

Schüler Helfen Leben (SHL)‘s Policy on Child Protection

SHL defines child protection as measures and structures to prevent and respond to abuse, neglect, exploitation and violence affecting children and youth. SHL considers the protection of children’s and youth’s rights as the fundamental basis and principle of its work, the promotion and advocacy of children’s and youth’s rights should be actively implemented in SHL’s and its partner organizations’ work.

Children and Youth’s Rights to Protection

The definition of a child under the UN Child Rights Convention (CRC) covers all human beings under the age of 18 unless the relevant national law recognises an earlier age of majority. However, the CRC emphasises that the substitution of an earlier age of majority must be in conformity with the spirit of the CRC and its guiding principles and thus should not be used to undermine the rights of a child.

The goal of child protection is to promote, protect and fulfill children’s and youth’s rights to protection from abuse, neglect, exploitation and violence as expressed in the UN Convention on the Rights of the Child and other human rights, humanitarian and refugee treaties and conventions, as well as national laws.¹ Child protection work aims to prevent, respond and resolve the abuse, neglect, exploitation and violence experienced by children and youth in all settings.

SHL Code of Conduct

The Code of Conduct of Schüler Helfen Leben is a statement on the professional expectations the organization has of its employees and partner organizations when they come into contact with children and youth in the course of their work. All employees and staff of partner organizations in contact with children and youth shall be aware of its requirements bearing in mind that a "Duty of Care" exists whereby employees and staff of partner organizations not only have to apply principles of good practice in their work with children and youth but have in addition a responsibility, and in many cases a legal duty to ensure the protection and safety of children and youth in their care. Children and youth are vulnerable to the risk of harm from a variety of sources and employees and

¹ Key child protection articles in the UN Convention on the Rights of the Child are Articles 9 (family separation), 10 (family reunification across borders), 11 (illicit transfer of children), 16 (right to privacy, honour and reputation), 19 (protection from violence, injury, abuse, neglect, maltreatment or exploitation), 20 (alternative care), 21 (adoption), 22 (refugee children), 23 (disabled children), 24 (harmful practices), 25 (periodic review of alternative care), 32 (economic exploitation), 34 (sexual abuse and exploitation), 35 (abduction, sale or trafficking of children) , 36 (other forms of exploitation), 37 (juvenile justice and protection from torture or other cruel, inhuman or degrading treatment or punishment), 38 (protection in armed conflict), 39 (recovery and reintegration) and 40 (children in conflict with the law).

Articles that are not protection rights but represent important approaches to securing children’s protection rights include Articles 5 (support for the parent, extended family and community); 7 (birth registration and protection of identity), 18 (parental responsibility), 26 (social security), 27(adequate standard of living and social protection), 28 & 29 (education), and 31 (play and leisure).

In addition, Articles 2 (non-discrimination), 3 (the best interests of the child), 4 (accountability), 6 (survival and development) and 12 (children and youth’s right to be heard) are all essential complements to the above articles.

others have a responsibility to reduce risk by challenging bad practice and thereby identifying and mitigating risks to children and youth with whom they work.

The SHL Code of Conduct represents a general framework for adult behaviour and contact with children and youth other than their own. Employees and partner organizations are required to operationalise the Code of Conduct, as part of the Child Protection Policy, in programmes and activities, both in Germany and the respective countries of partner organizations, by considering child protection in the local context and the individual nature of programmes and activities.

Within the context of their profession and bearing in mind the rights of the child will be upheld by SHL, employees and partner organizations in contact with children and youth are obliged to

- strive to understand children and youth within the local context in which they live;
- work with children and youth in a spirit of co-operation and partnership based on mutual trust and respect;
- work with children and youth in ways which enhance their capacities and capabilities and develop their potential;
- treat children and youth with respect and recognise them as individuals in their own right;
- regard children and youth positively and value them as individuals with specific needs and rights;
- value the views of children and youth and take them seriously.

The aim of this Code of Conduct is to uphold the rights of the child, SHL believes it is the right of children and youth to

- be listened to and have their views given careful consideration;
- be encouraged and helped to participate in decisions which affect them;
- have their welfare and development promoted and safeguarded so that they can achieve their full potential;
- be considered players in their own development with health, safety, well being and their best interest considered of paramount importance;
- be valued, respected and understood within the context of their own culture, religion, ethnicity or other distinctions;
- have their needs identified and met within the context of the family wherever possible.

Within the context of their profession, employees and partner organizations in contact with children and youth, should always

- empower children and youth by promoting children's and youth's rights and raising awareness;
- avoid situations which isolate children and youth and where behaviour cannot be observed such as in vehicles, offices and homes;
- challenge poor practice and recognise potential pitfalls which might lead to child abuse;
- promote a culture of openness where issues and concerns can be raised and discussed;
- ensure visibility, whenever possible, with children and youth and apply the two adult rule or arrange a suitable alternative;
- organise awareness workshops with children and youth to define acceptable and unacceptable behaviour with adults;
- discuss openly with children and youth about their contacts and relationships with employees and others;

- discuss issues of concern with children and youth and explain how to raise concerns;
- identify and avoid compromising and/or vulnerable situations which might lead to accusations;
- ensure when making images of children and youth (photos, video etc.) that they are respectful, that the children and youth are adequately clothed and that sexually suggestive poses are avoided;
- be aware that physically handling a child, perhaps to offer comfort, can be misconstrued by observers or the child;
- on trips/tours away from home ensure that another adult is always present if a child's room is visited at any time and the door should always be left open.

Within the context of their profession, and bearing in mind the rights of the child will be upheld by SHL, employees and partner organizations, in contact with children and youth, should never

- use language or behaviour towards children and youth that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate;
- act in ways intended to shame, humiliate, belittle or degrade children and youth, or otherwise
- perpetrate any form of emotional abuse;
- fondle, hold, kiss, hug or touch children and youth in an inappropriate or culturally insensitive way;
- hit or otherwise physically assault or physically abuse children and youth;
- engage in any form of sexual activity or develop physical/sexual relationships with anyone under the age of 18 regardless of the age of consent locally. Mistaken belief in the age of a child is not a defence;
- develop relationships with children and youth which could in any way be deemed exploitive or abusive;
- sleep in the same room or bed as a child with whom I am working with;
- do things for children and youth of a personal nature that they can do for themselves;
- condone or participate in behaviour of children and youth which is illegal, unsafe or abusive;
- discriminate against, show differential treatment to, or favour particular children and youth to the exclusion of others;
- spend excessive time alone with children and youth away from others;
- hire children and youth as 'house help or engage in any form of commercial exploitation of a child or provide shelter for children and youth in their home in inappropriate circumstances;
- seek to make contact and spend time with any child or young person outside the accepted program/visit times;
- invite or have an unaccompanied child/ children and youth into my home, unless they are at immediate risk of injury or in physical danger;
- use the organization's computers, mobile phones, video and digital cameras for the purpose of exploiting or harassing children and youth or young people;
- disclose information that identifies children and youth or their families or make it available to the general;
- share my personal contact details (email, phone numbers, social media sites, address etc) with any child associated with SHL's work;
- ask for or accept the personal contact details (email, phone numbers, social media sites, address etc.) of any child associated with SHL's work;
- meet with or communicate with any child associated with SHL's work outside of the scheduled times of any SHL project or activity.

A Cautionary Note to the Reader on Definitions

Different languages and different professional fields can use different terminology to refer to all the issues above. In some contexts the term *child maltreatment* is used to refer to all forms of abuse, neglect and exploitation carried out by a parent or carer. In other context, the term *child abuse* is used as the generic term that includes physical, sexual and psychological abuse as well as neglect and exploitation. For some people *violence* is the generic term that covers all these forms of harm.

Definition of ...

Abuse

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. Abuse includes all forms of physical, sexual, psychological or emotional ill treatment. The term 'abuse' is, in some contexts, used to refer primarily to such acts when committed 'in the context of a relationship of responsibility, trust, or power' such as by someone who has the care of the child including parent(s), legal guardian(s) or any other person who has the care of the child even temporarily such as a teacher, a community worker, a babysitter or nanny etc. In most contexts though, 'child abuse' is understood to refer to all such acts of ill treatment including when committed by a stranger.

Child abuse will be committed regardless of any justification or reason that may be provided for the ill treatment including discipline, legal sanction, economic necessity, the child's own consent to it, or in the name of cultural and religious practice.

Examples:

Physical Abuse involves the use of violent physical force so as to cause actual or likely physical injury or suffering, (e.g. hitting, shaking, burning, female genital mutilation, torture.)

Emotional or psychological abuse includes humiliating and degrading treatment such as bad name calling, constant criticism, belittling, persistent shaming, solitary confinement and isolation.)

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

Neglect

Deliberately, or through carelessness or negligence, failing to provide for, or secure for a child, their rights to physical safety and development. Neglect is sometimes called the 'passive' form of abuse in that it relates to the failure to carry out some key aspect of the care and protection of children and youth which results in significant impairment of the child's health or development including a failure to thrive emotionally and socially. Evidence is usually needed of persistent or severe neglect (repeated failures or a failure that is in itself so serious that it severely endangers the child.)

Examples:

Neglect includes abandonment, the failure to properly supervise and protect children and youth from harm as much as is feasible, the deliberate failure to carry out important aspects of care which results or is likely to result in harm to the child, the deliberate failure to provide medical care or carelessly exposing a child to harm for examples can amount to neglect.

Exploitation

Child exploitation refers to the use of children and youth 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 socialemotional development. It covers situations of manipulation, misuse, abuse, victimization, oppression or ill-treatment. There are two main forms of child exploitation that are recognised:

Sexual exploitation:

the abuse of a position of vulnerability, differential power, or trust for sexual purposes; this includes profiting monetarily, socially or politically from the exploitation of another as well as personal sexual gratification. *Examples: Child prostitution, trafficking of children and youth for sexual abuse and exploitation, child pornography, sexual slavery.*

Economic exploitation of a child:

the use of the child in work or other activities for the benefit of others. This includes, but is not limited to, child labour. Economic exploitation implies the idea of a certain gain or profit through the production, distribution and consumption of goods and services. This material interest has an impact on the economy of a certain unit, be it the State, the community or the family. *Examples: Child domestic work, child soldiers and the recruitment and involvement of children and youth in armed conflict, child bondage, the use of children and youth from criminal activities including the sale and distribution of narcotics, the involvement of children and youth in any harmful or hazardous work.*

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 and youth (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"** as well as the definition used by WHO in the World Report on Violence and Health (2002): **"the intentional use of physical force or power, threatened or actual, against a child, by an individual or group, that either results in or has a high likelihood of resulting in actual or potential harm to the child's health, survival, development or dignity."** Violence can be committed by individuals or by the State as well as groups and organisations through their members and their policies. It results not only in fear of/ or actual injury but also in fundamental interference with personal freedom.

WHO has identified 3 types of violence:

Self directed violence:

Suicide and self mutilation

Interpersonal violence:

All forms of physical, sexual and psychological abuse, neglect and exploitation including domestic violence and other forms of gender based violence.

Corporal or physical punishment (and the threat of it):

This includes hitting the child with the hand or with an object (such as a cane, belt, whip, shoe, etc); kicking, shaking, or throwing the child, pinching or pulling their hair; forcing a child to stay in uncomfortable or undignified positions, or to take excessive physical exercise; and burning or scarring the child.

Humiliating or Degrading Punishment

This takes various forms such as psychological punishment, verbal abuse, ridicule, isolation, and ignoring the child.

Collective violence:

State violence is one of the primary forms of collective violence and is understood as violence committed, condoned or allowed by the State and its representatives. It includes violence by the armed forces, law enforcement officers and security forces of all kinds but also violence committed by any other State agent. State violence against children and youth include the use of the death penalty and other cruel, inhuman and degrading treatment including torture, forced displacement, unlawful imprisonment, extra-judicial killings and executions, enforced disappearances, all forms of violence against children and youth living under the care of the State including children and youth living in institutions and children and youth in detention and penal facilities among other examples. Other forms of collective violence would include violence resulting from internal and international armed conflicts, terrorism, organised crime, but also collective forms of violence targeting specific groups of people such as child infanticide, honour killings, gang violence.

Harm

Harm is the result of the exploitation, violence, abuse and neglect of children and youth and can take many forms, including impacts on children and youth's physical, emotional and behavioural development, their general health, their family and social relationships, their self-esteem, their educational attainment and their aspirations. In some context, the term 'significant harm' is used within the protection system to determine the threshold of harm required before intervention by protection services can be undertaken. This approach seeks to balance the potential risk posed to the child facing the protection issue with the real risks that may come with the intervention itself.

Emergencies

Situations where the survival, physical or mental well being, or development opportunities for children and youth are threatened as a result of armed conflict, the breakdown of social or legal order or a natural disaster. In the context of an emergency, pre-existing child protection concerns are likely to persist and possibly be worsened by the emergency situation. At the same time a range of new concerns, some specific to the situation itself and others relating to the response to that crisis will need to be understood and addressed. This means that an effective child protection response in an emergency should be both informed and based on the pre-existing situation and concerns while also attempting to prevent, reduce and respond to the new issues created by the crisis.

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