



CANOPY  
NEPAL

**Canopy Nepal**

# **Child Protection Policy**

July 2019

## Introduction

### 1. Policy Statement

Canopy Nepal does not tolerate any form of child abuse or exploitation. Children who come into contact with Canopy Nepal must be protected from deliberate or unintended actions that place them at risk of child abuse, sexual exploitation, injury, discrimination and any other harm. In all actions concerning children, the welfare of the child is the paramount consideration with Canopy Nepal being committed to the principles of the Convention of the Rights of Children 1989 and the Declaration of Human Rights 1948 both of which promote respect for the rights of children.

### 2. Purpose and Scope

The purpose of Canopy Nepal's Child Protection Policy is to ensure that Canopy Nepal has guidelines in place to ensure children are protected from deliberate or unintended actions that place them at risk of child abuse, sexual exploitation, injury, discrimination and any other harm by any members related.

This policy provides guidance and direction to all associated with Canopy Nepal so that:

- Canopy Nepal staff members and representatives understand issues of child protection; are aware of the problem of child abuse, violence against children and strive to prevent and/or report occurrences of child abuse in their work.
- Organizational risks and duty of care towards children are covered through implementing procedures to safeguard children through good practice.
- There are clear guidelines on reporting suspected child abuse and all forms of violence against children.
- There are clear consequences for a breach of the guidelines.

The scope of Canopy Nepal's Child Protection Policy applies to:

- All Canopy Nepal staff members, whether full time, part time or engaged on fixed-term contracts (staff members must act in accordance with this policy in their professional lives and are encouraged to do the same in their personal lives).
- Consultants, interns, volunteers, board members, representatives of partner agencies and any other individuals, groups or organizations who have a formal/contractual relationship with Canopy Nepal that involves any contact with children.
- Donors, journalists, celebrities, politicians and other people who make contact with or communicate externally about children must be made aware that this Policy applies to them while visiting Canopy Nepal programs or offices.

## Definitions

Word/Term	Definition
<b>Child</b>	In line with the United Nations Convention on the Rights of the Child is defined as any person – girl, boy, young woman, young man, and children of other gender identities - under the age of 18 years
<b>Child Abuse</b>	<p>Child Abuse is defined by the World Health Organization (WHO) as: ‘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.’</p> <p>The main categories of abuse are defined by WHO as physical abuse; sexual abuse; emotional and psychological abuse; and neglect.</p>

## Background

All children have the right to be protected from violence, exploitation, abuse and neglect. Yet, millions of children worldwide, including in Nepal, from all socioeconomic backgrounds, across all ages, religions and cultures suffer violence, exploitation and abuse every day. Millions more are at risk.

Child protection concerns manifest themselves in many forms in Nepal: violent discipline, child marriage, child labor, trafficking, violence against women and girls, unnecessary placement of children in orphanages/residential care homes and correction homes, and insufficient access to child-friendly and gender sensitive-justice.

Nepal’s progress in terms of child protection is mixed. On a positive note, there are less child brides, reporting to police on cases of violence against women and girls increased substantially, cases of trafficking are increasingly being intercepted, laws and policies are more protective of children, specialized units in the justice sector are in place and data on children is increasingly available. Unfortunately, challenges persist. Children in Nepal still face many child protection challenges:

- The pace of decline in child marriage is slowing down. Two in every five girls are getting married before the age of 18 years. Sustaining and accelerating the reduction of child marriage remains a challenge due to community acceptance, deeply entrenched social norms undervaluing girls, and a strong patriarchal society. Child brides are more likely to drop-out of school, get pregnant early, and suffer domestic violence including dowry-related abuse and violence.

- Almost every child between 1 and 14 years suffers violence in their own home. Violent discipline affects 82 per cent of children. Parents have insufficient skills positive disciplining techniques; there is societal acceptance of violence, and a general lack of understanding of its negative consequences.
- Child labor has not abated. One in every three children aged 5-17 years in Nepal are engaged in labor and almost all of them are working under hazardous conditions.
- More than 25,000 children are living in residential care institutions. Parents abandon, voluntarily relinquish or place their children in institutional care because of their inability to look after them, because of misconceptions that institutional care will provide better education opportunities or due to their lack of awareness on the importance of children growing up in the family setting.
- Whilst on a positive note, violence against women is increasingly being reported to the police, the number of cases of violence against children remains largely unreported;
- Nepal continues to be a major source, a transit hub and destination country for trafficking in persons.
- Professional government-funded case management, which is one of the most critical service elements of a child protection system, has yet to be scaled up.
- Social welfare workforce - be it government and/or non-government paid - in Nepal is under-resourced. This workforce is the backbone of a functional national child protection system in prevention, early intervention, response services & case management for any child facing child protection concerns, be it unaccompanied and separated children, children requiring foster care placements, or requiring support when suffering violence. As a result, detection, reporting and referral mechanisms are inadequate as are documentation and information management systems. Given these limitations, whilst some cases do receive some form of response, it is often ad-hoc, short-term, limited in coverage and often does not adequately assess the child's situation.
- Children's access to justice is limited. Children in conflict with law, child victims and witnesses have limited access and referral to social services. Child-sensitive procedures are not applied at every stage of the proceedings. Cases involving children including child victims and witnesses of crime are not always dealt with by juvenile benches.
- For children in conflict with the law, legal measures and mechanisms for diversion, restorative justice, and alternatives to custodial sentencing are yet to be finalized and reintegration services are very limited.

### 3. Guiding Principles

As this child protection policy and procedure has been developed in the pretext that children working with Canopy Nepal or in contact with Canopy Nepal could be potentially at risk in lack of adequate risk tracing and mitigating strategies along with an absence of adequate guidelines and mechanisms, the policy embraces the following principles as major guiding principles for the implementation of Child Protection Policy and Procedures:



**Recognize Children's Vulnerability:** Canopy Nepal has a belief that child in the power dynamics of society, institution and power interaction at the individual level are made inferior and prone to the exercise of power by adults. In addition children with other physical, social, economic and cultural subordinate section have been made more prone to the exercise of power by the comparatively superior individual/s. Therefore, children's vulnerability to abuse, exploitation and violence and the physical, psychological and emotional harm associated with such acts always remains.

**Safety First:** Canopy Nepal confirm that in case of allegations made by a child about harmful and or abusive practices there are high chances of threats and other risks for complaining child, possible witness and the child's family. Therefore it is very important the required safety measures have been applied and provided for the complaining child, witness and the family to refrain them from potential threats, manipulation and other harms.

**Impartiality:** Canopy Nepal understands that all allegations made by a child or on behalf of the child not necessarily come as truth; there could be false allegations as well. Therefore, the investigation and inquiry process along with administrative action would remain very much impartial allowing the alleged offender to defend an allegation made against him/her. The investigation and prosecution process should remain fair, impartial and with due respect to the dignity and human rights of both parties.

**Children's Right to be heard:** Child's right to be heard, broadly known as ethical and meaningful child participation shall be maintained in all process and act as an integral part. Canopy Nepal shall exercise consultation with victim child providing detailed and complete information including the possible consequences of action to the child and his/her family. The views expressed by the child regarding any action and follow up on allegation should be fully respected which not necessarily meaning stoppage of investigation and prosecution but should ensure that the fear and hopes of the child are well responded during the action.

**Best Interest of the Child:** Best interests of the child shall remain as key guiding principles in the application of child protection policy and procedures. However, the concept of the best interest of the child in practice may differ in different context and scenario, the core norms and values associated to respect the best interest of the child shall be followed in all steps and action. In the application of PPCP, The Best Interest of Child means: taking any decision or action must consider the protection of the child from any harm, the protection of the child's rights and the promotion of the child's development. It also means that the decisions and protection action must consider strengthening family relationships and giving the widest possible assistance to the family and,

promoting and protecting the child's cultural and spiritual identity and connectedness to their community.

**Respect Rule of Law:** Any acts and decisions carried on for Child Protection by Canopy Nepal shall consider the existing legal norms, standards, mechanisms, mandates and authority. No action and decision shall be made contradictory or overlapping to the existing legal norms and systems. In the case of the existence of gaps and loopholes in existing laws and system, Canopy Nepal would take programmatic actions to improve and revise it. Respect to the due process of law and mandate, authority, responsibility and accountability of existing protection authority and judicial system shall be respected in all steps of actions.

**Maintain Confidentiality and Privacy:** Confidentiality and Privacy shall be respected as fundamental human rights of the individual associated in any allegation or action. Canopy Nepal shall not reveal the name and identity of the victim and perpetrator until and unless the competent authority of the state requires it. Canopy Nepal shall not present perpetrator as criminal or with any other degrading identity until and unless the competent judicial authority convicts him. Consideration shall be made to prevent any harm to the family, community and legal profession of the person associated with the allegation and investigation due to disclose any information. The protection of privacy is applicable to any individual live or dead.

**Rehabilitation and Reparation:** Efforts of decision and action related to child protection shall be oriented towards the sustained rehabilitation of victim/survivor in their own community and ensure restitution of the harm happened to the survivor child and family is realized. Yet, no support or amount of money could equally compensate the harm inflicted by such action, such reparation should be considered as respect towards the resilience and dignity of the child and family.

#### 4. Vulnerability Factors

Though there is a common myth that often poor and deprived children fall at the risk of violence and abuse, the evidence has proven that it can happen to any child anywhere and anytime. There is no specific criterion for making a decision that a child is vulnerable and another child is safe. There are a number of vulnerability factors, which increases the risk of child abuse in any societies, institutions and programs. Some of such vulnerability factors are listed below:

- **Absence of Risk Assessment System:** The absence of adequate and skilled risk assessment by trained personnel may cause on missing to trace risk, unsafe and the vulnerable situation for the

child resulting in absence of necessary arrangements for risk reduction and adequate monitoring provision.

- *Absence of Complaint Procedures and Mechanism:* The absence of competitive and mandated child protection procedures and mechanisms create confusion on taking risk reduction, protective and reparative action and also create inconsistency in planning, taking decision and actions for child protection. Absence of such procedures and mechanisms also refrain agency, society and institutions from mandatory responsibility for child protection.
- *Lack of child's meaningful and ethical participation:* In lack of child's ethical and meaningful participation practices in family, society and institution, children may not be aware of the existing policy and arranged mechanisms and provisions for their protection and could not influence the decision made on this aspect. Such a situation may make the child lose trust and confidence in the system, and also disempower children preventing them from making the complaint and asking for information and reporting any abuse and violence against them.
- *Lack of awareness on child rights and child protection in family and society:* The family and society not aware of and inadequately educated on child rights and child protection provisions and approaches may not be able to exercise child safe practices and may promote unsafe practices including exercise re-victimization and violation of other rights of the child.
- *Lack of trained human resources and skilled personnel:* Child Protection is not just a social practice rather it is a professional action as well, therefore protection authorities, agencies and institutions directly working with children should have trained human resources and skilled personnel on child protection, legal norms and mechanisms and application of policy and procedures. In the absence of trained and skilled personnel, the chances of wrong interpretation of policy provisions, inadequate and inappropriate handling of risk reduction and protection action would remain high.
- *Lack of children's awareness of child rights and child protection system:* Without child's education and awareness on their rights and child protection system, available mechanisms and provisions, the child may not be able to report, complaint and seek support in case of any abuse and violence and also not able to defend themselves. Child not aware of rights and protection system today may not be able to practice child protection and respect child rights in future as a parent.

- 
- ***Strong prevalence of power hierarchy in society:*** Society having strong hierarchal practices based on class, cast, gender, social, political, and another status of a person, family and community have a high chance of child abuse ongoing without reporting and monitoring. Especially children in such a society are often considered as property of family, put in the bottom of social power hierarchy and often made obey to follow what person posing superior hierarchy. As child abuse results mostly as an abuse of power and authority, such society may have high chances of child abuse. Thus responding to child abuse and creating a protective and safer environment for children requires the deconstruction of the power hierarchy.
  - ***Impunity and Weak Protection Authorities:*** When the protection authorities are less capacitated in technical, human and other required resources likelihood of silent suffering of child abuse remained higher and impunity goes on. The presence of low resourced and weak protection authorities and continuous impunity reduce the faith and trust of children and parents over them and reduces their strength to break the silence.
  - ***Emergency Situations for Children:*** Emergency situation caused by natural calamities or human-caused disasters often push children and senior citizens, including single women in the most vulnerable situation. In dire need of basic requirements, emotional breakdown situation children could be easily misleading to the practices that are harmful to them, but at the same time a situation of emergency often lack enough availability of supplies and food, children might have left far behind in accessing such supplies and materials. In this context in lure of small benefit the individuals holding control over supplies may easily exploit and manipulate the child to take part in harmful practices. Therefore in an emergency situation and displaced context, special and strong consideration towards child protection shall be maintained.
  - ***Child's Deprivation from other rights:*** In countries and communities stricken by poverty, underdevelopment and human rights violations, many children are deprived of their fundamental rights such as food, health, nutrition, education, participation and protection. In such a context, children are highly vulnerable to be exploited and discriminated as well as abused taking advantage of their deprivation, underdevelopment, lack of information and access to decision-making level.
  - ***Harmful Social Practices and Exclusion:*** Human societies have a number of traditional child protective practices and norms to provide a safer and protective world for children through their religious and cultural values and guidelines. But at the same time, there are a number of practices also prevailed in many societies which are harmful, discriminatory and excluding children and denying them to enjoy human rights and equal dignified life. Child abuse and violence against

children have high chances to occur in such a society with specifically children from discriminated and excluded communities.

## 5. Prohibited Acts with Children

Following acts are strictly prohibited while working with and for children:

### 5.1 *Discrimination:*

- No act of discrimination is acceptable. Discrimination hereby means any activities, plan, policies, a statement by staff, members, volunteers, visitors and projects, that is discriminating and undermining the equal status of human dignity based on class, caste, ethnicity, community, geographical, race, color and physical and psychological status of a child.
- Affirmative actions applied to uplift the status of marginalized and excluded groups are not considered as Discrimination.
- Targeting a specific group of children by specific project intervention with specific valid purpose is not considered as discrimination.

### 5.2 *Stigmatization*

- Acts, statements and policies that support or actually do accusation, categorical tagging and inferior and degrading identity creation of a child and the child's community are not acceptable.

### 5.3 *Isolation*

- Keeping a child away from community, family and other children or separating an individual child from the group is not accepted.

### 5.4 *Re-victimization*

- Acts and plans that push the child into further risk, vulnerability and exploitative and abusive conditions are not accepted. This includes exposure in media and the creation of further risk.

### 5.5 *Exploitation*

- Making a child work beyond the capacity, exploiting child labor, creations, identity, story, photos, information and videos for profits and financial gain are strictly prohibited.

- 
- Making a child to consume a specific product with the intention to make a profit by the organization or staff member is not accepted. This does not include the logistical arrangements in programs and supplies provided for children and families.

### 5.6 Deprivation

- Preventing the child from other rights such as food, clothing, safe accommodation, education, health, nutrition, family contact, participation, sports in leisure time and accessing justice are not accepted.
- Depriving a child of basic needs including sanitation, toiletry needs, first aid materials and information required for accessing services are prohibited.

### 5.7 Ignoring/Neglect

- Ignoring a child's deprivation, vulnerability and victimization are not accepted.
- Person having notice of such situation should inform the respective authority and/or Canopy Nepal board.

### 5.8 Violence

- Any sort of act, statement or information that provoke violence, inflict violence (both physical and psychological) is prohibited. Use of threat, force, coerces and creation of context to suffer silently is not permitted. Corporal punishment and unnecessary injuries and medical interventions are not allowed.

### 5.9 Abuses and Degrading Treatment

- Any form of the act, statement or behaviors that may degrade a child's dignity, child's family and community equal status in human society is prohibited;
- Acts such as the use of degrading and discriminating pronouns, proverbs and stories are not allowed;
- Any act defined as child abuse in this Policy is prohibited to conduct intentionally and unintentionally;
- Individuals are instructed to use respecting word, preserving the dignity of the child, family and community.

### 5.10 One Child - One Adult Situation

- 
- Realizing the high vulnerability in the situation of one child and one adult, it is strictly cautioned to avoid one adult one-child situation unless justified the requirement of the context.
  - It is also instructed to have a same-sex chaperone or accompany to the extent possible, if not ensure at least the child is in public purview in case of opposite sex accompanying.

#### ***5.11 Breach of Privacy and Confidentiality***

- It is strictly prohibited to publicly disclose any identifying information of a child in contact with Canopy Nepal or receiving Canopy Nepal services without the consent of the child.
- Don't use the photographs, videos and stories that have identical elements or the participating child feel uncomfortable and inferior.
- Manipulation, provocation and use of pressure and power to influence a child for sharing and disclosing information that may put him/her into further risk are prohibited.

#### ***5.12 Illegal Actions***

- Any action with a child that is forbidden by local, regional and international law is prohibited.
- Acts and behavior with a child that is not accepted by community customary values and standards are not permitted.
- Acts, behaviors, statements and flow of information provoking and encouraging a child to go against existing legal norms and standards, customary values and practices (until not violating fundamental rights of the child), involving in conflict, carrying arms and drugs and goods forbidden by law is prohibited.

### **6. Respect Privacy and Confidentiality**

It is essential that all parties maintain confidentiality and therefore sharing of information, which could identify a child or an alleged perpetrator must be limited and purely on a 'need to know' basis. Names and identities are not to be disclosed outside the group designated as 'need to know'. Managers need to be notified if their direct reports are designated as 'need to know'.

Confidentiality should not be promised to the person reporting the abuse or the child as this cannot be guaranteed, for example, there may be requirements to report to statutory bodies.

### **7. Children's Participation**

Child Participation and provision of child's right to be heard is a core principle of practices as well as the standard of operation in the application of policy and procedure on child protection. Child's right to be heard and child participation hereby means the provision mechanism and practices for a child (victim and/or concerned) to express their views on investigation and prosecution of child abuse cases in a safe and supportive environment.

## 8. Procedure Overview

### Recruitment and Selection:

- Safe recruitment and vetting processes are followed for all volunteers, employees, consultants and partners
- Where an employee, volunteer or partner is engaged in 'regulated activity' (direct work with vulnerable individuals), a criminal background check will be undertaken as part of the recruitment process.
- All Canopy Nepal employees and volunteers must sign and abide by this child protection policy. The code sets out the standards of practice we expect of employees and volunteers - in terms of professional competence, integrity, acting as a representative and in safeguarding - which support our vision, mission and values.

### Induction and Support

Advice support and training on safeguarding will be provided to all employees and volunteers on:

- What they should do in the event of a disclosure
- What to do if they have concerns about the welfare of a child
- How to recognize signs of abuse
- What to do if they have concerns about a Canopy Nepal employee, volunteer, or employee of a partner organization
- Where to go for advice and support within the organization

Ensure that clear processes for reporting and dealing with safeguarding concerns and incidents are widely communicated, regularly reviewed and consistently applied. Where allegations are made about an employee, careful consideration must take place about the appropriateness of the person continuing to work with Canopy Nepal.

### Data Protection

Ensure that personal information is kept confidential unless we have the agreement of the individual and/or their parent/guardian, except where it is necessary to pass this to a specialized child welfare or law enforcement agency in relation to a safeguarding incident.

### Minimum Standards

Where employees or volunteers are contracted by other employers, or when working with partners, sub contracted agencies, Canopy Nepal will brief them on our child protection policy and ask for information on how the organization works to protect vulnerable people and ensure that they meet our policy standards.

### Social Media

Canopy Nepal has a policy regarding the media and the use of actual names, images, including photographs and recordings. This should be applied in all situations. Specifically relating to the protection of children, young people and vulnerable adults, we will:

- Use names and images of children or young people which are respectful and not expose them to further vulnerability (not degrading or showing sexual images of children naked or partially clothed).
- Reproduce images and use names of children only where we have the written permission of their parents / guardians using a consent form
- Reproduce images and use names of young people only where we have their written permission or that of their parents/guardians, whichever is the most suitable.
- Make clear to their families that agreement to provide information or images is not a condition of involvement in Canopy Nepal activities and programs.
- Inform employees, volunteers and partners about the Canopy Nepal policy in relation to the use of technology, and understand that they must not use this technology for the purpose of accessing, producing or distributing any information or violent or sexual images that are harmful. This includes adult pornography.

## **9. Permission for use of information and image**

Canopy Nepal is conducting programs and/or interviews in [LOCATION] to obtain photographs/video/interviews concerning [REASON].

The interviews, video and photographs taken may be used throughout the world on the Canopy Nepal websites and shown elsewhere on the internet, distributed to newspapers and broadcasters throughout the world, used in publications, and incorporated into other materials relating to Canopy Nepal's work.

Under Canopy Nepal's Child Protection Policy we take the safety and security of your children/the community very seriously. We make every effort to prevent revealing information that could reveal

the full location and identity of your child (e.g. by omitting family names) and precise location (e.g. by omitting village or school names).

While we prefer to take photographs/videos of your children, if there is any significant reason why this may not be possible, please make this clear to us before photos/videos are taken and we will ensure the identity of your child is hidden.

Please sign this form to confirm that you give permission for us to use any interview you have given and videos and photographs that you appear in for these purposes.

**Signature of parent/guardian:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Name of parent/guardian:** \_\_\_\_\_

**Place:** \_\_\_\_\_

### 10. Compliance to Canopy Nepal's Child Protection Policy

By signing this document, I confirm that I have read, understood and accept Canopy Nepal's Child Protection Policy and the relevant Appendices.

This means that I will comply with this Policy and am aware of the potential outcome if I do not:

- I understand that should Canopy Nepal's Child Protection Policy demand a higher standard than the local laws then this Policy will prevail.
- I understand that failure to comply with any aspect of Canopy Nepal's Child Protection Policy may result in disciplinary action, including termination of employment and/or engagement.
- I am aware that Canopy Nepal may choose or (and in some cases be obliged) to report to the relevant professional or government authorities any instances wherein the law has been or suspected to have been broken.

Your employment and/or engagement with Canopy Nepal is conditional on you signing and therefore agreeing to Canopy Nepal's Child Protection Policy and its contents.

**NAME:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_

**DATE:** \_\_\_\_\_