAROF and identified stakeholders for Child Rights promotion and protection in Nigeria to ensure that all the relevant sections of the child rights law are responded to from a CSOs perspective. The following process was adopted in the development of this Policy:

- Broad-based online consultation
- Desk review

FAROF was also selected as the representative for Kaduna state, Nigeria to participate for the production of a complimentary report on status of Implementation of the African Charter on the Rights and Welfare of the Child (ACRWC) in Nigeria

13.2. Definitions

Definition of a Child

13.2.1. Child

For the purposes of this policy, a “child” is defined as anyone under the age of 18, in line with the UN Convention on the Rights of the Child (UNCRC) and the Child Right Act of the Federal Government of Nigeria.

The Child’s Right Act 2003 defines a child as a person who has not attained the age of eighteen years. Art. 2 of the Children and Young Persons Act (CYPA), however, defines a child as: [a] person under the age of 14years, while 'young person' means a person who has attained the age of 14years and is under the age of 17years." p.21-22); The Immigration Act views a person below 16 years as a minor; while the Matrimonial Causes Act regards the age of maturity to start at 21 years; the Penal Code states: "No act is an offence which is done by a child under 7years of age; or by a child above seven years of age but under twelve years of age who has not attained sufficient maturity of understanding to judge the nature and consequence of such act." (Art. 50).

13.2.2. Child abuse

Child abuse consists of anything which individuals, institutions or processes do or fail to do which directly or indirectly harms children or damages their prospect of a safe and healthy development into adulthood

*Commission of Inquiry into the Prevention of Child Abuse and Neglect (UK) 1996 ,
later the Children ‘s Act 2004*

Child Protection: Child Protection within the scope of this policy is defined as the responsibilities, measures and activities that FAROF undertakes to safeguard children from both intentional and unintentional harm.

Code of Conduct

A set of behavioral guidelines for working with children are outlined in the FAROF Code of Conduct

14. PROTECTION POLICY, PROCEDURES AND GUIDANCE

The definition point to five types of abuse:

- 14.1. **Physical abuse:** This is actual physical harm and may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child including fabricating the symptoms of, or deliberately causing, ill health to a child.
- 14.2. **Neglect:** the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development, such as failing to provide adequate food, shelter and clothing, or neglect of, or unresponsiveness to, a child's basic emotional needs.
- 14.3. **Emotional abuse:** persistent or emotional ill treatment of a child that adversely affects their development. May involve conveying to a child that they are worthless, unloved, and inadequate, there only to meet the needs of another; or where inappropriate expectations are imposed upon them. In addition it includes children who are regularly frightened, exploited or corrupted.
- 14.4. **Sexual abuse:** is the involvement of a child in sexual activity. It may involve forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. This may also include involving children in looking at, or in the production of, pornographic material, or encouraging children to behave in sexually inappropriate ways.
- 14.5. **Exploitation:** trafficking, sex trade, child labour, drugs smuggling, child soldiers, exchanging sex for other favours

FAROF believes that all forms of abuse and exploitation suffered by children are unacceptable. FAROF aims to ensure that all children who come in contact with FAROF is safe from all forms of abuse and exploitation. The organization is committed to protecting children and seeks to ensure that children we work with are not harmed or abused as a result of our actions. The possibility of staff, donors or partners abusing children is one which the management of FAROF takes seriously and is committed to working to prevent.

The child protection/safeguarding policy is vital to the organization and it is expected that all staff and representatives understand why it is important and how to implement it. Child protection is a corporate and an individual responsibility. This policy extends beyond professional role in the workplace to conduct on one's personal life.

FAROF has zero tolerance to child abuse and staff. All staff will be made familiar with the need for a child protection concern in all that we do. Associations with **anyone** found to be engaging in abusive and exploitative relationships with children will be broken.

OUR VISION:

Envision serving as a source to humanitarian excellence, where every child and women's right are protected with improved quality health care, illiteracy and better living standard.

OUR MISSION STATEMENT:

FAROF mission is committed to creating a healthy community for the most disadvantaged children and women through quality health care, education, protection against violence and exploitation, and community development that are sustainable, replicable and appropriate for hard-to-reach-areas.

CORE VALUE:

Our core values are: **Excellence** (quality in service delivery), **Humanitarianism** (care for our target individuals), **Transparency** (Openness in our dealings), **Accountability** (responsible and answerable), **Commitment** (dedicated to our service) and **Resourcefulness** (value addition).

15. POLICY STATEMENT

FAROF takes its responsibility for protecting children and young people extremely seriously and therefore requires ALL its staff to report suspicions of ALL forms of abuse and neglect.

FAROF staff must comply with:

1. *The requirements of the Children's Rights Act 2003 (CRA)*

This is the law in the ACT relating to the care and protection of children and young people. Section 356 of the Act makes it **mandatory** for certain groups of people (including certain staff of FAROF) to make a report to Care and Protection Services when they believe on reasonable grounds, during the course of their work, that a child or young person has experienced or is experiencing sexual abuse or non-accidental physical injury.

The *Children and Young People Act 2008* also has other sections that refer to prenatal reporting (Section 362) and voluntary reporting (Section 354).

2. **FAROF requirement to** report suspicions of all other forms of abuse, including neglect and emotional abuse. These obligations arise as a condition of employment and must be complied with regardless of whether or not the employee is mandated under the Act to report such suspicions.

This policy should be read in conjunction with the:

- Child Protection Standard Operating Procedure (SOP); and
- Child Protection Practice Paper.
- Child Right Act
- And other SOP that protect a child at federal and state level

16. PURPOSE

This policy establishes the guiding principles, responsibilities and legislative basis for FAROF staff to protect unborn children, children and young people aged 0 and up to 18 years and even to 24 years of age

This policy aims to improve the protection of children by promoting both education and health interventions and ensure FAROF staffs understand and fulfil their responsibilities in relation to child protection.

Guiding principles for protecting children include:

- The best interest of the child is paramount;
- Child abuse and neglect is a crime;
- Child abuse and neglect will not go away without intervention;
- Children are vulnerable and need members of the community to support, advocate and protect them, even if their parents or carers cannot or do not do so;
- Listening to children and advocating on their behalf is an important role for FAROF staff;
- Protecting children is a shared community responsibility;

- Supporting children and families and intervening early improves long-term outcomes for children;
- FAROF staff are mandatory reporters and are legally bound to report suspicions of child physical and sexual abuse.
- FAROF staff are also required to report suspicions of all other forms of abuse, including neglect and emotional abuse.
- It is mandatory for all FAROF staff to attend child protection training.

17. SCOPE

This *Child Protection Policy* and related SOP applies to all FAROF staff.

17.1. Recruitment & Training

17.1.1. Board members, staff, interns and volunteers will be carefully and properly screened during their recruitment period. This will include:

- asking the candidate to sign a declaration of criminal convictions as part of the application process;
- obtaining a police check where possible;
- obtaining a reliable character and professional reference, with particular attention given to any area of concern relating to child protection;
- During the interview, questions bordering on child protection and the candidates attitudes, perceptions and knowledge about keeping children safe would be asked

17.1.2. All prospective employees, interns, volunteers, partners and board members will undertake induction and training on the organization's Child Safeguarding policy which is relevant and appropriate to their position. Staff will sign the Child safeguarding Policy at the time they are given their induction or at the same time they sign their contract, agreeing to uphold its principles and values, and to comply with its rules.

17.1.3. Individuals who are hired as independent contractors will be briefed and given a copy of the organization's Child Safeguarding Policy and required to sign a declaration that they have received and understood it.

17.1.4. Volunteers with the organization will be monitored by the Team Leaders to whom they are assigned to ensure that confidential information concerning children is not misused. Where there are concerns, managers should inform the (Head Human Resource Dept), who will investigate further.

17.2. Behaviour Protocols

Behaviour protocols are rules of appropriate and proper behaviour, which are designed to protect children but are also intended to protect adults from false accusations of inappropriate behaviour or abuse. These protocols apply to employees, volunteers, board members, contractors, sponsors and any visitors to the organization's projects.

17.2.1. FAROF personnel and visitors must not spend unnecessary time alone with children, including in the following situations: in a car, overnight in your home, or the home of a child, in office, in a camp, at activity sites etc. or sleep with beneficiaries in the same house without prior approval by the line manager. Such

- approval can only be given if there is concern that not doing so might put the children at risk of abuse or exploitation and if there are no other suitable options.
- 17.2.2. FAROF personnel and visitors should not hire children as “house help” or promote any form of exploitative child labor.
 - 17.2.3. FAROF personnel and visitors must not fondle or kiss children. They must also not hold, hug or touch children in an inappropriate or culturally insensitive way. To avoid misunderstanding, it is recommended that a child be asked for permission before touching him/her in a culturally appropriate way, for example holding hands.
 - 17.2.4. Where possible and practical, the “two-adult” rule, wherein two or more adults supervise all activities where children are involved and are present at all times, should be followed. If this is not possible, FAROF staff members are encouraged to look for alternatives such as being accompanied by community members on visits to children. In addition, gender should be considered in the “two-adult” rule, for example an adolescent girl should never be in a situation where she is alone with 2 male staff.
 - 17.2.5. FAROF staff or representatives must never physically assault or physically abuse children.
 - 17.2.6. FAROF staff or representatives must never have sexual intercourse, or engage in any sexual activity, with anyone under 18 years of age, regardless of the age of consent locally. Mistaken belief in the age of the child is not a defense.
 - 17.2.7. FAROF staff or representatives must never discriminate against, show unfair differential treatment to, or favour particular children to the exclusion of others.
 - 17.2.8. FAROF staff or representatives must not develop physical/sexual relationships with children or develop any form of relationship with children which could in any way be deemed exploitative or abusive.
 - 17.2.9. FAROF staff or representatives must not exploit their own position vis-à-vis the beneficiaries by making them run errands, do domestic work, exchange sex for favours, or carry out other forms of economic or sexual exploitation.
 - 17.2.10. FAROF staff or representatives must not act in ways intended to shame, humiliate or degrade children, or otherwise perpetuate any form of emotional abuse.
 - 17.2.11. FAROF staff or representatives must not be aware of these and not do anything about it.
 - 17.2.12. FAROF personnel need to be aware that they may work with children who, because of the circumstances and abuses they have experienced, may use a relationship to obtain “special attention”. The adult is always considered responsible even if a child behaves seductively. Adults should avoid being placed in a compromising or vulnerable position.
 - 17.2.13. FAROF is committed to creating a child friendly environment and to ensure that how we work is safe and doesn’t put children at risk of harm.
 - 17.2.14. Inappropriate behaviour towards children is grounds for discipline.

18. PROCEDURES FOR REPORTING SUSPECTED OR ACTUAL ABUSE OF CHILDREN

- 18.1. Should a member of FAROF receive any information about, or observe actual or suspected child abuse by a staff, volunteer, visitor or any other representative he or she must immediately inform the designate Child Protection focal person. If the concern involves the CP focal person, the concern must be reported to the organization’s Director of Human Resources. If the concern involves the Director of HR, the concern should be reported to the CEO, President, Coordinator (or any such

top placed positions as available in the organization) and when the concern involves this person, it should be reported to the board.

Note: The reporter is not required to investigate or try to find “more proof” before making the report. They must just make the report, and the process of investigation will be handled confidentially by trained senior staff member.

- 18.2. Reporting of child abuse is a requirement of the organization and should be undertaken by staff, volunteers and other representatives. Non-reporting is considered to be a breach of the Child Safeguarding Policy.

19. RISK ASSESSMENT

All FAROF’s staff, volunteers and interns must conduct and document a risk assessment when planning a new activity or event that would involve the participation of children. Taking children out of their primary environment e.g. for excursions, state level activity etc. in particular is considered to be a high risk activity.

A Risk Assessment Matrix is provided and should be completed well in advance of the activity or event.

Use this Matrix to identify any risk to the safety and wellbeing of children, assess the level of risk, and develop strategies to reduce this risk. See **Risk Assessment Matrix**

To do a risk assessment one must:

1. Consider any risk factors in the program or activity taking into account:
 - The age, race, social background, gender, skin color, disability, religion, beliefs, citizenship or sexual orientation of the children
 - The setting or environment (e.g. is it outdoors, in a Shelter Home, one-on-one, at night, etc.)
 - What is involved in the program or activity (e.g. workshops)
 - The level of supervision and ratio of adults to children
 - Any other risk factor you can identify
2. Evaluate the level of risk of each of the identified factors as HIGH, MEDIUM or LOW.
3. Prioritise the factors according to their level of risk.
4. Develop strategies to minimise the risk in order to reduce the likelihood of harm or abuse occurring.

If a child will be physically present at an activity the child as well as her or his parents/guardians must complete: **a Parental / Child Consent form.**

20. COMMUNICATIONS ABOUT CHILDREN

- 20.1. Photographs or videos of children must be decent and respectful, and not presenting them as victims. Children should be adequately clothed and poses that could be interpreted as sexually suggestive must be avoided. Language that implies a relationship of power should also be avoided. However, we also recognize there are

times when children are in reality victims, for example, of famine. In such cases the child's dignity should still be preserved whilst presenting the reality.

- 20.2. No FAROF staff or partners is allowed to scan images of children onto Web sites nor can any child's photo or video be used for promotional materials without formal permission of the organization responsible for the project, the parent(s)/guardian(s) of the child, and where the child is old enough (e.g. over the age of 5 or 6 years), the child must also give his/her permission. This permission should be in writing.
- 20.3. Child's personal and physical information that could be used to identify the location of a child within a country should not be used on FAROF web sites or in any other form of communication about a child.
- 20.4. Individuals or organizations requesting the use of FAROF's resources such as videos or photographs should be required to sign an agreement with the organization as to the proper use of such materials, in line with the Child Safeguarding Policy. The agreement will include a statement that any use of such materials for purposes other than what is agreed upon could subject the borrowing individual or organization to legal action. Furthermore, failure to adhere to the agreed upon use of the material will result in the immediate termination of the organization's permission to use the subject materials and/or require immediate return of all materials provided by the agency as well as any copies of such materials.

21. PARTNER ORGANIZATIONS

6.1 Any agreement between FAROF and partners which provide services to children will require assurance that child safeguarding policies and procedures are in place, acknowledging that lack of such policies can place children and the agency at risk.

22. SUPPORTING POLICIES

- 22.1. Other policies and laws that support the FAROF child protection policies in Nigeria include: The Nigerian Constitution 1999 as amended; the National Health Policy (2016); the National Priority Agenda for (OVC) 2013-2020; the Trafficking in Persons Prohibition Enforcement and Administration (TIPPEA) Act 2015; the Universal Basic Education Act 2003 (amended 2005, 2014); the Birth, Death (Compulsory Registration) Act 1992; the National Human Rights Commission Act 1995. The Administration of Criminal Justice Act 2015, Violence Against Persons Prohibition Act (VAPP, 2015). The 2015 TIPPEA Act renamed NAPTIP to the 'National Agency for the Prohibition of Trafficking in Persons', thus streamlining NAPTIP's mandate to increase its efficiency, with 6 specialized departments and reinforced powers including for co-ordination purposes and enforcement of all other laws on TIP and other related offences such as the VAPP 2015 Act. The TIPPEA Act 2015 also tightens penalty provisions and reduces the discretion of judges to offer the option of fine in lieu of prison term.

Non-discrimination - Section 42 of the 1999 Nigeria Constitution provides for freedom from discrimination on the grounds of ethnic group, origin, gender, religion, circumstances of birth, disability, or political opinion.

Best Interests of The Child – FAROF works in the best interest of a child, where there are inconsistencies in the age of a child, the issue will be resolved in favour of the child. In line with the CRA, sections 1 and 2 states that:

“In every action concerning a child, whether undertaken by an individual, public or private body, institutions or service, court of law, or administrative or legislative authority, the best interest of the child shall be the primary consideration.....”

23. SURVIVAL RIGHTS OF THE CHILD; BASIC HEALTH AND WELFARE

- 23.1. **FAROF protects Against Harmful Social and Cultural Practices that affect every child, be** victims of harmful cultural/religious practices: Female genital mutilation, body-parts burning and beating of alleged child witches, child marriage, child-bride kidnapping, wife inheritance, bride price and dowry related violence, virginity test etc. (www.stopvaw.org).
- 23.2. **FAROF is concerned about Handicapped Children, through partnering with other** organizations or government in sensitizing parents who have children with special needs. FAROF promote Free education to be given to physically challenged children in hard to reach communities.
- 23.3. FAROF is concerned that children are relegated from participating in activities related to the rights stated in Article 38 subsection 1 of the Nigerian constitution 1999 as amended which provides for freedom of thought, conscience and Religion. Cultural, traditional, and religious norms and assumptions are impediments to the implementation of these rights as well as limited knowledge and information to parents and community members on the child’s rights.
- 23.4. FAROF has keyed into the Education for All (EFA) goal. Section 15 of the Child Rights Act also states that every child has the right to free and compulsory education. FAROF will raise resources to increase basic education for children through, the Universal Basic Education Act 2004 and its strategic policies in line with the Sustainable Development Goals.
- 23.5. FAROF and her staffs will ensure treatment and protection of refugee children and provisions of relief materials including livelihood trainings and empowerment programmes.

24. RIGHTS TO FREEDOM

24.1. Freedom of Association

- 5.1. Section 6 of the CRA states that *“Every child has the right to freedom of association and peaceful assembly in conformity with the law and in accordance with the necessary guidance and directions of his parents or guardians”*. FAROF will continue to support this provision through practical approaches that aids children in exercising their freedom of association through the formation of clubs like the Girls' Guides, Boys' Brigades, Boys' Scouts, Child Rights and Debating Clubs.

Review of policy

This policy will be reviewed every three years. The Child Protection Advisor will manage the review, and staff will be consulted in this process



Statement of Commitment to FAROF’s Child Safeguarding Policy

1. I, _____ have read, have been given a briefing or induction and **understand** the standards and guidelines outlined in this Child Protection Policy.
2. I agree with the principles contained herein and accept to conduct myself, and my work, in line with the standards and rules laid out in the Child Safeguarding Policy. I agree to do so both in my professional and private life. I understand that these rules include a mandatory requirement for staff to report all concerns.
3. I have not been accused or convicted of any offence involving any form of abuse or exploitation of children.
4. I understand that if a complaint is brought against me regarding a breach of the Child Safeguarding Policy while engaged by FAROF, the allegation will be thoroughly investigated in cooperation with the appropriate authorities;
5. I agree to co-operate with any investigation that involves an allegation of a breach of the Child Safeguarding Policy, whether that allegation has been made against me or against another representative of the organization.

(Print name)

(Job title/role)

(Signature)

(Date)

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APPROVED BY

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