



CHILD PROTECTION POLICY

Approved by the Board of Trustees in 2015

HARARE

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1. INTRODUCTION

Justice for Children (JCT) is a non-governmental organisation which was established in December 2002 as a Trust under Trust Deed Number MA1300/02. The organisation was registered with the Law Society of Zimbabwe on the 26th of February 2004 to provide legal services to orphans and vulnerable children below the age of 18 years. It is an organisation registered both with the High Court of Zimbabwe and the Law Society of Zimbabwe. It was registered with the Department of Social Services as a Private Voluntary Organisation under PVO 07/12.

As a child rights organisation, JCT realizes the importance of and is committed to ensuring the safety of child in the community and those who come in contact with the organisation either in seeking assistance or through participation in the organisation's activities. It is for this reason that Justice for Children has introduced a Child Protection Policy aimed at standardizing child protection measures both within the organisation and communities. Clear rules governing conduct as well as functioning and transparent oversight and complaint mechanisms all go towards ensuring a high degree of child protection and these are contained in this policy. The JCT Board, employees, interns and volunteers are bound by the policy.

1.1. Background Principles

The policy is derived from principles set out in JCT's Constitution and international and regional instruments on children's rights such as the United Nations Convention on the Rights of the Child (UNCRC), the African Charter on the Rights and Welfare of the Child (ACRWC) and these are: non discrimination, life survival and development and child participation.

1.2 Vision, Mission and Values

a. Vision

A Zimbabwe in which all children have access to justice and enjoy their human rights.

b. Mission

Justice for Children ensures access to Justice to and the enjoyment of human rights by all children below the age of 18 years through:

- The provision of legal aid to children in difficult circumstances,
- Empowering the children and adults on child protection laws and child rights and responsibilities, and
- Research on issues affecting children and advocating for them.

c. Core values

JCT is driven by child centeredness, teamwork, dedication, sensitivity, professionalism, transparency, accountability, confidentiality and innovation.

1.3. Legal framework

The protection of the rights of children is provided for firstly in international and regional instruments on the rights of children namely the UNCRC and the African Charter on the Rights and Welfare of the Child (ACRWC). Articles 19, 34 and 39 provide for the protection of children from all forms of abuse. In particular Article 19 requires:

“... legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation...”

Zimbabwe ratified the UNCRC in 1990 and the ACRWC in 1995 and by ratifying the instruments, Zimbabwe undertook to recognize and uphold the rights in the instruments. Measures have been taken to domesticate some provisions of the instruments in domestic law that is in the Constitution and subsidiary legislation. The instruments are a moral and legal foundation for JCT’s work and ensure the protection of children in the scope of its work. The instruments therefore serve as a legally building frame of reference for this Child Protection Policy.

1.3.1. The Constitution of Zimbabwe

In 2013, Zimbabwe adopted a new Constitution (Constitution of Zimbabwe Amendment (No. 20) Act 2013) which provides for the protection of children’s rights as National Objectives and in the Bill of rights. Section 81 defines a child as a boy or girl below the age of 18 and further provides for children’s rights which include the protection of children from abuse by stating in Section 81 (1) (e) that every child has a right:

“to be protected from economic and sexual exploitation, from child labour, and from maltreatment, neglect or any form of abuse;”

Section 81 (2) of the Constitution states that the paramount consideration in every matter concerning the child is the best interests of the child. The Constitution also recognizes in section 78 the rights of every person who has attained 18 years to found a family. It therefore means that a child cannot enter into a marriage.

1.3.1.1. Supremacy of the Constitution

The Constitution is the supreme law of the law as provided for in Section 2 of the Constitution which states that:

- (1) *“The Constitution is the supreme law of Zimbabwe and any law, practice, custom or conduct inconsistent with it is invalid to the extent of the inconsistency.*
- (2) *The obligations imposed by this Constitution are binding on every person, natural or juristic, including the State and all executive, legislative and judicial institutions and agencies of the government at every level, and must be fulfilled by them.”*

JCT recognizes the supremacy of the Constitution and this policy abides by the principles and rights provided for in the Constitution.

1.3.2. Subsidiary laws and policies

Supporting the Constitution are various pieces of legislation which provide for the protection of children from all forms of abuse. These include the Children’s Act (Chapter 5:06), the Criminal Law (Codification and Reform) Act (Chapter 9:13) and the Criminal procedure and Evidence Act (Chapter 9:07) which provides for the protection of vulnerable witnesses during trial and establishes the Victim Friendly Court. Zimbabwe has also enacted policies which also protect children. One notable policy is the Protocol on the Multi-Sectoral Management of Sexual Abuse and Violence in Zimbabwe by the Judicial Services Commission in 2012. The Protocol promotes a coordinated and integrated approach to sexual abuse and violence. It also outlines the principles that guide responses to sexual violence and abuse and setting out the roles and responsibilities of children, adults, professionals, communities and organisations involved. Other policies are the Orphan Care Policy and the National Action Plan for Orphans and Vulnerable Children (Phases 1 & 2).

1.4 Definition of terms

- In line with the UNCRC, ACRWC and the Constitution of Zimbabwe, a child is anyone under the age of 18 years.
- Child abuse or maltreatment constitutes all forms of physical and/ or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child’s health, survival, development or dignity in the context of a relationship of responsibility, trust or power.¹ The following types of abuse were taken from the definition:
 - a. Physical abuse: is actual or potential physical harm to a child or failure to live up to the responsibility to protect a child from physical injury.
 - b. Sexual abuse: is any sexually motivated touching of a child, whether actual or threatened, including all forms of sexual activities and also includes activities that do not involve physical contact, such as showing the child pornographic material.

¹ World Health Organisation. “Report of the Consultation on Child Abuse Prevention”, Geneva 1999

- c. Emotional abuse: is any act which may diminish the sense of identity, dignity and self worth and may include verbal assault, intimidation or exposing the child to domestic violence.
- d. Exploitation: consists of the commercial or other use of a child through activities that the child performs for the benefit of a third person.
- e. Neglect: is the failure to provide necessary care, guidance or attention that causes or is likely to cause physical or emotional harm.

2. PREVENTATIVE MEASURES

2.1. Code of Conduct

The Code of Conduct for JCT will apply to every member of the Board, employees, interns and volunteers.

When working with children under the auspices of Justice for Children, these will sign a statement to commitment to abide by the code of conduct and child protection policy. The Code of Conduct therefore includes guidance on appropriate and inappropriate behavior of adults towards children. JCT believes strongly in children's rights to survival, protection, participation and development as enshrined in International, Regional and National laws. This code of conduct has been developed in furtherance of the best interests of the children and must be interpreted by all in that spirit.

2.1.1. Appropriate standards of behavior

JCT board, employees, interns and volunteers must:

- Report all cases of child abuse as soon as they happen or know of the case. Respect and encourage children's voices and views on issues affecting them
- Promote inclusiveness and involve all children regardless of gender, disability, ethnicity, religion or any other status
- Contributing to creating a safe and nurturing environment for children and treat them with respect
- Avoid meeting or assisting children on their own and under circumstances that might be potentially questionable to others.
- Maintain confidentiality in all matters involving children
- Seek the children's parents or guardians' authorization before using the children's pictures in information, education and communication material

- Ensure the safety of children in all the organisation's activities. This includes ensuring that children have the requisite authority to attend activities and that they are accompanied, ensuring that activities are completed on time so that children get home on time

2.1.2. Inappropriate standards of behavior

JCT board, employees, interns and volunteers should not:

- Abuse the power afforded by position and office to abuse a child
- Abuse or exploit a child sexually, physically or emotionally or expose a child to illicit material
- Hit and physically assault a child in any other way
- Use language that may lead to the emotional abuse of a child
- Embarrass, shame, humiliate or degrade a child
- Discriminate a child on the basis of gender, disability, ethnicity, religion or any other status
- To provide a child with unsolicited help to perform intimate acts that the child can manage alone (such as accompanying the child to the toilet or changing clothing)
- Allow children to engage in sexually provocative games with each other.

2.2. Standards for Human Resources

The Standards for Human Resources set out in this policy are in line with JCT's Human Resources Policy Manual and where there are inconsistencies, the Human Resources Policy Manual shall take precedence.

2.2.1. Job advertisement, recruitment and selection

- Before the advertisement, selection and recruitment of an employee, a clear job description will be formulated specifying the terms of reference for all posts, including short term contracts and consultations.
- The job advertisements will include a reference to our commitment to our child protection policy. Recruiting procedures will be according to the child protection policy procedures where even hired personnel have to comply.
- Before the interview, a process to verify the prospective candidate's identity and qualifications will be conducted. The candidates will be asked to produce at least two referees who can comment on their work with children.
- Job offers will only be made subject to satisfactory clearance from checking statutory records including police clearance, satisfactory verification of the candidate's qualifications and curriculum vitae.

- All jobs will include a probationary period and the condition that Justice for Children will take appropriate action at any time new information arises that will cast doubt on the employee's trustworthiness with children. Such information will be treated confidentially and disclosed to the employee for appropriate action.

2.2.2. Volunteer programme

- This involves the engagement of volunteers to assist in the organisation's programmes and shall be done in line with the organisation's Volunteer Policy.
- If the agreed responsibilities involve direct contact with children, the selection and engagement process will not differ from the approach used to hire the organisation's employees.
- All volunteers will undergo awareness training and receive continuous education in line with their responsibilities and roles on the issue of child protection.

2.3. General standards to protect children in communication processes

- JCT will seek the consent of children and their parents and guardians in all documentation and communication material produced by the organisation. Reports or documentations about individual children require an extensive description of the intended purpose and use of the media content. A copy of the consent form is attached to this policy as Annexure 1.
- All material produced will ensure the privacy of the child by e.g. use of pseudonyms or concealing of faces during video documentaries.
- All pictures must show children adequately dressed and should maintain their dignity.

3. CASE MANAGEMENT SYSTEM

JCT has an institutional system for dealing with cases of suspected child abuse. The goal of the case management system is to enable an appropriate and speedy investigation of any given case. All procedures should be in line with JCT's Human Resources Policy and Code of Conduct. Where there are inconsistencies between the policies, the Human Resources Policy shall take precedence.

3.1. The Child protection Team

There shall be a child protection team which ensures that all reports of child abuse within the organisation are investigated, prosecuted and documented. The team also ensures that necessary steps for protecting the affected children are taken.

3.1.1. Composition of the Team

The Team comprises of one member of the Board of Trustees, the Director, a project officer, the Finance and Administration Officer and at least two volunteers. One person from the team shall be selected as the Child protection officer who shall be responsible for the documentation of all reported cases.

3.2. Procedure for reporting, investigation and sanctions

- These procedures shall complement the procedures laid out in the Human Resources Policy Manual and where there is contradiction, the Human Resources Policy Manual shall take precedence.
- Where an allegation has been made that a JCT board member, staff, volunteer, stakeholder or visitor has abused a child, the Child Protection Officer shall firstly ensure the safety of the child concerned and if there is continued danger to the child, ensure that the child is taken to a safe place whilst investigations are ongoing.
- The Child protection officer shall ensure that the child receives other critical services such as health and counselling services.
- The Director will be informed of all child abuse allegations within 24 hours of the report being made.
- A meeting shall be convened within 48 hours of receiving the report of alleged abuse and take measures to ensure that case is investigated, documented and a written report of findings completed within 30 days of the allegation.
- If an investigation leads to the conclusion that abuse has occurred, the Child Protection team will take appropriate action as outlined in the organisation's code of conduct which includes termination of contract.
- All cases of a criminal nature should be referred to the police for criminal investigations and prosecution.
- Where there is no evidence of abuse found, the informant, alleged victim and alleged perpetrator will be notified.
- The allegation will be kept confidential, with only those directly involved having the appropriate information.
- JCT members of staff and volunteers who are found guilty of violating confidentiality of allegations will receive a written warning.
- The organisation will not dismiss a child's accusation of abuse without appropriate investigation, no matter who the alleged perpetrator is.

- The Child Protection Officer will make records of all facts related to the matter and these will be carefully and confidentially filed with the Director.

N.B If an employee raises a legitimate concern about suspected child rights violations, which prove to be unfounded on investigation, no action will be taken against the employee. Any employee who makes false and malicious accusations, however, will face disciplinary action.

N.B A copy of the Declaration of Commitment to be signed by each member of the staff should be kept in the project files.

For all cases that fall outside the organisation, JCT board, staff, interns and volunteers shall follow the procedure laid out in the case management system.

4. IMPLEMENTATION OF THE POLICY

This policy will come into force on the day when it is signed by the Director and a representation of the Board of Trustees. It is everyone's responsibility to implement this policy despite there being a Child Protection Team with specific roles and responsibilities. The key guiding actions of the implementation of the policy are:

- Board, staff and volunteers capacity building and induction sessions on the provisions of the policy. It shall be the responsibility of the Child protection team to fundraise for the capacity building sessions.
- Signing of the statements of Commitment by the Board, management, Staff and volunteers to abide by the policy
- Provision of copies of the policy to the Board, staff and volunteers for their information.
- Continued capacity building on the Child Protection Policy to Board, staff, volunteers and stakeholders
- Provision of child friendly material in local languages of the Constitutional provisions and international instruments that underpin the Child Protection Policy.

5. MONITORING IMPLEMENTATION OF THE POLICY

- The Director will regularly monitor the implementation of the policy
- Focus will be made to track changes in the number of reported cases in communities the organisation is working and created awareness of the policy

- Project officers will be requested to include a reporting section on Child Protection issues in their monthly, quarterly, bi-annual and annual reports.
- Documented and investigated cases of abuse and reporting procedures will also be utilized to monitor compliance to the policy.
- Organizational meetings will also monitor progress in implementing the Child Protection Policy

6. REVIEW OF THE POLICY

- The policy shall be reviewed at least once every 2 years
- Areas to be amended shall be put in writing prior to the dates of the amendment and formal request made to the Board by management.
- A stipulated time in bringing in suggested issues shall be given to all employees and stakeholders concerned.

7. CONCLUSION

All staff members and others who work with children will be fully informed of the Child Protection Policy. They will receive a copy and agree to abide by its procedures. Failure to do so will disqualify the staff member or others from any form of work with children.

THIS DOCUMENT FORMS PART OF THE AGREEMENTS OR CONTRACTS SIGNED WITH JCT ASSOCIATES AS AN APPENDIX

Done and signed at Harare on the day of 2015.

Board

Name and surname

Signature

Designation

Director

Name and surname

Signature

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