

DRC INTEGRATED HIV/AIDS PROJECT

PROJET INTEGRE DE VIH/SIDA AU CONGO (PROVIC)

CHILD PROTECTION POLICY

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ACRONYMS

AIDS	Acquired Immune Deficiency Syndrome
DRC	Democratic Republic of Congo
HIV	human immunodeficiency virus
NGO	nongovernmental organization
OVC	orphans and vulnerable children
PATH	Program for Appropriate Technology in Health
PEPFAR	US President's Emergency Plan for AIDS Relief
ProVIC	<i>Projet Intégré de VIH/SIDA au Congo</i>

INTRODUCTION

Funded by the US President’s Emergency Plan for AIDS Relief (PEPFAR) through the US Agency for International Development (USAID), *Projet Intégré de VIH/SIDA au Congo* (ProVIC) is PEPFAR’s flagship project in the Democratic Republic of Congo (DRC), the largest community-based HIV/AIDS project in the country, and the first in the country to use the “Champion Community” approach. The five-year, \$49.6 million project currently operates in five HIV “hotspots”—Kinshasa and Bas-Congo in the west, Katanga in the south, Sud Kivu in the east, and Kisangani in the northern region of Province Orientale. In the north, we are including a focus on integration of community- and facility-based gender-based violence services to address women’s higher vulnerability to HIV. Our work includes building the capacity of communities to self-organize, self-assess, and self-plan their own responses to address the needs of vulnerable populations, including orphans and vulnerable children (OVC) and people living with HIV/AIDS.

ProVIC recognizes the risk of abuse to children through our work and therefore sets out to outline a clear policy for protecting children and reporting suspected abuse by employees and volunteers working on ProVIC-related activities. While it is not possible to eliminate risk entirely, much can be done to reduce opportunities for child abuse. ProVIC and partners work directly with and provide services to OVC, making it essential that a strategy be put in place to protect these and any other children who come into contact with the project and staff. This child protection policy articulates ProVIC’s zero tolerance approach to child abuse. It provides a framework for managing and reducing the risk of child abuse by persons engaged in delivering on ProVIC activities. Child protection procedures, guidance, and training help representatives to recognize the particular vulnerability faced by all children, as well as the additional risks and barriers faced by certain groups of children due to their race, sex, age, religion, disability, sexual orientation, culture, family background, or health status.

Studies worldwide reveal that approximately 20 percent of women and 5–10 percent of men report having been sexually abused as children, and 25–50 percent of individuals report having been physically abused in childhood.¹ Additionally, many children are subject to emotional abuse (sometimes referred to as psychological abuse) and to neglect.

Every year, some 1.2 million children are trafficked into exploitative work, many of them into commercial sexual exploitation.² Orphaned, displaced, homeless, and abandoned children are particularly vulnerable to sexual exploitation and abuse, as are children with disabilities. Children are also highly vulnerable during times of emergency and disaster (natural or conflict based), because they are often separated from their parents and other caregivers who would normally protect them from harm.³

Child abuse causes suffering to children and families and can have long-term consequences. Abuse causes stress that is associated with disruption in early brain development. Extreme stress can impair the development of the nervous and immune systems. Consequently, abused children are at increased risk for behavioral, physical, and mental health problems such as

¹ World Health Organization. Child maltreatment [factsheet]. 2010. Available at: <http://www.who.int/mediacentre/factsheets/fs150/en/index.html>. Accessed November 26, 2012.

² International Labour Organization. *The End of Child Labour: Within Reach*. Geneva: International Labour Conference 95th Session, Report I (B); 2006.

³ Pinheiro PS. *World Report on Violence Against Children*. Geneva: United Nations Secretary-General’s Study on Violence against Children; 2006.

injury, perpetrating or being a victim of further violence, depression, high-risk sexual behaviors, unintended pregnancy, poor childbirth outcomes, alcohol and drug abuse, chronic health disorders, suicide, and death. Beyond the health and social consequences of child abuse, there is an economic impact, including costs of hospitalization, mental health treatment, child welfare, and longer-term health costs.

A number of characteristics of communities and societies may increase the risk of child abuse. These include:

- Gender and social inequality.
- Lack of adequate housing or services to support families and institutions.
- High levels of unemployment or poverty.
- Conflict and humanitarian settings.
- The easy availability of alcohol and drugs.
- Inadequate policies and programs to prevent child abuse, child pornography, child prostitution, and child labor.
- Social and cultural norms that promote or glorify violence toward others, support the use of corporal punishment, demand rigid gender roles, or diminish the status of the child in parent-child relationships.
- Social, economic, health, and education policies that lead to poor living standards, or to socioeconomic inequality or instability.

It is important to emphasize that children are the victims and are never to blame for abuse. All children have equal rights to protection. ProVIC understands that children form a special group of individuals who face great challenges due to the HIV/AIDS pandemic. Loss of parental care or living with HIV-positive parents or caregivers increases children's vulnerability. People with power and influential positions in communities, including development workers, can abuse or exploit children. This calls for preventive action to protect children against abuse and appropriate responses when there are alleged incidences of child abuse.

Child abusers and sex offenders may seek opportunities to perpetrate child abuse through paid or unpaid employment with organizations implementing development activities in circumstances that make children inherently vulnerable to such risks. Child abusers may seek employment in children's organizations or may volunteer to work in remote or vulnerable communities. They may also move from developed countries to developing countries due to heightened awareness, tougher laws, and more rigorous screening processes in developed countries. The risk of child abuse is elevated when overseas aid activities bring aid workers into regular contact with children (for example, in disaster responses, primary and secondary education activities, and women's refuges, and in some health, infrastructure, and human rights activities).

PROVIC'S CHILD SAFEGUARDING POLICY

The policy's overall goal is:

To protect children from abuse of all kinds throughout ProVIC's program in the Democratic Republic of Congo and emphasize that discrimination, prejudice, or oppressive behavior or language in relation to any of the following are not acceptable: ethnicity, culture, age, sex, disability, religion, sexuality, or health status of children.

Child abuse and neglect that occurs to an individual younger than 18 years of age (according to the international and DRC legal definition of a child) is defined as all forms of action or inaction (or risk of harm) which result in actual or potential harm to the child's health, survival, development, or dignity within the context of a relationship of responsibility, trust, or power. It includes all types of physical and/or emotional ill-treatment, sexual abuse, neglect, negligence, and commercial or other exploitation. Exposure to intimate partner violence is also sometimes included as a form of child maltreatment.¹ Child abuse and sexual violence are outlawed in the DRC in accordance with Act No. 09/001 of January 10, 2009, on Child Protection, and Act No. 06/018 of July 20, 2006, modifying and supplementing the decree of June 30, 1940, in the Congolese Penal Code.

Scope

The policy applies to:

- All ProVIC consortium staff, including DRC-based staff.
- Community volunteers and other volunteer service providers.
- Individually contracted advisers/consultants to ProVIC.

ProVIC expects individuals and organizations to act in accordance with the principles set out in this policy, in addition to abiding by other relevant international and local declarations, conventions, and agreements.

All staff, volunteers, and consultants will receive an orientation on this child protection policy at the time of employment, or, if already employed, within six months of finalization of this policy. All will receive a copy of the code of conduct and reporting procedures and must sign a declaration that they have received and understood the entire policy and requirements. Additionally, this policy will be made available to child beneficiaries of ProVIC in a child-friendly format and to caregivers to inform them of the protection they can expect and the procedures in place for reporting any concerns through child-to-child groups.

Guiding principles

The child protection policy is guided by these principles:

- **Zero tolerance of child abuse:** Child abuse is not tolerated by ProVIC, nor is possession of or access to child pornography. ProVIC actively manages the risk of child abuse associated with project activities and trains its staff on their obligations. ProVIC will not knowingly engage, directly or indirectly, anyone who poses an unacceptable risk to children, nor fund any individual or organization that does not meet ProVIC's child protection compliance standards in their operations and activities.

- **Recognition of children's interests:** ProVIC is committed to upholding the rights and obligations of the United Nations Convention on the Rights of the Child (see Appendix 6 for further details), and ProVIC recognizes that some children, such as children with disabilities, orphans, members of stigmatized groups, and children living in areas impacted by disasters (natural or conflict based) are particularly vulnerable.
- **Sharing responsibility for child protection:** To effectively manage risks to children, ProVIC requires the active support and cooperation of contractors and partners implementing ProVIC activities. Consultants, staff, and volunteers must meet the terms of the child protection policy and will be held accountable, through contracts and audits, for complying with it. ProVIC also encourages awareness of child protection issues among international and governmental partners.
- **Risk management approach:** While it is not possible to eliminate all risk of child abuse, careful management can reduce the incidence of child abuse associated with aid activities. This policy introduces risk assessments and treatments for a range of recognized risks to children.

Under the policy, ProVIC is further enhancing its approach to child protection through risk assessment and risk management procedures for project activities, clear procedures for raising concerns about child abuse, and orienting staff on child protection matters. Children, their caregivers, and ProVIC staff will be provided with information on where to go for help and advice in relation to child abuse, neglect, and exploitation. Staff members working directly with children will have access to specialist advice, support, and information on child protection, and contacts will be established at the national and/or local level with relevant child protection/welfare agencies. Support systems will be in place for staff and beneficiaries during and following an incident or allegation of abuse.

PREVENTION OF ABUSE

ProVIC has identified three primary mechanisms by which staff can prevent child abuse in relation to the ProVIC program: (1) staff recruitment procedures; (2) orientation to recognize and respond to child abuse; and (3) adherence to a child protection code of conduct. This section provides procedures and guidelines on each of these child abuse prevention mechanisms, which must be followed to safeguard children and prevent abuse by any representative of ProVIC.

Staff recruitment procedures

Supplementary information for all job postings will state that a child protection policy exists and that a screening process is in place in order to prevent the hiring of individuals who may pose a risk to the safety and well-being of children. The following wording must be used: “ProVIC operates rigorous recruitment and selection procedures that reflect our commitment to child protection.”

The child protection code of conduct will be made available to all job applicants at the point of application. All application forms will include a declaration relating to criminal convictions (see Appendix 7 for a Child Protection Declaration Form), and individuals will be required to produce proof of identity at the final interview. This must include photo identification and two documents of proof of place of residence.

When working with human resources to create a new job, analyze the role and think about issues of child protection and the risks inherent for the position, such as whether or not the position requires direct contact with children. Any staff who may be conducting interviews must have knowledge and orientation on the child protection policy prior to participating in recruiting activities.

During interviews, the interview panel will identify any gaps in the applicant’s employment history and clarify reasons for these to their satisfaction. Ideally, for posts that involve regular contact with children or information about children, the panel must include a person with experience in child protection issues. The interview must include specific questions on child protection issues to probe the applicant’s attitude toward, experience in, and approach to working with children.

It should be noted that often, it is not only the answers to questions about child protection that matter, but also the reactions to these questions. The interview panel must take note of how the person responds and any nonverbal responses. The candidate must be asked if they have ever had problems with the police. This question could reveal some nonverbal indicators.

In situations where the [prospective] employee may work with OVC, the interview panel must ask questions such as: *What steps are important for you to take to ensure that children are not endangered by the organization, partners, or other adults who work with OVC? Have you ever come across a situation in which you were aware of inappropriate conduct by an adult toward a child? How did you react and what did you do in that situation? How do you react when you are upset by a child?* Appendix 8 provides additional guidance on questions to ask during interviews.

Checking references

For employees who will work directly with children, three character references must be obtained for each applicant before appointment to the post. These should be from the last three employers if positions included working with children; if not, then character witnesses from non-family members. These references will include answers to questions such as: *Would you have any concerns about this person working with children or coming into contact with children?* Appendix 9 provides a Child Protection Character Reference Form.

It is essential to verify the qualifications required for the post to help detection of false employment histories or backgrounds. Original copies of qualification certificates must be viewed by ProVIC management, with copies kept on file.

1. Always contact at least three people to obtain references; ensure they were managers of the prospective candidate and not just colleagues or junior to the candidate.
2. Request additional names if the person required to give references is not available.
3. Always ask for and/or obtain referrals from people working in organizations with programs for children, if possible.
4. Ask referee if, in their opinion, the applicant should be allowed to have direct contact with children. Another good question is: *To your knowledge, has the applicant been involved in problems or incidents in his contact with children?*
5. Note the comments of the person providing the reference and organize them in the personnel file of the applicant. If the referee is unwilling to put their concerns in writing, ask if you can make a phone call and take notes of the call.
6. Keep the curriculum vitae of the applicant in the personnel file, if hired, with notes taken during the interview.

CHILD PROTECTION CODE OF CONDUCT

This code of conduct constitutes a set of standards for appropriate behavior when interacting with children. It also gives guidance to avoid situations that increase chances of misbehavior when in the company of children. The code of conduct should be interpreted in a spirit of transparency and common sense, with the best interests of the child as the primary consideration.

This code is applicable to anyone acting as a representative of ProVIC, including staff, volunteers, and consultants whose work requires him/her to be in contact with children or may bring children into contact with other adults.

Adults (anyone 18 years or older) must not:

- Spend time alone with a child either at the adult's or child's home, overnight, in a car, or in any other secluded place.
- Carry out personal activities on a child, like bathing and dressing.
- Engage in inappropriate touch or physical contact with a child.
- Make sexually provocative gestures toward a child.
- Have a sexual relationship with a child.
- Physically assault or abuse a child.
- Make use of language that causes mental or emotional harm to a child.
- Exploit children in any way or form, including sexually, emotionally, and financially.
- Practice ethnic, cultural, gender-based, religious, economic, health-based, or any other form of discrimination toward children.

In order to prevent the above from happening, it is encouraged that people take a proactive stance on risk minimization through efforts to:

- Avoid compromising situations that increase vulnerability, such as spending time alone with children who are not their own.
- Meet children in public places as much as possible.
- Have a parent/caregiver present when visiting or meeting with a child.
- Avoid actions that can be subject to misinterpretation by a third party.

Be aware that age difference creates a power imbalance between adults and children, and so avoid situations that might result in you or other adults taking advantage of children.

Communications about children

In its communications and reporting, ProVIC may, at times, use images and recordings of children. See Appendix 4 for guidelines on communications about children and Appendix 5 for the consent form for use of images of children.

ProVIC has a responsibility toward children who are portrayed in communications, and must ensure that children are treated with dignity by avoiding the following:

- Inaccurate representation of children through words and images.
- Communication that shames, degrades, or victimizes children.
- Taking pictures or statements from children without informed consent of parents/guardians.
- Depicting children in sexually provocative poses.
- Using any personal or physical information identifying the location of a child that could put them at risk, including HIV status.

Essential components:

- Always ask permission of people you want to photograph or film. In the case of children, you must ask parents or guardians, as well as the children themselves, if the children are old enough to understand concepts related to permission and consent. This permission should be obtained in writing.
- Be extra cautious with images showing HIV-positive individuals receiving treatment, disabled individuals, refugees, children in conflict and disasters, or other vulnerable persons. It is important to use images and quotations within the proper context and to preserve their dignity.
- In obtaining the consent of those concerned, explain the purpose of the photos, videos, and/or documentation to be used (e.g., quotations, case studies), and, if possible, share examples of publications in which these types of communications have been used in the past.
- Do not handle the subject in a manner that distorts the reality of the situation (e.g., do not ask a child to cry for the camera).
- In order to protect confidentiality, do not publish names and contact information of children.
- Maintain standards of good taste and decency that match ProVIC's values and those of our supporters (such as avoiding images with nudity).

IDENTIFYING AND REPORTING SUSPECTED CHILD ABUSE

This section identifies signs of child abuse and how you must manage any disclosure of abuse. It also sets out the responsibility to report any suspected signs of child abuse.

Congolese law requires any person who witnesses child abuse to report the abuse. Section 192 of the Law on Protection of the Child states: “Everyone has an obligation to denounce all forms of physical or mental violence inflicted on a child and any threat to their health and development of which they are aware. Non-reporting of violence towards a child is punishable by a fine of 100,000 to 250,000 Congolese francs.” Not reporting child abuse is also punishable by police investigation and possible termination from ProVIC employment.

It is necessary that all ProVIC-affiliated individuals understand what to do if they see someone abusing a child, suspect someone of child abuse, or a child or adult discloses abuse.

Signs of child abuse

Before any form of behavior or act is reported as child abuse, it is important to be familiar with basic signs of child abuse. However, it is crucial to note that child abuse is not an easy act to identify. Care should be taken to put facts together and understand the context, as well as to talk with the child whenever possible before drawing conclusions at face value. The list below provides useful guidance on the possible signs of child abuse.⁴ It is not an exhaustive list, however, since manifestations of child abuse can vary greatly depending on the situation.

Possible signs of sexual abuse:

- Physical indicators on a child’s genital area.
- Sexualized behavior inappropriate to a child’s age.
- Sexually transmitted infections.
- Pregnancy (depending on child’s age and sex).

Possible signs of physical abuse:

- Bruises, burns, bites, cuts, and dislocations.
- Excuses given to explain injuries.
- Refusal to discuss injuries.
- Aggressive behavior toward others.
- Withdrawal from physical contact.
- Fear of returning home or of having parents contacted.
- Self-destructive tendencies.

⁴ LEPRASOCIETY. *Child Protection Policy*. 2010. Available at: <https://www.leprasociety.org/pdf/PPP.pdf>. Accessed November 26, 2012.

Possible signs of emotional abuse:

- Delayed physical, mental, and emotional development.
- Increased anxiety.
- Low self-esteem.
- Inappropriate emotional response to painful situations.
- Drug or alcohol abuse.
- Fear of new situations.

Possible signs of neglect:

- Poor social relations.
- Low self-esteem.
- Frequent hunger.
- Non-attendance at school.
- Poor personal hygiene.

Listening to a child's disclosure of abuse

When a child makes comments or statements that relate to possible abuse, it is important to listen to what the child is saying. Many children mistakenly believe they deserve the abuse. Generally, it should be assumed that children do not make up stories about this topic. Do not try to force words or images on a child in an effort to get more information. If you report suspected abuse, you do not need to prove that it occurred.⁵

What to do:

- Accept what the child says.
- Keep calm.
- Do not panic.
- Do not appear shocked.
- Do not seek help while the child is talking to you.
- Look at the child directly.
- Assure them that they are not to blame for the abuse.
- Never ask leading questions.
- Try not to repeat the same questions to the child.
- Never push for information.
- Do not fill in words, finish their sentences, or make assumptions.

⁵ Adapted from: *Child Hope: Basic Training for Child Protection Officers in the UK*, 2006, and *Child Abuse and Child Care*, Iowa State University, 1999.

- Be aware that the child may have been threatened and may therefore be too frightened to disclose certain information.
- Make certain you distinguish between what the child has actually said and the inferences you may have made. Accuracy is paramount in this stage of the procedure.
- Do not permit personal doubt to prevent you from reporting the allegation.
- Let the child know what you are going to do next and that you will let them know what happens.
- Let the child know that you need to tell someone else.

At the end of the disclosure:

- Reassure the child that it was right to tell you.
- Let the child know what you are going to do next.
- Immediately seek help from ProVIC's Chief of Party. Community volunteers should report to their local nongovernmental organization (NGO) partner, who will then report to the Chief of Party.
- Write down accurately what the child has told you, and sign and date your notes.
- Keep all notes in a secure place until further investigation. The notes will be essential in helping your organization, social services, and the police decide what is best for the child, and may be used as evidence if necessary.
- Seek help for yourself if you feel you need support.
- For the safety and protection of the child in question, do not share any potentially identifying information about the victim, the situation, or any other involved persons with anyone other than the proper authorities (such as a supervisor, ProVIC Chief of Party, social services, or law enforcement officials).
- Do not attempt to confront the accused individual.

Reporting suspected child abuse

If you suspect child abuse, or a child has made a disclosure of abuse to you, report concerns immediately on the Incident Reporting Form (see Appendix 2) and submit the completed form to ProVIC's Chief of Party, Trad Hatton (thatton@provic.org). In the event that a complaint is made against the Chief of Party, please submit the form directly to Sujata Rana, Senior Project Manager (srana@path.org). In the case of community volunteers, please report to your local NGO partner, who will in turn report to the Chief of Party. Reports must be made within 24 hours of the incident, or knowledge of the incident.

Reports must be treated in strict confidence in the interest of all parties involved. This means not revealing the identities of any of the involved individuals except to the proper authorities (such as the ProVIC Chief of Party and law enforcement officers). All records must be kept in a locked cabinet accessible only to the Chief of Party.

Any reported incident will be investigated in a manner that ensures that the interests of the child are put before all other interests, and, at the same time, respects the duties of ProVIC senior staff to pursue investigation and appropriate response to the abuse.

Any concern relating to staff or representatives of ProVIC, ProVIC partners, or child abuse in the community must be reported immediately to the Chief of Party directly.

Responding to reports of child abuse

This section sets out the responsibilities of ProVIC staff in responding to and managing cases of suspected child abuse.

Investigation procedures

The Chief of Party will convene a team to obtain further information, assess the concern, decide next steps, and inform authorities as necessary. The team may include PATH's DC-based Senior Project Manager, PATH General Counsel, local legal counsel, and any other individuals deemed necessary. Based on the evidence and careful deliberation on the case, the team will decide on whether the matter should be dropped, further handled internally, or referred to the police, depending on the level of assessed gravity and complexity. Where the allegation relates to a local partner organization, the team will liaise with the director of that organization, to ensure that appropriate steps are taken. Appendix 3 illustrates the Reporting and Reaction Protocol.

The process leading to decision-making shall be well-documented and all facts or written allegations and responses stored securely by the Chief of Party. If a case is immediately dropped, the reasons for doing so shall be communicated to the individual who reported the matter. Thorough investigations will be carried out before any decision or action is taken.

Arrangements will be made to provide supervision and support to those affected during and following an allegation.

Disciplinary action

Following the completion of the investigation, PATH/ProVIC will decide on appropriate action to take based on available evidence, local laws, and ProVIC policy on suspension and/or termination. Reports made maliciously or not in good faith could be considered an act of gross misconduct. Disciplinary action, which may result in dismissal, will be taken against any employee making such an allegation.

IMPLEMENTATION AND MONITORING

This section sets out how the policy will be shared with ProVIC representatives and how compliance will be ensured.

It is the Chief of Party's responsibility to ensure child protection measures are put in place. Human resources recruiters and other hiring staff are required to become familiar with the policy and share it with all ProVIC staff, consultants, and volunteers, and must collect signatures testifying that they have been oriented on the policy and received a copy of the code of conduct and reporting guidelines. See Appendix 1 for the Statement of Commitment to the ProVIC Child Protection Policy and Code of Conduct Form.

A review of child protection implementation will be included in relevant program reviews.

The child protection policy will be reviewed at minimum every three years, or earlier if needed to ensure it remains up to date with relevant national laws and procedures.

APPENDIX 1: STATEMENT OF COMMITMENT TO THE PROVIC CHILD PROTECTION POLICY AND CODE OF CONDUCT FORM

Child abuse and neglect that occurs to an individual younger than 18 years of age (according to the international and Democratic Republic of Congo legal definition of a child) is defined as all forms of action or inaction (or risk of harm) which result in actual or potential harm to the child's health, survival, development, or dignity within the context of a relationship of responsibility, trust, or power. It includes all types of physical and/or emotional ill-treatment, sexual abuse, neglect, negligence, and commercial or other exploitation. Exposure to intimate partner violence is also sometimes included as a form of child maltreatment.

I have read and understood the *Projet Intégré de VIH/SIDA au Congo* (ProVIC) child protection code of conduct and reporting guidelines.

I agree to abide by the policy and principles therein, and understand that I must raise any concerns I may have about child protection while working for ProVIC with the ProVIC Chief of Party in a confidential manner. In the case of community volunteers: I agree to report to the local nongovernmental organization representative, who will in turn submit this report to the Chief of Party.

Name: _____

Job title: _____

Signature: _____ **Date:** _____

APPENDIX 2: INCIDENT REPORTING FORM

Please complete this form if you believe that a child's safety is in danger. All child protection concerns must be reported directly to the *Projet Intégré de VIH/SIDA au Congo* (ProVIC) Chief of Party immediately. (Community volunteers, please report to your local nongovernmental organization partner, who will in turn report to the Chief of Party.) The form may be filled in before or after contacting the Chief of Party. The information in this form must be kept strictly confidential.

Child abuse and neglect that occurs to an individual younger than 18 years of age (according to the international and Democratic Republic of Congo legal definition of a child) is defined as all forms of action or inaction (or risk of harm) which result in actual or potential harm to the child's health, survival, development, or dignity within the context of a relationship of responsibility, trust, or power. It includes all types of physical and/or emotional ill-treatment, sexual abuse, neglect, negligence, and commercial or other exploitation. Exposure to intimate partner violence is also sometimes included as a form of child maltreatment.

A: Personal information

Your name: _____

Job title: _____

Place of work: _____

Contact details: _____

Relationship to child: _____

B: Child information

Name of child: _____

Sex: _____

Age: _____

Address: _____

Child's parents or guardians: _____

C: Child abuse concern

Did you witness the abuse directly, did the child report the incident, or did you receive other secondary information about the abuse? _____

If concern is based on a secondary source, give the name of the information source:

Date of alleged incident: _____

Time and place of incident: _____

Name of alleged perpetrator: _____

Describe the nature of the alleged abuse (explain the circumstances leading to the suspicion that the child is an abuse/neglect victim, describe any injury or risk, describe how you know this information):

Describe your personal observations (factually):

Provide an actual record of what the child or source said to you:

Provide names of witnesses if applicable:

Describe any information known about the child's parents/guardians/family and the relationship between the child and his/her primary caregivers and/or other adults in the home:

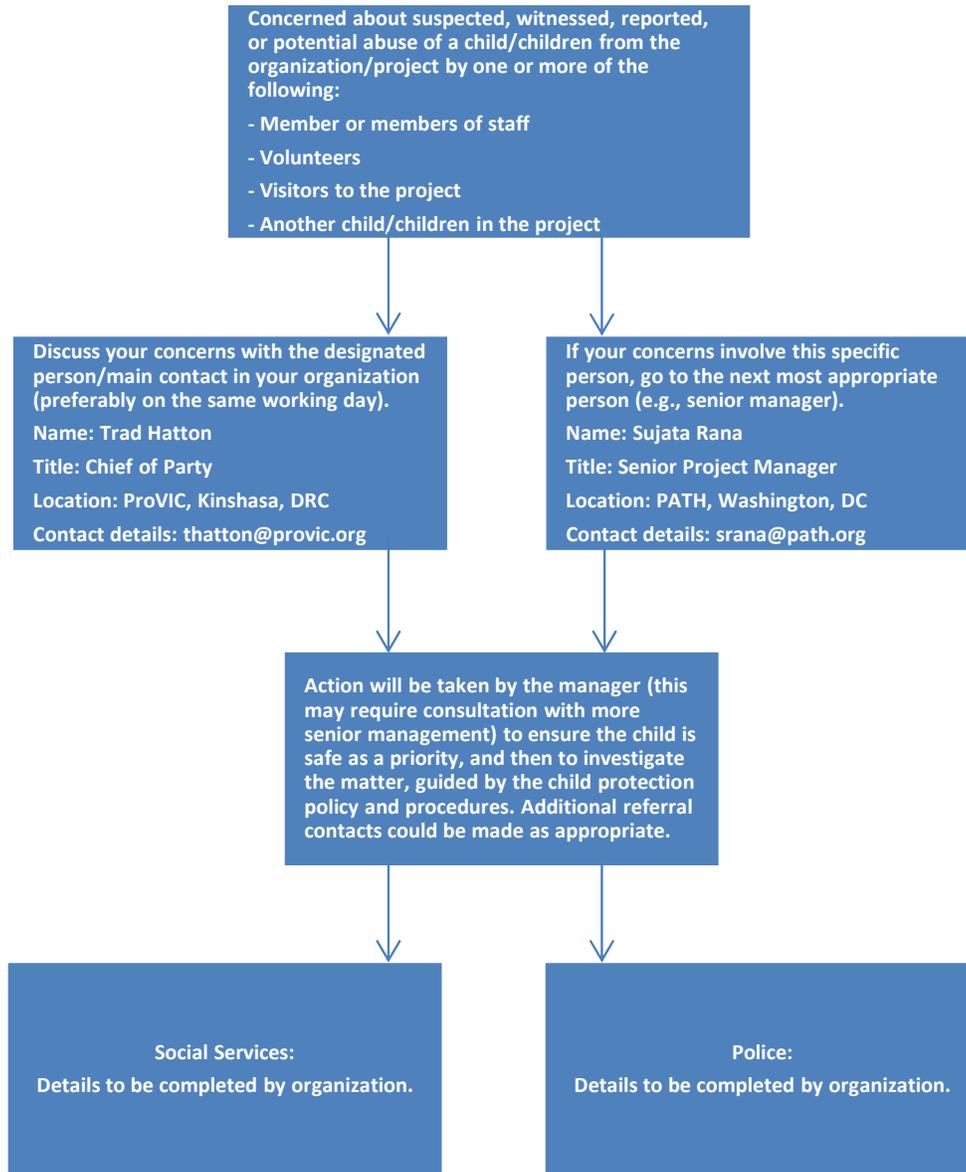
Any other comments/information that would help in establishing the cause of alleged abuse/neglect and the resources/assistance currently available to the child, if any:

Action taken:

Signature: _____ **Date:** _____

APPENDIX 3: REPORTING AND REACTION PROTOCOL

Management flowchart for reporting suspected abuse.⁶



⁶ Adapted from: ChildHope. Child Protection Policies and Procedures Toolkit. London: Consortium for Street Children; 2005. Available at: <http://www.childhope.org.uk/child-protection-resources.asp>. Accessed November 26, 2012.

APPENDIX 4: GUIDELINES ON COMMUNICATIONS ABOUT CHILDREN

In all its communications and publicity materials, *Projet Intégré de VIH/SIDA au Congo* (ProVIC) upholds the responsibility to treat children as individuals with rights and who must be treated with dignity and self-worth. The following constitutes guidelines on communications about children⁷:

- Children shall be accurately represented either verbally or in images in ways that do not amount to manipulation or sensationalism.
- Children are not to be depicted in images or poses that might be regarded as sexually provocative.
- Informed written consent from a child or parent or person with parental responsibility will be obtained before any photographs, recordings, statements, or other information identifying the child (personal data) is recorded, disclosed, or otherwise used.
- In particular, children are not to be depicted in images or poses that might identify them as HIV positive without their informed consent.
- The purpose for which images or information on children is to be obtained must be clearly explained and understood, and the consent must be recorded on an approved consent form. Informed consent must come from the child or person able to give valid consent (by signature on the consent form).
- A copy of the consent form shall be retained by ProVIC, and use of the personal data shall be carefully monitored and kept secure and within the control of ProVIC.
- In particular, where external contractors or freelancers record personal data, such as photographs and moving images, ProVIC shall be careful to impose this policy on such contractors and ensure that future use of such personal data is retained by ProVIC. For example, this may be ensured by license or assignment of copyright to ProVIC in specific contracts.
- All such personal data will be retained only for as long as it is relevant and necessary to do so, and shall be destroyed thereafter.
- Personal information on children, including HIV status, will only be disclosed to those who need to know.
- To the extent possible, children have to be allowed to give their own account or views on issues as opposed to adults or institutions speaking for them.
- Information on child abuse cases shall only be shared on a “right to know” and “need to know” basis in accordance with data protection legislation. (Parents, guardians, and primary caregivers have the right to know; while the child protection designate, human resources advisors, and others directly involved in investigations [e.g., the police] have a need to know.)

⁷ Based on ChildHope and Consortium for Street Children policy guidelines.

APPENDIX 5: PROVIC CHILD CONSENT FORM

- Always ask permission of people you want to photograph or film. In the case of children younger than 18 years of age, you must gain consent from parents or guardians, as well as the children themselves, if the children are old enough to understand concepts related to permission and consent. This permission should be obtained in writing.
- Be extra cautious with images showing HIV-positive individuals receiving treatment, disabled individuals, refugees, and children in conflict and disasters or other vulnerable persons. It is important to use images and quotations within the proper context and to preserve their dignity.
- In obtaining consent, explain the purpose of the photos, videos, and/or documentation to be used (e.g., quotations, case studies), and, if possible, share examples of publications in which these types of communications have been used in the past.
- Do not handle the subject in a manner that distorts the reality of the situation (e.g., do not ask a child to cry for the camera).
- In order to protect confidentiality, do not publish names and contact information of children.
- Maintain standards of good taste and decency that match the *Projet Intégré de VIH/SIDA au Congo* (ProVIC) values and those of our supporters (such as avoiding images with nudity).

I consent for ProVIC to use case studies/photos/film/audio taken on (date) _____
at (place) _____ for educational, promotional, and
fundraising purposes in all media, including printed documents and ProVIC websites (this consent will
apply throughout the world), for the following children:

Child's full name: _____ Age: _____

Child's full name: _____ Age: _____

Child's full name: _____ Age: _____

ProVIC will only use the images in accordance with its charitable objectives and will only keep the images while they are relevant to ProVIC's work.

Name: _____ Relationship
to child: _____

Signature: _____ Date: _____

Address: _____

Taken by
(name): _____ Job title: _____

On behalf of ProVIC

Further information/restrictions:

APPENDIX 6: SPECIFIC ARTICLES FROM THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

The United Nations Convention on the Rights of the Child (1989) is the global framework on child protection, development, survival, and participation. The following is a selection of some key articles on child protection that can be referred to within the context of this policy.

Article 1: For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2: States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3: In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary concern.

States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and to this end, shall take all appropriate legislative and administrative measures.

States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform to the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 12: States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13: The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

Article 19: States Parties shall take all appropriate 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, abuse or exploitation, including sexual abuse while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

Such protective measures should, as appropriate, include effective procedures for the establishment of social programs to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 32: States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

Article 33: States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34: States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Article 37: States Parties shall ensure that no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age.

APPENDIX 7: CHILD PROTECTION DECLARATION FORM

Declaration from all persons working with children and young people

The United Nations Convention on the Rights of the Child (1989) defines a child as younger than 18 years of age. The Convention, which takes due account of the importance of the traditions and cultural values of each person for the protection and harmonious development of the child, states that a child has a right to be protected from physical and mental violence, injury, abuse, neglect or negligent treatment, abuse, or exploitation, including sexual abuse. All countries, except the United States and Somalia, signed in agreement with the Convention and agreed to adopt it into international law in 1990.

In accordance with the Convention, we ask that all persons working or volunteering with ProVIC abide by good practice and agree to keep children safe from harm when relating and working with them. In addition, we ask that all persons declare the following:

Have you ever been convicted of a criminal offense? YES NO

If yes, please state below the nature and date(s) of the offense(s):

Full name (print): _____

Any surname previously known by: _____

Address: _____

Postcode: _____

Date of birth: _____ Place of birth: _____

DECLARATION

I understand that if it is found that I have withheld information or included any false or misleading information above, I will be removed from my post whether paid or voluntary, without notice. I understand that the information will be kept securely by the organization. I hereby declare the information I have provided is accurate.

Signature: _____ Date: _____

APPENDIX 8: CHILD PROTECTION QUESTIONS FOR THE RECRUITMENT PROCESS

The examples of questions should not be seen as the only questions to ask; rather, they should be seen as ideas for areas of questioning during interviews.

What should be noted is that often, it is not what is said during questioning on child protection but more the reactions to the questions. Take note of how questions are answered and any nonverbal responses.

Some suggested questions about child protection⁸

1. *Do you like working with children? Or: Do you feel comfortable working directly with children?* Beware of people who overly use the word “love” when referring to their relationships with children. Listen carefully to the candidate’s response to this question; avoid a “yes” or “no” response, and encourage the candidate to explain why he/she likes being with children.
2. *Can you give an example of your work with children?* Information regarding volunteer activities should be given in answer to this question.
3. *Have you been in trouble with the police at all?* This could reveal some nonverbal indicators.
4. *Have you worked/volunteered in an organization with children before? If yes, why did you leave? Who is a reference from the organization we can contact?*

Trust your gut instinct about how a person makes you feel and their responses to your questions. Always make sure you ask questions about child protection, regardless of the person’s sex and how you feel about the person. Both men and women can and sometimes do abuse children.

⁸ Adapted from: Terre des hommes. *Child Protection Policy*. Lausanne: Terre des hommes; 2010. Available at: <http://www.tdh.ch/en/documents/child-protection-policy>. Accessed November 26, 2012.

APPENDIX 9: CHILD PROTECTION CHARACTER REFERENCE FORM⁹

To whom it may concern:

Projet Intégré de VIH/SIDA au Congo (ProVIC) is a US Agency for International Development-funded project that aims to reduce the incidence and prevalence of HIV and mitigate its impact on people living with HIV/AIDS and their families. ProVIC activities serve a variety of beneficiaries, including children, some of whom are orphaned or otherwise vulnerable as a result of HIV/AIDS.

The applicant below has submitted your name to us to act as a character reference with particular regard to child protection issues. We would like you to tell us what you can about the applicant's interactions with children. We would be extremely grateful if you could fill out the brief form below and return it to us in the envelope provided. Please note that this is a character reference only and you are therefore not expected to comment on the applicant's professional abilities. Please be open and honest in your assessment, and be assured that this information will be kept strictly confidential with regard to the applicant. Many thanks for your help.

Applicant's name: _____

Reference submitted by: _____

Submitted on (date): _____

Knowledge of the applicant

How long have you known the applicant? _____

In what capacity have you known the applicant? _____

Emotional maturity

Please comment on the applicant's ability to adapt and work under difficult and changing conditions.

⁹ Adapted from: Keeping Children Safe Coalition. *Keeping Children Safe: A Toolkit for Child Protection*. London: Keeping Children Safe; 2010. Available at: <http://www.keepingchildrensafe.org.uk/toolkit>. Accessed November 26, 2012.

Child protection

All staff has both direct and indirect access to extremely vulnerable children.

In the applicant's previous work, was he/she required to interact with children on a regular basis?

How would you describe the applicant's interactions with children?

In the applicant's previous work or other interactions with children, are you aware of any confirmed or suspected cases of misconduct involving children (e.g., physical or sexual abuse, inappropriate behavior, neglect, etc.)?

In the applicant's previous work or other interactions with children, are you aware of any incidences or behaviors between the applicant and a child that made you or someone else feel uneasy? If so, please explain.

Would you feel comfortable with the applicant having direct contact with children younger than the age of 18?

To your knowledge, is there any reason why the applicant would not be suitable for a position in this organization specifically with regard to his/her interactions with children?

Additional comments and supporting information:

Signature: _____ **Date:** _____