

DEVELOPING AND IMPLEMENTING AN INTERNAL CHILD PROTECTION POLICY

A guide for organizations working with children

BICE's internal child protection policy aims to promote, within its network of members to begin with, a climate of child well-treatment that ensures respect for their dignity and their rights.

The publication "Developing and implementing an internal child protection policy" is available in English, Spanish, French and Russian, and follows a methodological approach based on rights and resilience – which are fundamental to BICE's action – and is meant to provide a practical tool to facilitate the work of trainers in the field. It also invites them to pay attention to cultural diversity in their respective areas of work and to adapt their message to country-specific social contexts.

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INTRODUCTION

BICE's commitment to child protection

BICE's internal child protection policy was developed to promote, primarily within its network of members, a climate of child well-treatment respecting child dignity and rights.

For the past 10 years, BICE has been implementing a prevention-based protection policy as well as a code of conduct. This two-part document was completed in January 2011, with the creation of the Committee for Child Protection. In addition, during its May 2012 meeting, BICE's Board of Directors decided that the internal child protection policy was to become a social mission in its own right within the organization, in order to give the topic more visibility. This approach also demonstrates BICE's willingness not only to prevent ill-treatment within institutions caring for children, but most importantly to encourage an environment of well-treatment towards children.

Convinced that the effective implementation of these guidelines begins with education, we believe that training our members and partners is a key aspect of the collaboration established with the organizations, we work with in the field.

Similarly, in accordance with Sections 5 and 6 of the Council's of Europe's Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, BICE promotes awareness on child's protection and rights of the child among people who come into regular contact with children. It aims at developing adequate knowledge on the sexual exploitation and abuse of children. BICE also ensures that children receive age-appropriate information, through schools, on the risks of sexual exploitation and abuse, as well as on ways to protect themselves.

The publication "**Developing and implementing an internal child protection policy**" is available in English, Spanish, French and Russian, and follows a methodological approach based on rights and resilience – which are fundamental to BICE's action – and is meant to provide a practical tool to facilitate the work of trainers in the field. It also invites them to pay attention to cultural diversity in their respective areas of work and to adapt their message to country-specific social contexts.

For better understanding and use, this text comes with two good practices manuals: "Preventing abuse and sexual abuse against children" and the "Statements on abuse and sexual exploitation", completed by BICE teams and partners in the Program on the Promotion of Well-treatment and Fight against Ill-treatment in 2013.

**Alessandra Aula,
BICE Secretary General**



THEORETICAL FACT-SHEETS

FACT-SHEET N°1: WHY AN INTERNAL PROTECTION POLICY?

Cases of child abuse, occurring within the very structures designed to protect children, has raised growing and justified concern: it is the responsibility of children-hosting institutions, civil society organizations defending the rights of the child and public authorities to make sure that all children can live in a safe environment.

1. What is an internal child protection policy?

An internal child protection policy is designed to protect all children from any risk of potential abuse within any kind of hosting organizations.

An internal child protection policy:

- Confirms the duties and responsibilities that organizations have towards children in their care;
- Lists the measures that organizations must implement to protect children against abuse committed within their institution or outside of it;
- Defines preventive measures to be implemented to minimize the risk of abuse within the institution;
- Describes the procedure to follow if abuse is suspected or found;
- Lists the elements contributing to the creation of a more protective and well-treating* environment.

2. Who are internal child protection policy stake-holders?

Four types of actors are involved in the implementation of internal child protection policies:

- Professionals in organizations (social workers, psychologists, administrative staff, and other staff members: cooks, guards...);
- Professionals and supervisors who are outside the institution but with whom the child is occasionally in contact with (social workers, court workers, various educators, etc.);
- The child's social circles (family, community, etc.);
- The child, as an actor in the internal child protection policy (see fact-sheet 12).

* BICE decided to translate the French word "bienveillance" by "well-treatment" in English, to place emphasis on its relation to the term "maltraitance" ("ill-treatment"). The word "well-treatment" was coined as an antonym to the word "ill-treatment" (Houtaud and Manciaux, 2000) but it is not just the absence of ill-treatment, it goes beyond and defines a set of attitudes and positive behaviors, such as respect, care, demonstration of trust, encouragement and support . To learn more about this concept, please refer to fact-sheet n°4 "well-treatment". Houtaud, A. et Manciaux, M. (2000) : « Des mots sur les mots aux mots de demain ou de la maltraitance à la bienveillance avec les mots », In M. Gabel, F. Jésus et M. Manciaux (Dir) Bienveillances, mieux traiter les familles et les professionnels, (pp. 5-44), Paris : Editions Fleurus psycho-pédagogie.

3. What are the different areas to be considered in the context of an internal child protection policy within an organization?

Three areas can be distinguished within internal child protection policies:

- **Prevention/Awareness development:** Provide clear information on the rules governing the institution in terms of child protection and strengthen children's abilities to cope with the risk of abuse. Ensure the quality of staff and provide constant training to help them become a driving force in an environment promoting the well-treatment of children (see fact-sheet 6);
- **Reporting and Response:** Establish procedures for reporting and intervention, taking into account local legal reporting measures. Inform employees and other collaborators on the measures to be taken in case of suspected abuse, so as to provide appropriate internal, administrative or judicial response (see fact-sheet 11);
- **Protection:** Provide and identify protective measures to be taken in cases of known or suspected ill-treatment: psychosocial, therapeutic, medical and legal support (see fact-sheet 9).

All the elements relating to an effective internal child protection policy will be detailed in the following sections of this handbook.

→ See the practical fact-sheet n°1, page 68

FACT-SHEET N°2: WHICH APPROACHES? RIGHTS-RESILIENCE-SPIRITUALITY

Three approaches to commit to child protection.

BICE's identity is based on three dimensions: children's rights, resilience and spirituality. Together, these dimensions form a solid basis for the protection and promotion of the dignity of the child.

These three components and the way they complement each other constitute the approach that inspires our actions. All organizations are invited to build a protection policy that is based on its own values of respect and defense of children's rights.

1. Rights

The protection of children is primarily a right, which BICE has stood for since its inception in 1948, including active participation in the development of a universal legal framework for the rights of the Child. On several occasions during the 20th century, the international community has attempted to define a minimum regulatory framework. In 1989, the United Nations adopted the Convention on the Rights of the Child (CRC).

According to the Preamble of the CRC: **“children, by reason of their physical and mental immaturity, need special protection and care, including appropriate legal protection, before as well as after birth”**.

Today, all UN member states except Somalia and the United States¹ have ratified this convention. In principle, it therefore enjoys near universal application. The implementation of the CRC is making headway but there is still a lot of work for years to come, at all levels, from the child's close circles, to the State, and the United Nations.

As part of an internal child protection policy, child protection against any type of abuse is primarily a right which parents, educators, and professionals have an obligation to provide.

2. Resilience

BICE is by nature interested in all children, but especially seeks the welfare of the most vulnerable ones. How to support these vulnerable children in their development in a positive way? What can we learn from them? We are looking for dynamics of life that have already been tested in real life. The idea is to observe in practice how children and their families seek and find their well-being in very complex situations. Such dynamic of

1 - These States have nevertheless signed and ratified the Optional Protocol to the Convention on child involvement in armed conflicts (OPAC) as well as the Optional Protocol to the Convention on the sale of children, child prostitution and pornography involving children (OPSC).



life is called resilience. Thus, resilience might be thought of as ***the ability to grow while experiencing great difficulties***. However, it is a concept which calls for progressive ownership.

Resilience is a concept of growth, a richer one than a mere rebound. It involves observing reality through renewed eyes, from a perspective that looks at problems in a lucid way. At the same time, it involves looking for the advantages and resources that can be mobilized even, if necessary, outside the framework of professionals. These positive points may not be perfect, but they are necessary to rebuild a life, beyond mere recovery.

This change of perspective also implies that a child or a family is never reduced to the challenges that they are faced with. A diagnosis cannot be limited to problems, but must include positive aspects, including the child's resources, family and social surroundings that will allow her/him to (re)build her/his life. BICE believes in the child's ability to take responsibility, which is why it promotes dialogue and listening. As Korczak had written in 1899: "*Children are not going to become people, they already are*".²

3. Spirituality

Spirituality is an in-depth exploration of life. It can take many forms: religious, philosophical, etc. Spirituality is important because it always invites us to go beyond the appearances and material limits of our lives. It helps us to find true values and not the various pseudo-values or idols of society, such as money, prestige, power, and the desire to control everything. It allows us to remain open to beauty, solidarity, selflessness, and simplicity.

BICE suggests a few guiding points relating to spirituality, which must be adapted to most situations:

- We remain open (with children and adults) to the deep exploration of life, seeking fundamental values, such as beauty, respect, solidarity, selflessness, trust without naivety, simplicity, etc. whether in a religious context or not.
- Such exploration should be carried out without forcing consciences, in a non-sectarian manner, since any form of sectarianism, be it religious or secular, will, sooner or later, go against fostering a fulfilling life.
- This exploration starts from the child's beliefs, without any proselytism.

2 - KORCZAK, J., *Le droit de l'enfant au respect*, Robert Laffont, Paris, 1979.

This exploration is not an easy challenge, as the child is influenced by each adult's position, whether it is religious, philosophical, atheistic or agnostic. Expressing no defined position will not necessarily provide more freedom in the child's choice either.

Several factors may help us in this exploration:

- Children's artistic expression
- Discovering beauty in daily life
- A walk in the company of a dear friend in beautiful natural surroundings
- Giving children responsibilities in a garden, over an animal, an object or another child
- Building up on the child's own faith (if any), in an open-minded way

4. Three complementary approaches

BICE is based on the three dimensions explained above, because we consider that they are inseparable and help build a solid foundation to protect children and promote their dignity and well-being.

Firstly, the normative framework and resilience are closely linked. The normative approach is there to define criteria, set the standards that must be met to ensure the child's well-being, while the empirical approach is to observe, first, the facts that show us what seems to contribute to the child's well-being, or at least to a better state of being. The legislative framework provides objectives to be achieved to warrant the foundation of well-being, without specifying concrete ways to be followed in the child's development and life-path. But the dynamics of life and the normative framework complement each other. Compliance with CRC has in many cases contributed to child's resilience and well-being. The CRC must be coupled with a dimension of life, otherwise it would go unheeded. Rights and resilience must complement each other.

Secondly, resilience is somehow a spiritual concept, since the discovery of meaning can be a key element of spirituality. Accepting that life is made up of good and bad things is also part of spirituality. Specifically, we can say that everything that unites a person to life in a positive way can help him/her discover the meaning of life: positive encounters, natural or man-made beauty, responsibilities, nonsectarian faith, etc.



Finally, resilience and spirituality remind us to avoid limiting child rights to a mechanism to be implemented on its own. On the contrary, these concepts encourage us to see rights as a path towards the child's dignity. They call for a reflection on the fundamental values inspiring life, human dignity, and rights.

Together, these three approaches can be represented with a triangle, in the middle of which we place the *child's protection and dignity*, BICE's ultimate purpose, which these three sources of inspiration feed into.

→ See the practical fact-sheet n°2, page 68

FACT-SHEET N°3: ILL-TREATMENT

1. Definitions

In Section 19, the United Nations Convention on the Rights of the Child (CRC) defines abuse as “any form of violence, injury or physical and mental violence, neglect or negligent ill-treatment or exploitation, including sexual violence.”

According to the World Health Organization (WHO), child abuse includes “all forms of physical and/or emotional abuse, sexual abuse, neglect, negligent treatment and commercial or otherwise exploitation, resulting in actual or potential harm to the child’s health, survival, development or dignity, in the context of relationships of responsibility, trust or power”.³

BICE accepts the definition proposed by the WHO as well as the CRC’s. However, this last definition is not comprehensive: ill-treatment also exists outside relations of responsibility, trust or power. Child exploitation (sexual, labor, begging, etc.) is also an extreme form of ill-treatment. Beyond ill-treatment committed by individuals, there may also exist institutional ill-treatment. Could also be included any forms of discrimination and ill-treatment at school, such as discrimination on grounds of sex, disability or any unjustified exclusion from an institution in which the child lives in and/or studies at. The resigned or passive behavior of people witnessing an act of proven ill-treatment can also be considered as an act of ill-treatment.

It is important to mention that perpetrators of child ill-treatment may be the parents or other family members, caregivers, friends, acquaintances, strangers, people in positions of responsibility (e.g. teachers, soldiers, police officers or clergy), employers, health care workers and other children.

It is difficult to find a common and comprehensive definition of ill-treatment. Everyone has their own life experiences and representations; what is perceived as abuse by some is considered normal and acceptable by others. In addition, diverse cultures place varying outlooks on, for example, the use of corporal punishment or punishment as such, to educate children or reprimand them. The use of such practice used to be common in many societies and continues to have its supporters. BICE refutes the notion of so-called cultural practices and its stance is to advocate the universality of human rights and oppose any act akin to ill-treatment.

2. Different forms of abuse

Abuse is not always visible. In addition, children are not always aware of the harm inflicted on them.

Physical ill-treatment

This form of abuse is quickly detected, as it is usually visible on the child’s body. *Physical violence inflicted on a child is understood here as the intentional use of physical force that*

3 - Report on a consultation about preventing child ill-treatment, 29–31 March 1999, Geneva, World Health Organization, 1999 (document WHO/HSC/PVI/99.1).

causes – or is very likely to result in – real harm to the child’s health, survival, development or dignity. This includes acts of hitting, beating, kicking, shaking, biting, choking, inflicting burns of any kind, poisoning and suffocating. A great number of acts of violence against children are inflicted at home as a way to punish them. ⁴

Psychological abuse

Harder to identify than physical abuse, its impact on the child’s psychological development can nonetheless be just as serious. It has been shown that physical violence in the vast majority of cases is accompanied by psychological violence, including verbal abuse, humiliation and belittling.

Psychological violence includes both isolated incidents and failure by one of the parents or caregiver to provide an environment that is appropriate and conducive to the child’s development. Acts in this category are quite likely to harm the child’s mental or physical health or his mental, spiritual, moral or social development. Ill-treatment of this type includes movement restriction, derogatory, accusatory, threatening, frightening, humiliating and discriminatory words or other forms of hostile or rejecting treatment. ⁵

Sexual abuse

Abusing children sexually is a form of sexual relation without their consent, imposed on an under 18-year old, whether via highly sexualized statements, molestation, voyeurism, exhibitionism, pornography, fondling of a sexual nature, humiliation during sexual intercourse, rape, incest, prostitution, etc.

The term sexual abuse is understood here as involving children in sexual activity they are not fully able to understand, which they cannot consent to knowingly or are not prepared for in terms of their development, or that violates their society’s laws or social taboos. Children can be both victims of sexual violence by adults as well as by other children who – owing to their age or development stage – have a relation of responsibility, trust or power with the victim⁶.

Neglect and deprivation

This is one of the most complex ill-treatment components to define. Indeed, most cases of neglect, even serious and long-lasting ones, are mostly due to parents’ inability, ignorance and/or unavailability; while this results in a child being maltreated, it is not intended as such. On the contrary, in few cases, the children’s family and social surroundings mean to harm them, knowingly failing to care for them (abuse by omission).

Intentional or not, negligence is visible at several levels: food, clothing, supervision, hygiene, education, stimulation, resorting to medical care, etc.

4 - World Health Organization (WHO), Guide on preventing ill-treatment on children: intervention and data production, 2006, p10.

5 - Ibid.

6 - Ibid.

Negligence relates to isolated incidents and failure by one of the parents or family members to support children's development and well-being – though they are able to do so – in one or more of the following areas: health, education, emotional well-being, nutrition, a safe home and living conditions.⁷

Institutional abuse

Institutional abuse relates to any act or omission committed by an institution which causes visible or latent suffering of a physical, psychological or mental nature and that undermines the child's harmonious development.

It can take various forms: taking out a child from school, lack of suitable working conditions for educators, maintaining a family in a situation of poverty despite its dire need for social assistance.

It may emerge from the State or the services and institutions supposed to support and care for the child.

The institutional process and the way in which the support and protection is bestowed to an ill-treated child can become abusive, especially when these do not follow the children's and their families' pace, needs and rights. Such cases include instable foster care, unprepared families reunifications, continuous break-ups, rejections and abandonment, conflicts with professionals or foster families, etc.

Note that child victims usually have to put up with a combination of these different forms of ill-treatment. For example, a child victim of sexual abuse also has to cope with serious psychological brutalities that may be made worse by physical violence and neglect.

Corporal punishment or educational violence

The United Nations Committee on the Rights of the Child defines corporal punishment as "the use of physical force by a person in a position of authority over a person under their responsibility, with intent to cause some degree of pain or discomfort, however trivial it might be".⁸ Therefore, it is an infringement on the child's rights and dignity, and several international human rights instruments have condemned it.

The CRC emphasizes that the child's right to protection against corporal punishment is an immediate obligation of the States parties and the United Nations General Assembly had also targeted 2009 as the year for implementing prohibition of corporal punishment.

BICE calls for the creation of a protecting environment and the establishment of conditions for learning free from any fear. As also pointed out in the eighth goal of the World Programme on Human Rights Education adopted in 2005: it is necessary to

7 - Ibid.

8 - *General observations of the 8th UN Commission for children' right to protection against corporal punishment and other forms of cruel or degrading punishment, CRC/C/GC/8, 2 June 2006.* <http://www.ohchr.org/english/bodies/crc/docs/co/CRC.C.GC.8.pdf>

“foster teaching and learning environments free from want and fear that encourage participation, enjoyment of human rights and the full development of the human personality”.

In addition to physical punishment (tap, slaps, spanking, kicking, shaking, pulling hair, ...), the Committee on the Rights of the Child provides that some non-physical forms of violence, such as “punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child”, are also cruel and degrading and thus incompatible with the Convention. Corporal punishment can be both physical and psychological.

3. Ill-treatment and risk of abuse

In addition to children victims of ill-treatment, it is very important to identify children “at risk of abuse” sometimes referred to as “minors at risk”.

Children are at risk if they have to suffer from living conditions liable to endanger their health, safety, morals, education or self-care, but who are not necessarily ill-treated for these reasons. Those children’s usual environments (family, the places they frequently visit, relationships, etc.) no longer provide an adequate response to their basic needs. They may suffer from emotional, relational and educational deficiencies, lack of attention, systematic indifference, etc.

The term commonly used of children at risk emphasizes that the potential danger children may be threatened with by their environment seems sufficiently proven to justify intervention. These are situations when abuse is not proven but where the context of the child’s life is very worrying: extremely serious conflict between parents, alcoholism, drug addiction, a parent’s mental illness, domestic violence, etc.

Identifying children at risk is fundamental because it prevents some of them from ending up in a situation of proven ill-treatment.

An effective protection policy should help eradicate all forms of abuse from centers and organizations working with children.

→ See the practical fact-sheet n°3, page 69

FACT-SHEET N°4: WELL-TREATMENT

Well-treatment is a set of positive attitudes and behaviors, respect, care, tokens of trust, encouragement and support to individuals or groups in situations of vulnerability. Well-treatment is a culture that promotes respect and dignity by taking into account the person's specificities, needs and personal history.

Building a well-treatment culture goes hand in hand with the creation of a peaceful, secure environment that is fair and enjoyable.

Beyond the environment, well-treatment is a proactive and continuous adjustment to the other person, by enhancing the individual's expression and empowerment. The culture of well-treatment includes the individual, places him/her at the center of the issues to be resolved, in a social interaction that promotes the person's participation and implication.

What does an environment of well-treatment mean for children?

Well-treatment is a necessary factor for:

1. Good overall development of the child (and of the adult in making). An environment of well-treatment (therefore non-violent), favoring dialogue, taking into account the child's specificities and needs, enables good psychological and emotional development and provides an opportunity for the child to reproduce well-treating patterns.
2. The development of resilience after a traumatic event.⁹

Developing an environment of well-treatment falls primarily on parents; it is then called well-treating parenting.

It is the ability to provide well-treatment to children, even in adverse environments.

The development of well-treating parenting is the result of complex processes in which parents' innate resources mingle with the family's learning process. Experiences of well-treatment that prospective parents have had, or not, in their personal history – especially in childhood and adolescence – also play an important role.

Well-treating parenting or, if the child does not live with his/her family, well-treating support, is characterized by:

- Parents/relatives' ability to establish an emotional bond with the child;
- Parents/relatives' ability to recognize their own emotions and manage them;
- The ability to understand the emotional language through which children express their needs and to respond appropriately;

9 - BARUDY, J., La violence individuelle comme organisatrice de la subjectivité individuelle, familiale et sociale : l'approche systémique de la maltraitance d'enfants. *Neuropsychiatrie de l'enfance*, 1992, 40, 7, p. 363-377 , <http://www.cfwb.be/ill-treatment>

- All representations and behaviors by which parents/relatives try to meet the demands of caring for their children;
- The ability to use community resources or the ability to interact in social networks.

Stakeholders in well-treatment:

Anyone around the child, directly or indirectly, can be an actor of well-treatment:

1. Parents ;
2. Extended family ;
3. Community ;
4. Professionals who work with children (teachers, psychologists, social workers, doctors, police, etc.) – “Guardians of resilience” (adults who allow children to overcome their difficult and challenging traumatic experiences).

Social workers and well-treatment

A professional well-treatment posture is a way of being, doing and talking that shows concern for others, is reactive to their needs and requests, respectful of their choices and refusals. Well-treatment is not limited to a series of measures and actions.

An environment of well-treatment implies a stable institutional framework, with clear and reassuring rules for all, and outright rejection of all forms of violence and abuse. This implies that the professionals themselves are recognized, supported and accompanied while finding meaning in their actions in favor of children.¹⁰

Well-treatment’s collective responsibility

The well-treatment of children must be the fundamental aim of adults, families and the community. Intra-family well-treatment is the result of parenting skills which meet the child’s needs, but also of the resources available in a community to support families. Well-treatment is a human outcome, one that is not purely the result of an individual nor of a family, but the result of the entire society’s efforts.

How to re-establish/create well-treatment-based relationships?

- Support the (re)construction of family and community resources to meet the dynamics of care;
- Encourage healthy attachments and offer therapeutic support in order to deal with attachment disorders;
- Strengthen parents/caretakers' capacities to identify and meet their children's basic needs;

10 - Guide de bonnes pratiques en bientraitance (ANESM ; Agence nationale de l'évaluation et de la qualité des établissements et services sociaux et médico-sociaux), Juin 2008 (PDF, 51 pages), http://www.anesm.sante.gouv.fr/IMG/pdf/reco_bientraitance.pdf

FACT-SHEET N°4: WELL-TREATMENT

- Improve the family's living conditions, as well-treatment depends on the context and the living conditions families have to deal with;
- Educate and train professionals in well-treatment.

Basic needs that have to be met in order to create an environment of well-treatment:

a) Physiological needs:

- Physical needs;
- Biological needs.

b) Basic needs related to the child's psychosocial development:

- Needs for safe and continuous bonding: need for attachment, acceptance and investment;
- Cognitive needs for stimulation, experimenting and reinforcement;
- Social needs: communicative exchange, consideration, learning/internalization of structures, norms, values and ethics.

To meet these needs, which are vital to the child's psychosocial development, it is crucial to promote healthy and harmonious interpersonal relationships.

Indeed, beyond the institutional tools, training or policies that are put in place, it is necessary to pay specific attention to the way we relate to others (adults, children, colleagues, perpetrators, victims, etc.) and to the quality of this relationship. Well-treatment begins in the little everyday considerations, which may seem trivial, in our desire to recognize the other.

In this sense, "life skills", the ability to produce appropriate actions and reactions in a human environment is fundamental. Life skills are defined by a set of skills and attitudes that will contribute to the child's well-being, sense of security, participation and trust.

We have selected some of the key skills that should enable the parent or professional to establish a constructive and peaceful relationship with the child:¹¹

1) Personal and social empathy

a) Personal empathy:

Ability to grasp the other's subjectivity; to understand what the other feels, to show the other how we value what he is and does at personal level. Empathy is a way of being, not just an attitude we adopt while performing a professional role.

11 - *Les habiletés de savoir être* Clémence Gauvin et Emilienne Laforge, Module travail social université du Québec en Abitibi Témiscamingue 2004-2005.

b) Social Empathy:

Ability to add a contextual dimension, besides reflecting the other's thoughts and personal feelings. Trying to understand if the person speaking feels socially, economically, culturally or politically inferior, oppressed or excluded because of one of his/her personal traits.

2) Respect

Ability to treat someone with respect and to ensure he/she is not harmed.

Feeling that leads to value the other, to recognize him/her as a person of value and dignity.

3) Authenticity

Ability to be oneself, to be genuine; ability to acknowledge one's own feelings and express them, thoughtfully and in a straightforward manner, rather than refer to superficial habits responding to conventions.

4) Creativity

Ability to imagine, to use original and different solutions and have a sense of humor.

5) Openness and flexibility

Ability to understand others, to be interested in their ideas, to believe in their abilities, to embrace diversity, accept wisely the influence others can have on us (openness).

Ability to harmoniously adjust one's attitudes and behaviors to circumstances, to use a variety of skills and means adapted to people and their context (flexibility).

6) Desire to know the other

Ability to be curious and determined to know and understand the other's life experiences and worldviews, whether these are convergent or divergent from one's own.

7) Awareness of one's own culture and discernment abilities

Awareness of the impact of culture on oneself. Ability to recognize the filters, distortions, myths, prejudices, limitations and privileges transmitted by culture and their impact on oneself.¹²

12 - Ibid.

8) Active listening

Capacity for in-depth listening allowing the listener to remove him/herself from the difficulties the person speaking is facing and consider him/her as a whole. The receiver's benevolence provides the tools for the receiver to express and reveal him/herself as a subject of the situation. Active listening is the starting point of any intervention and care; it helps to understand the ways in which the person can be helped and at which levels. It means, for example, rephrasing the other's words and asking relevant questions to accompany them and take them deeper into their thinking process.

These various elements that constitute "life skills" must contribute children's self-acceptance, building their trust and allowing them to express themselves, to strengthen their capacity for expression and participation, and, more generally, promoting a culture of well-treatment within the school, community and family.

→ See the practical fact-sheet n°4, page 70



FACT-SHEET N°5: LEGAL FRAMEWORK

The development and implementation of a policy for the protection of children within an organization must occur in accordance with national and international standards for children's rights.

1. Child protection as a fundamental right

The child is to be considered as a person in his/her own right; he/she became a subject of rights when the United Nations Convention on the Rights of the Child was adopted in 1989. The child is indeed inalienably entitled to fundamental freedoms and human rights, without discrimination or distinction. Thus, for BICE, children's rights are fully part of the framework of human rights. This approach, considering children as subjects of rights, renews the way children's needs are met in terms of protection, nurturing, care, education, as well as the needs to be heard, recognized in all their dimensions, including their search for meaning. These needs relate to rights they are legitimately entitled to.

Children's right to life, survival and development (Section 6 of the CRC) are linked to the implementation of a protection policy within an organization. The child must be at the center of actions implemented in the framework of the protection policy. In order to fully respect child rights it is essential to rely on the international and national legal framework to develop the protection policy.

2. International and national legal framework

a) The international legal framework

The international normative framework on violence, abuse and exploitation against children is based on the CRC and its Optional Protocols and other relevant instruments, whether legally binding or not. Sections 19, 34, 35, 36 and 39 of the CRC are especially relevant.

Section 19 provides that:

1. *State parties shall take all appropriate legislative, administrative, social and educational measures to protect children against all forms of violence, injury or physical or mental abuse, neglect or negligent treatment, ill-treatment or exploitation, including sexual abuse, while in the custody of their parents or one of them, their legal representatives or any other person they have been entrusted to.*

2. *Such protective measures should, as appropriate, include effective procedures for the establishment of social programs to provide necessary support for children and for those they have been entrusted to, as well as other forms of prevention and for purposes of identification, reporting, referral, investigation, treatment and follow-up of child ill-treatment cases, as described above, and also include, as appropriate, judicial intervention.*

Section 34 states that: *State parties shall undertake all appropriate measures to protect the child against all forms of sexual exploitation and sexual abuse. To this end, State parties shall in particular take all appropriate measures at national, bilateral and multilateral levels to make sure that:*

- a) Children are not being encouraged or forced to engage in any unlawful sexual activity;*
- b) Children are not exploited in prostitution or other unlawful sexual practices;*
- c) Children are not exploited for the production of shows or pornographic material.*

Section 35 states that: *State parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction, sale of or traffic in children, for any purpose or in any form.*

Section 36 *“requires State parties to the Convention to protect children against all other forms of exploitation prejudicial to any aspects of their well-being.*

Section 39 emphasizes that: *State parties shall take all appropriate measures to promote the physical and psychological recovery as well as the social reintegration of a child victim of: any form of neglect, exploitation or abuse, torture or other forms of cruel, inhuman or degrading treatment or armed conflict. Such recovery and reintegration shall take place in an environment which fosters the child’s health, self-respect and dignity.*

In addition, section 16 of the CRC includes a provision which stays relevant in the case of abuse within the family, even if it is not directly linked to the issue of ill-treatment.

Section 16 provides that:

- 1. No children shall be subjected to arbitrary or unlawful interference with their privacy, family, home or correspondence, or to unlawful attacks on their honor and reputation.*
- 2. The child has the right to protection of the law against such interference or attacks.*

Prevention of violence and protection of children against all forms of violence are part of States' primary responsibility. As such, each State shall take the necessary measures to ensure that state actors (state divisions, state services and agents) and non-state actors (employers, parents, etc.) do not infringe children’s rights and dignity, including through violence.

b) National legal framework

The national legal framework on violence, abuse and exploitation against the child must be coherent with regional obligations – such as the African Charter on the Rights and Welfare of the Child, the American Convention on Human rights, the Council of Europe Convention on the protection of children against sexual exploitation and abuse, and the Asian Charter of Human rights – as well as international ones. International obligations are those ratified by the State under international conventions, including the CRC and its Optional Protocols.



The harmonization of domestic law with international law can be done through a Code of Children (e.g. the Children's and Adolescents' Code in Peru), an organic law (e.g. law No. 338 - XIII on the Rights of the Child in Moldova), a decree, a regulation and circular, amongst others.

In any case, the form the legal framework must take is important but not decisive. The quality of its content is key. The national legal framework should indeed provide: a broad definition of ill-treatment to ensure that forms of violence, abuse and exploitation unforeseen at the time the law's adoption would not escape sanction; specialized institutions such as courts for children and adolescents, social services supporting the judicial system before, during and after the judicial intervention; and a system of protection, monitoring and compensation for victims.

It is important to be aware of the national laws governing the issue of ill-treatment in one's own countries.

3. An internal child protection policy built on the rights-based approach

BICE's action is based on the principles of the CRC: the child's best interest (art. 3); non-discrimination (art. 2); children's right to life, survival and development of their potentials (art 6); their freedom of expression (art. 12 and 13), the right to freedom of thought, conscience and religion (art. 14) and the right of association (art. 15); the indivisibility of civil, cultural, economic, recognized political and social rights the child has been entitled to. Beyond meeting mere material needs, the development of children as a whole is the objective, in all their dimensions, including spiritual ones. The legal enforceability of the provisions of the CRC, means that signatory States can be firmly asked to take the administrative, economic, legal, educational and social measures to ensure children are given a protective environment.

Regarding the development of a protection policy, it is essential to take three fundamental considerations into account: non-discrimination, the child's best interests and child participation.

Non-discrimination (Section 2 of the CRC)

Section 2 of the CRC states:

- 1. State parties undertake to respect the rights set forth in the present Convention and to ensure them to each child within their jurisdiction without discrimination of any kind, irrespective of any consideration of race, color, sex, language, religion, political or other opinion children or their parents or legal representatives may hold, national, ethnic or social origin, property status, disability, birth or other status.*
- 2. State 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, the child's parents, legal guardians, or family members.*

Some children, such as children with disabilities, are particularly vulnerable. This discrimination is harmful to the well-being of children, who do not receive the basic services that protect and promote their well-being.

Organizations have the responsibility to ensure that the well-being of children from minority groups and communities is properly addressed. They should therefore consider the following points:

- Policies and procedures developed for the protection of children should reflect a commitment to equality and diversity;
- Organizations accompanying children must be able to assess children's needs in each case, in the context of cultural diversity;
- Information materials that are developed must be available to all children in the care of the organization;
- Dialogue with children and considering their opinions is essential.¹³

The child's best interests (Section 3 of the CRC)

The Committee on the Rights of the Child defines the concept of the child's best interests in its 29 May 2013 General Comment N°14. According to art. 3 of the CRC, "*in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the child's best interests must be a primary consideration.*"

The concept of the child's best interests is to ensure full enjoyment of all the rights recognized in the Convention, as well as the child's overall development, whether physical, mental, spiritual, moral, psychological or social. This concept must be taken into account when adopting any measures that may have an impact on children in the context of decisions taken by the authorities or the courts in individual cases, as well as in the development of legislation, policies, strategies, programs, budgets¹⁴, etc.

The protection policy that includes policies and procedures should be based primarily on the child's best interests. While developing procedures such as the code of conduct or internal reporting procedures, the child must be placed at the heart of all other concerns.

Participation (Section 12 of the CRC)

Section 12 of the CRC states:

1. *State parties shall ensure to children who is capable of forming judgments the right to express those views freely in all matters affecting them, the views of the child being given due weight and consideration in accordance with the child's age and maturity.*

13 - Keeping Children Safe Coalition, *Standards for Child Protection*, 2006, p.76.

14 - General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), Convention on the Rights of the Child, May 2013, http://www.humanrights.ch/fr/Instruments/International/Divers-organes-de-lONU/idart_10080-content.html.



2. To this end, the child shall be in particular 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.

The application of Section 12 involves reconsidering the status of children and the nature of adult-child relationships. It requires actively listening to children, recognizing the value of their experiences, their opinions and their problems. Recognizing that children have rights does not mean adults no longer have responsibilities towards them. On the contrary, children cannot and should not be left on their own in the essential fight for the respect of their rights. Adults must learn to work more closely with children to help them build their lives, develop strategies for change, and exercise their rights.¹⁵

Involving children in the development and implementation of the protection policy is important to take their views into account and to ensure that they understand the policies and procedures that are being implemented.¹⁶

→ See the practical fact-sheet n°5, page 71

15 - LANDSDOWN, G., *Promouvoir la participation des enfants au processus décisionnel démocratique*, UNICEF, juillet 2001, p.7.

16 - See Fact-sheet N°12 on child participation..

FACT-SHEET N°6: COMPONENTS OF AN EFFICIENT PROTECTION POLICY

An efficient internal protection policy must contain both prevention elements, (i.e. measures to avoid any situations of violence) and should also include protection elements that define how to ensure the child's well-being and safety if abuse is suspected or proven.

Internal protection policies should list, detail and clarify the implementation of the preventive and protective procedures.

These measures should be implemented by fundamental principles that should govern all actions and decisions relating to the protection of children.

The basic principles to be followed in the protection policy

The child's best interests

The child's best interest is an overarching principle and a priority to be given at all levels of an organization's child protection policy. This principle is to be reminded and encouraged, particularly in situations where cases of ill-treatment are recognized, suspected or alleged against children. Indeed, internal reporting procedures must at all times remain focused on children, placing them above bureaucratic requirements, an organization's and/or a professional's reputation, etc.

Confidentiality

Within an organization, it is essential that adults and children are guaranteed respect with regards to the personal information they disclose. This means that access to records should not be given to all professionals in the organization but only to those for whom access is appropriate. It is essential to establish clear instructions about the confidentiality rule and cases in which this rule may be broken, always bearing in mind the child's best interest.

In case of ill-treatment against a child, the latter may request that the information should not be disclosed. The internal reporting procedure should nevertheless be applied, so it will be necessary to explain to the child the importance of involving other people in order to provide the best support and to take the necessary sanctions against the perpetrator. When children mention a situation of ill-treatment, no promise should be made that will not be kept.

Consultation

It is essential to put in place a mechanism for consultation with all stakeholders involved in the process (professionals, children and their relatives, etc.), both at the time of the protection policy development and when implementing procedures to react to a case of ill-treatment against a child, whether detected, suspected or alleged. Without such consultation, there is a genuine risk that procedures might be inadequate or not enforced or that decisions might be inappropriate.

PREVENTIVE MEASURES

Prevention is the cornerstone of protection. Indeed, it is the best way to protect, not only the child but also the organization, its staff and employees.

Integrating a prevention component in the protection policy should prevent any infringement on the child's rights and therefore minimize the possibility of ill-treatment within an organization working with children.

Here are the elements of prevention that must be part of an effective protection policy:

1. A safe and reliable human resource policy;
2. Clear written regulations (code of conduct, charter or rules);
3. Prevention activities to strengthen children's capacities;
4. Appropriate training of personnel;
5. An internal policy of transparent protection.

1. A safe and reliable human resources policy

Introduce appropriate methods for the recruitment of staff, volunteers, interns and consultants as well as for the evaluation of their ability to work with children. For this, it is strongly recommended to:

- Ask for references;
- Require a criminal record;
- Conduct a review of identity documents;
- Evaluate qualifications.

2. Clear written regulations (code of conduct, charter or rules) for adults and children

- Develop a code of conduct outlining appropriate behavior to have with children;
- Set standards of acceptable and unacceptable behaviors;
- Establish specific guidelines based on the types of activities implemented in the organization. An important point to be spelled out concerns the guiding principles on physical contact;
- Recall and define some basic principles, such as confidentiality, respect for individual dignity, non-discrimination or the presumption of innocence;
- Identify and define access of people coming from outside the institution (including the child's parents, friends or relatives); access to the organization must be controlled (registration, presentation of identity papers, systematic monitoring of visitors coming in or out);
- Develop and teach the principles of children's expected and acceptable behavior towards their peers.

3. Prevention activities to strengthen children's capabilities

- Organize participatory prevention sessions with children so that they know the rules and strengthen their capacity to cope with risks of abuse.

4. Appropriate training of staff

Staff should be trained on:

- Child protection policies;
- Positive education: staff in direct contact with children should be trained in positive child behavior management practices without resorting to physical punishment or any other form of degrading or humiliating treatment;
- Any element that could contribute to the professionalism of the staff and to building a well-treatment environment.

5. An internal policy of transparent protection

- The organization should implement procedures to ensure that all staff members know how to ensure the safety of children and to ensure their opinion will be sought after and taken into account;
- In addition, children and their families should be informed on their rights to be protected against ill-treatment.



6. Disseminating protection policies across all stakeholders

When the organization works with or through partners in contact with children, these partners must commit to complying with the protection policy's basic principles (see fact-sheet n°13).

PROTECTION MEASURES

A system of child protection must include policies and procedures for reporting and dealing with any form of abuse detected, suspected or alleged against children.¹⁷ Procedures should mention clear, step by step instructions, actions to be taken and procedure to follow so that professionals and children know what they should do. Procedures should be transparent and known to all, in order for reactions to be appropriate and regulated, and always focused on respecting the child's best interests. They must indicate applicable procedures to follow, for professionals and children to know how to react.

When abuse is recognized, suspected or alleged, the following procedures must be an integral part of the organization's child protection policy and therefore must be included in the internal protection policy:

1. the creation of internal bodies enforcing and monitoring the protection policy;
2. the organization's internal reporting procedure;
3. protection measures for children victims of abuse;
4. sanctions to be taken in case of an internal report against the perpetrator of abuse;
5. administrative and judicial reporting;
6. monitoring the decision taken at the level of the organization.

1. Creation and monitoring of internal bodies enforcing the protection policy

It is necessary to create an internal body responsible for ensuring compliance with internal protection policy. This body, which may be a committee, a working group, a multidisciplinary team, aims to promote the protection policy as well as meet and decide when a case of ill-treatment is suspected or proven. It is important to note that, although the multidisciplinary commission is responsible for the management of complaints and suspicions of abuse, this body does not substitute competent legal authorities.

2. Internal reporting procedure within the organization

The procedure for internal reporting is a clear and detailed response process to be observed in cases of, suspected or alleged ill-treatment against a child. It must be accessible to all professionals and children and protect the interests of any person reporting such incident, whatever the outcome of the investigation that might ensue.

17 - JACKSON, E., WERNHAM, M., *Politique et procédures de protection de l'enfance : guide pratique*, 2005, p.65.

FACT-SHEET N°6: COMPONENTS OF AN EFFICIENT PROTECTION POLICY

The reporting procedure must contain the following information:

- Provision of an internal reporting form. This form must be visible and known in all intervention areas of the organization and be translated into the local language(s) if necessary. It may be appropriate to base this form on a similar format of those used by the administrative and judicial reporting mechanisms in the country, in order to gather all necessary information and ensure that there is no duplication of work.
- Information and contact information of the relevant multidisciplinary services, such as child protection services, emergency medical assistance, police, etc.
- A reminder of the principles to be observed, such as the child's best interests, confidentiality and the consultation of children.

The procedure involves a requirement for all staff to report incidents and know what steps to follow to do so. The people in charge of the implementation of the protection policy within the organization must ensure that procedures are respected and that the reporting system is effective.

Procedures are used to identify the key people in the system, their function and responsibilities as well as the measures to be taken for the protection of the child. It is essential to work with organizations that ensure child protection, such as public institutions, medical centers, etc. Depending on local conditions, it may be appropriate to clarify the concept of ill-treatment and violence against children.¹⁸

3. Protection measures for children victims of abuse and/or sanctions following a report of abuse

Once the internal reporting protocol is implemented, the organization must provide a response to the abuse – whether detected, suspected or alleged – against a child. Decisions must primarily ensure the protection of the child who was the victim of abuse, but also respect the presumption of innocence of the person accused of ill-treatment until proven otherwise.

As a precaution, the accused person shall be suspended until the outcome of an independent investigation. It is essential that any person who violates the rules of child protection faces up to his/her responsibilities and is either, in case of a minor offence, offered training, or in more serious cases, subjected to any relevant legal proceedings. The sanctions that should be taken when there is an internal reporting of abuse must be

¹⁸ - See Fact-Sheet N°3 on the definition of ill-treatment.

written in the internal protection policy. For example, expelling the person can be considered if the abuse is committed by a professional in the organization; or interrupting funding or the collaboration in the case of a partner organization; or breaching a contract in the case of a consultant. Such penalties should be proportionate to the different levels of abuse. If we take the case of a professional who humiliates a child (provided the action is not voluntary or if it is the first time he/she has committed this act), suspending the person may not be necessary. An oral warning with monitoring of his/her work by those responsible for the implementation of the internal child protection policy over a defined period could be considered.

When a child has allegedly ill-treated another child, measures to protect and educate the offender must be taken. Steps will also be taken to prevent the recurrence of such violent behavior including identifying the possible cause of violence.¹⁹

The child who was a victim of abuse should be primarily protected from any harm. Any decision must respect the child's best interests. Support from family and relatives plays an essential role in the process of multidisciplinary care. They must be immediately informed of the situation and implicated in supporting the child.

It is also important to ensure that all professionals and the children in the organization have the opportunity to comment on the situation of abuse, so as to minimize traumatic effects. Everyone should have the opportunity to be heard and concrete answers should be given to dismiss doubts. Explaining and accounting for the measures taken as a result of ill-treatment may be required.

4. Administrative and judicial reporting

The internal reporting procedure should include a reference to possible legal action (administrative and judicial reporting). Every citizen has the moral duty to report to relevant authorities²⁰ an act or suspected act of ill-treatment on a child. It is preferable that the internal protection policy is akin to local legislation in terms of administrative and judicial reporting.

5. Monitoring decisions

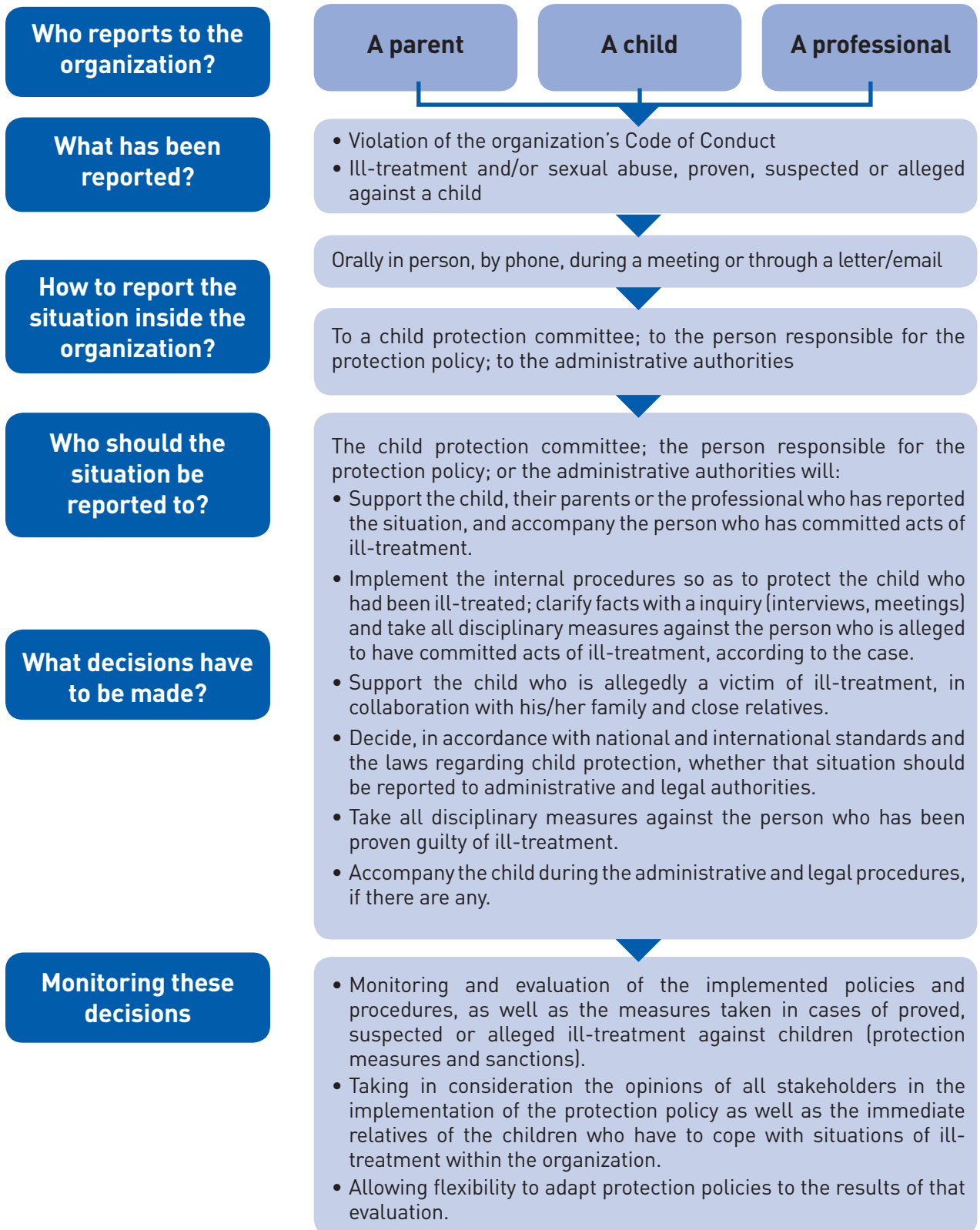
The child protection policy must provide close monitoring of the case until its resolution and ensure that children receive adequate follow-up depending on the circumstances they have experienced.

19 - See Fact-sheet N°8, Offending minors, when abuse is committed by a child.

20 - See Fact-sheet N°9, Administrative and judicial procedures. Reporting and filing complaints.

FACT-SHEET N°6: COMPONENTS OF AN EFFICIENT PROTECTION POLICY

6. Chart for internal reporting procedures within the organization²¹



21. -FHI 360 The science of improving lives, *Becoming a safe organization for children*, 2012, p.46.

7. Example of internal reporting procedures within an organization

It is desirable to attach to the internal protection policies a standard form that anyone can fill in and submit to the authority in charge of the internal protection policy.

The following elements must figure in the internal reporting form:

1. Date of report;
2. Reason for reporting (suspicion of child abuse, sexual abuse, etc.);
3. Date and place of the alleged facts;
4. Child's complete identity;
5. Measures of assistance or protection already taken;
6. Description of the facts or verbatim transcription of the child's testimony. If the child has been questioned about the facts, specify the exact questions asked. Indeed, an answer only makes sense if the question asked is known;
7. If known, provide information on the offender.

→ See the practical fact-sheet n°6, page 71

FACT-SHEET N°7: ASSESSING THE SITUATION: IS ILL-TREATMENT TAKING PLACE?

This sheet provides tools to identify a child coping with ill-treatment. It is based on the previous sheet that defines ill-treatment and the different forms it can take.

Identifying signs, indicators and clues that children give us when they are ill-treated

When a child is being ill-treated, they seldom complain voluntarily. In addition to the visible signs of physical abuse (bruises, burns, wounds, injuries, fractures, poisoning etc.), there are many signs of peculiar behavior that can be the result of trauma and enables identification of abuse.

General symptoms: sleep disorders, hyperactivity, constant state of alert, physical and/or psychological exhaustion; obsessive rituals, selective memories, idealization of some moments in life, psychosomatic symptoms and personality disorders, etc.

Symptoms in children: abdominal pain; regressions; eating disorders; sleep disorders; school development disorders; emotional disorders (depression, agitation); phobic behavior (water, enclosed spaces, food phobias); abnormal sexualized behavior, assault (sexual, among others) on other children; enuresis, etc.

Symptoms in adolescents: self-destructive behavior accompanied by loss of self-esteem, suicide attempts, drug addiction, alcoholism, prostitution, self-harm, propensity to structure their psyche as a victim and as a consequence vulnerability to repeated abuse, etc.

1. *Some victims of ill-treatment or sexual abuse may not exhibit any of these symptoms;*
2. *Behavioral signs are not specific to one type of trauma: it is therefore possible, for example, that some of these symptoms appear in the context of a difficult divorce.*

These lists of symptoms should be used and interpreted with extreme precaution.

Why victims do not always always speak about their abuse?

Several reasons may explain the victim's silence. Not speaking does not mean not suffering. It is precisely because some victims do not speak out that adults should remain particularly vigilant about the symptoms of ill-treatment listed above. Here are the main reasons that hold child victims from talking about the abuse they have suffered:

- Inability to understand the seriousness of the offense;
- Secrecy imposed by adults;
- Desire to protect a family member.



Disclosing abuse

The child can choose anyone to confide in: a teacher, social worker, friend, etc. This person is then considered a person of trust for the child. When the child speaks to unveil what she/he has gone through, it is practically a survival effort for him/her. Therefore, the listener must remain available and should never postpone the conversation. For the child, it is a painful moment. The listener's role is then to contain the child's emotions; it is important not to fall apart before him, nor to appear too distant.

Listening tips:

- Encourage the child to speak; let him/her the opportunity to speak without being interrupted; listen with empathy.
- Do not cast doubts on their doubts. The child must have the feeling that he/she was listened to and believed.
- Adapt your level of language to the child's language, vocabulary and stages of development, as well as to the pace of his/her statements.
- Respect his/her pauses in the conversation, do not ask direct questions, avoid answering for the child, do not interrogate him/her, make no suggestions.
- Take the child's views into account, even if there are doubts over what he/she says.
- Assure the child that the secret will be well-kept; however, inform him/her that another trustworthy person will be asked for help.
- Carefully note the exact sentences communicated, taking great care to stay as close as possible to the exact words pronounced.
- Note the date, time and place of these confidences.
- Sign this document and keep it safely away from any indiscretion.
- Following disclosure, the child must be reassured; address the issue of secrecy, tell him/her, his/her story will not be told indiscriminately; do not let him/her feel deluded into thinking everything will be resolved soon. He/she should also be provided information on what will happen next.²²
- It is important to note that information should be communicated to relevant authorities without trying to lead a private investigation.

22 - BRUN, J. & MAURICE, O., this was recorded during the seminar entitled *Sexual abuse: a psychological approach and multidisciplinary cooperation*, BICE, Centre Otradnoie, Moscow, 2013.

FACT-SHEET N°7: ASSESSING THE SITUATION: IS ILL-TREATMENT TAKING PLACE?

Truth and lies

According to psychologists, an under 6-year-old child does not distinguish between lies, games and storytelling. It is after 8 years that lying really acquires its intentional dimension.²³ It is important to understand that during the disclosing conversation, the child is not capable of transmitting the event 100% accurately. Children often only remember the emotional side of the abuse.

These elements are essential to take appropriate decisions in order to activate procedures of the internal child's protection policy.

A balanced and collaborative assessment process will enable to identify which protection policy procedures should be activated, to convene the instance created to handle cases and suspicions, and to activate the reporting mechanisms detailed in the following fact-sheets.

→ See the practical fact-sheet n°7, page 72

23 - PIAGET, J., *Psychologie et pédagogie* (1935, 1965), Paris, Denoël, Bibliothèque Médiations, 1969.



FACT-SHEET N°8: OFFENDING MINORS: WHEN ABUSE IS COMMITTED BY A CHILD

Abuse among children is not insignificant and should not be underestimated.

When can we talk of child abuse?

According to D. Olweus, acts of abuse among children can be defined and distinguished from mere “horseplay” through three characteristics:²⁴

- Abuse is frequent and long-lasting;
- There is an unbalanced relationship between a victim and an offender;
- The offender fully realizes the harmful nature of his actions.

Various forms of abuse among children:

- Physical aggression (hitting, pulling hair...);
- Verbal aggression (teasing, insulting, calling names);
- Lack of consideration from peers (shutting away, avoidance, spreading rumors, etc.);
- Sexual assault;
- Etc.

Innocent games or sexual abuse?

There is no clear distinction between children’s so-called “normal” sexual behavior (playing doctors, exhibitionism, playing sex scenes with dolls, kissing, etc.) and “abnormal” ones.

The criteria below form a list (though not a comprehensive one) that can help differentiation:

- Use of physical force;
- Manipulation, intimidation, threats;
- Unbalanced power relations;
- Age difference.

24 - OLWEUS, D., Psychology professor in Norway; founder of the concept “school bullying” in the 70’s, *Violences entre élèves, harcèlements et brutalités, les faits, les solutions*, ESF publishers, Paris, 1999.

FACT-SHEET N°8: OFFENDING MINORS: WHEN ABUSE IS COMMITTED BY A CHILD

Child abusers are often victims of sexual abuse themselves. It is therefore necessary to always consider the existence of a sexual abuse in the abusers' past experience.

Child victims themselves are not always "sure" of the abusive character of their sexual experience.

Parents and organization staff should be guided and informed about the existence of games of a sexual nature that may appear as abuse.

Sanctions (judicial or otherwise) should confer values of prohibition and of the seriousness of the misbehavior.

a) Child-aggressor: risk factors²⁵

Factors that increase the risk of youth violence are complex.

Risk factors at the individual level: hyperactivity; impulsivity; lack of control over one's own behavior; concentration problems; a history of aggressive behavior; early use of alcohol, drugs and tobacco; antisocial beliefs and behavior, low intellectual level and poor results at school, underperforming/failing at a school; belonging to a single-parent family; parental separation or divorce; exposure to violence within the family.

Risk factors in the context of close relations (family, friends, peers and very close partners): lack of monitoring and supervision of children by parents; tough/lax or inconsistent parental disciplinary practices; low level of attachment between parents and children; lack of parental interest in children's activities; substance abuse or delinquency of the parents; low income family; relations with delinquent peers.

Risk factors within the community and wider society: low levels of social cohesion in the community, the presence of gangs and local supply of firearms and illicit drugs; lack of alternative non-violent conflicts resolution; income inequalities; rapid social and demographic changes; urbanization; quality of the country's governance; (laws and their enforcement, as well as education and social protection policies).

25 - La violence chez les jeunes, Aide-mémoire N°356, Août 2011, Centre des médias, Organisation mondiale de la Santé, <http://www.who.int/mediacentre/factsheets/fs356/fr/>.



b) Child-victim

What warning signs can be detected?

In general, affected children are between 6-16 years; but some may experience such situations even younger.

At psychological level, a child faced with such difficulties can react in various ways. What should alert is **a change in the child's behavior** that is unexplained by other factors. It may be withdrawal, somatic anxiety episodes (stomachaches, headaches, etc.); refusal to go to school /to the shelter, sleep disorders. There may be a decline in school performance in a good student or absenteeism. The child may become aggressive with his entourage; start stealing money regularly in a case of racketeering. Physical effects can also alert others: hematoma; damaged clothing or clothing accessories that regularly get "lost".

If the situation continues, the victim may develop a genuine anxiety-depressive syndrome, possibly even a phobia or adolescent suicidal risk. The anxiety-depressive syndrome is characterized by symptoms indicative of suffering (boredom, sadness, indifference), often associated with somatic disorders (loss of appetite, sleep disturbances, bedwetting). "Defense" symptoms, in reaction to depressive syndrome can also be observed such as a motor instability, aggressive behavior and anger.²⁶

What role for adults?

Prevention

To minimize this type of violence, primary prevention must occur in the form of information to children.²⁷ Children should be aware of the existence of different forms of violence and of their inadmissible nature. They must become aware of the injustice and severity of such acts. This awareness can help them respond quickly and report situations they might be victims or witnesses of. The best way for a victim to solve the problem is to oppose the aggressor immediately; by alerting him verbally there is no way this will happen again and at the same time talk about it with adults.²⁸

26 - LE LOUËT, A., *Harcèlement entre camarades en milieu scolaire : repérer les signes d'alerte*. Le quotidien du médecin n°8409, 2 septembre 2008.

27 - Grain de Sable dans *Prévenir la maltraitance et l'abus sexuel à l'encontre des enfants* : recueil de bonnes pratiques de prévention et prise de position sur l'abus et l'exploitation sexuels, BICE, 2013, pp. 78-83.

28 - LE LOUËT, A., *Harcèlement entre camarades en milieu scolaire : repérer les signes d'alerte*, Le quotidien du médecin n°8409, 2 septembre 2008.

FACT-SHEET N°8: OFFENDING MINORS: WHEN ABUSE IS COMMITTED BY A CHILD

At individual level	At relational level	At community level	At society level
Pre-school personality development programs	Home visits	Improving the environment (educational practices, school and safety regulations)	Public information campaigns
Social development programs (Life Skill Based Education)	“Parents’ school”	Extracurricular activities	Advocacy for reducing media violence
Harassment prevention	Family therapy	Gang-prevention program	Awareness-raising of police and judicial representatives
Advice	Monitoring Program	Train adults in identifying abuse and teach potential victims where to turn to.	Social inequalities reduction
Professional training	Mediation/advice offered by peers	Make access to alcoholic beverages more difficult	Improving the education system ²⁹

Detection and early intervention

It is desirable to link prevention measures to early detection and early intervention.

In addition, interventions are needed when problems already exist and when it is a matter of preventing escalation or rooting. Appropriate interventions are also preventive measures, as they prevent the emergence of other violent behavior.

As part of the intervention, it is essential to take into account the child’s personal, family, school, work, and leisure circumstances.

Appropriate repression

The term covers all enforcement actions taken in response to young people’s aggressive and violent behavior: law-enforcement, judiciary measures, those taken by education authorities and other educational agencies. Repressive measures are intended not only for young people individually, but can also involve whole groups, as is the case with night curfews for minors adopted in recent years by some municipalities.

N.B.: repression is effective only if accompanied with educational and preventive measures.

The main objective of repression is to prevent the repetition of violent behavior. Indeed, if too harsh and inappropriate, penalties can often exacerbate the problem. Our top-priority should not be penalties but measures to protect and educate child perpetrators.

29 - *La violence chez les jeunes*, Word Health Organisation, 2002. http://www.who.int/violence_injury_prevention/violence/world_report/factsheets/en/youth_fr.pdf

FACT-SHEET N°9: ADMINISTRATIVE AND JUDICIAL PROCEDURES. REPORTING AND FILING COMPLAINTS

What is reporting?

Reporting is the act by which an actual or alleged abusive situation is brought to the attention of an administrative or judicial authority. The report must be made without fear of consequences (whether administrative or judicial).

When should reporting take place?

The term “alleged” above is very important. Suspicions are sufficient to establish a report. It is precisely up to the administrative and judicial authorities – by means of a social, judicial investigation, or a legal instruction – to confirm or deny these suspicions, since they are the relevant authorities.

Upholding these suspicions is the prerogative of the administrative and judicial services; they possess the means (legal, in personnel, material and scientific) to ascertain the facts and decide what appropriate action should be taken to proceed with the case.

In cases where abuse is an immediate danger to the child, reporting must be made as soon as possible, as this is an urgent act of child protection.

Who should report?

Everybody has a moral duty to report to authorities acts or suspected acts of ill-treatment against a child.

In some countries, reporting is a legal obligation defined by the Criminal Code.

Non-reporting can also be equated with failure to assist a person in danger.

It is all the more expected from childhood protection professionals that they should react quickly and alert the relevant departments in case of suspicion.

Consequences of reporting

Reporting to administrative services is meant to protect the child. It is used to identify a family in need and provide with assistance: support and follow-up by social workers, parenting support, etc.

In more serious cases, it can be transmitted by social services to the judicial authorities (prosecutor, judge or police).

Professional confidentiality

Professionals (doctors, social workers, etc.) are exempt from professional confidentiality in cases of suspected abuse. Even though professional secrecy and confidentiality are central in these professions, in this very special case, the child's best interest is paramount over these concepts.

Waiving the obligation to confidentiality in case of suspected abuse is in many countries' penal codes.

How to report – the reporting form

It is desirable to incorporate a report form to the internal protection policy. If there is a centralized standard document, provided by social services, it is desirable to directly integrate this template.

In the absence of such template, the necessary information should be the following:

1. Identity of the child concerned (name, date of birth, school or institution attended);
2. The motive, which indicates the events triggering the reporting, and place of danger;
3. Findings: proven facts and their context;
4. Sources: revelation, external information;
5. Background: presented in a synthetic way, if the situation is known.

Report should be very clear and relate facts in an objective manner.

Elements can be written as follows:

Direct style for elements and facts, indicating locations and dates if possible:

Ex: "I found" "

Quote marks for reported statements, with exact words and phrases used by the child or the narrator:

Ex: The child said: "" "

Indirect style to state elements obtained from informants:

Ex: The teacher told me"

The conditional or the following expressions when expressing assumptions:

Ex: "The father would have left the house" (The indicative tense expresses what was actually seen, heard, understood, etc.).³⁰

30 - *L'enfance en danger, que faire ?*, Tribunal de grande instance Protection judiciaire de la jeunesse, Inspection Académique, Département Ardèche. <http://ardec.col.inforoutes.fr/pjj/pdf/pjj.pdf>



Reporting procedure in accordance with local laws

It is necessary to identify, understand and know perfectly well the procedure for reporting in the country / region / state / municipality in which the child lives.

Several models exist and every individual may be required to report to the following authorities or services:

- A municipal, district level, regional, or national department that collects and centralizes all reports issued by schools, doctors, neighbors, etc. Based on these aggregated data, this department will file a complaint with the social or court services:
- The social and administrative services relating to child welfare;
- The prosecutor;
- Juvenile court judge;
- The investigating judge;
- The police juvenile squad (when there is one);
- The police.

The administrative and judicial systems are often overlapping. It is essential for any child protection professional to perfectly control procedures and reporting procedure.

It is also desirable that these procedures be contained in the internal child protection institution policy.

Filing a complaint

After reporting to administrative services, after investigation and evaluation by these services, the case can be transferred to the prosecutor or the judge. But one can also choose to complain directly to the judicial authorities (police station most of the times, with the prosecutor or judge) without going through administrative reporting as square one. If the crime was committed within the premises of an institution, by an employee for example, it is the moral responsibility of the institution to file a complaint against that person. Here too, depending on local laws, the institution responsible for the child can/should file a civil case. Sanctions and penalties internal to the institution are often insufficient.

Indeed, the formal complaint filing ensures:

- Protection of the child;
- Neutralizing the offending criminal and avoiding potential repeated criminal offense;

FACT-SHEET N°9: ADMINISTRATIVE AND JUDICIAL PROCEDURES. REPORTING AND FILING COMPLAINTS

- Recognizing the child as a victim;
- Sanctioning the offender to the full extent of the law;
- Providing the offender therapeutic care.

It is important that during this difficult period, the child is supported, provided care, and that the referent social worker follows carefully the course of the investigations and the appropriate reactivity of the judiciary in ensuring that the complaint is taken into account and dealt with appropriately and expeditiously.

The importance of judicial procedures for the child's resilience

In many cases, we note that the resort to legal measures on child abuse, especially sexual abuse, is an important factor in the child's resilience process. This allows the child to be recognized as a victim, helps him endorse the inadmissibility of the acts perpetrated by the author and contributes to the recognition of a prejudice – which is the first step towards reconstruction.

It should be noted that the judicial process cannot be the only answer to the situation and that therapeutic care of the child victim and his/her family coupled with social, administrative and judicial measures may systemically and holistically contribute to the resilience of the child and his/her family.

Filing a complaint can be liberating for the child (even several years after the offence), and often it is an act which greatly relieves children, a return to the order of things, a symbolic triumph of their words – and, simply, an act of justice.

But the legal procedure can also be extremely stressful for child victims.

They will perhaps have to deal with suspicions from judicial personnel, guilt, rejection by family members and accusations of lying. The statement may also lead to a dismissal for lack of evidence, which victimizes the child a second time.

Throughout this very complex procedure, the child must anyway be properly supported by a reference person, who is trained and whom the child trusts.

Receiving the child's testimony in a respectful manner

Referent professionals also have a duty to ensure that justice is administered in an appropriate and child-friendly manner.



To be adapted to the child, the judicial system must meet the following elements before, during and after the judicial process:

- Prompt and diligent processing;
- Systematically behind closed door;
- Specialized juvenile justice (specific law or code, specific courts, institutions and specific services, etc.);
- Necessary training of specialized judges and social services;
- Intervention of the child's lawyer/Counsel at every stages of the proceedings;
- Intervention by officers and social workers at every stage of the proceedings;
- Monitoring of the judicial process by the social worker who usually follows the child;
- Specific rules and procedures that are appropriate for a child;
- Network of professionals to support every stage of the proceedings;
- Structured reporting with disaggregated data;
- Knowledge and compliance with due process;
- Taking into account the psychological dimension in police stations;
- Avoiding stigmatization of the victim;
- Procedure adapted to the child;
- Police trained for interventions in cases of abuse;
- Specialized training for professionals, including lawyers, on children's rights;
- Hearing of the victim at various stages of the proceedings;
- Avoid trauma in police stations;
- Record/ film the child's testimony, in a child-friendly atmosphere;
- Avoid making the child repeat the traumatic aspects of the facts;
- Ensure the existence of specialized protection mechanisms, such as specialized hosting services for children victim of abuse;
- Mechanisms for monitoring and implementation of judicial decisions.

→ See the practical fact-sheet n°9, page 74

FACT-SHEET N°10: PSYCHOLOGICAL AND THERAPEUTIC SUPPORT

1. The psychological consequences of ill-treatment and sexual abuse

All forms of child ill-treatment may have significant adverse effects on the lives and mental health development of children. Ill-treatment causes stress which hinders early brain development; extreme stress can affect the development of the nervous and immune system.

Studies indicate that exposure to abuse and other forms of violence during childhood is later associated with risk factors and risk behaviors, including violent victimization and perpetration of acts of violence, depression, tobacco addiction, obesity, high-risk sexual behavior, unwanted pregnancy, alcoholism, and drug addiction.³¹ In addition, abused children often live with feelings of shame, guilt, repression, denial, betrayal, self-doubt, depressive tendencies, anxiety, heavy depression, stress, etc. Psychosocial support is therefore crucial to the child's recovery.

In many areas, however, formal access to mental health care is just not available. Where access is limited, efforts should be made to put the child and family in relation with informal community support. Support and mental health treatment – formal or informal – must include people caring for children or family and must closely coordinate any judicial procedure and all efforts to protect children. In severe cases, therapy may need to override the judicial process.

2. Support

Assessment / diagnosis

It is not up to social workers to assess the veracity of the facts or the credibility of the child's testimony. Their role is to help the child to verbalize his experiences in the presence of a responsible adult who takes the time to give him confidence. Thus, whether the adult confidant is a professional or not, the first therapeutic action to take to understand a case of ill-treatment against a child is to hear him/her out. The child should be encouraged through open and non-suggestive questions to speak in his/her own words. The content of their narrative and their nonverbal behavior, together with the expression of their emotions will be described in a report, to be forwarded to the judicial authorities within the proper line of authority.

Early assessment is done primarily through direct contact with the child's parents or those who are responsible for him/her. In cases that require it, contacts are made with the professional or extended family involved in the situation. These reviews are used to put together the various views about the family and the latter's recognized resources. It

31 - *Guide sur la prévention de la maltraitance des enfants : intervenir et produire des données*, OMS & ISPCAN, 2006. http://whqlibdoc.who.int/publications/2006/9789242594362_fre.pdf

is indeed very important to analyze the child victim's situation in its entirety. This analysis is not limited to the child's life in isolation, but extended to his/her life in their environment, to get to know the child in all his/her specific characteristics: family situation, age, relationship with the offender, type of abuse suffered, etc.

It is also a matter of assessing the severity of abuse, its impact on the child, the risk factors found in the family history and their recurrence, parenting skills, parents' personalities, specific issues in the child's history, and of monitoring transactions and family atmosphere. This analysis will allow the social worker to have sufficient information about the child, the violence he/she has suffered and about the family. It will also make a diagnosis possible. A diagnosis is essential in order to effectively help the child to deal with his/her problems. A proper diagnosis leads to appropriate help and can be done by involving social workers and specialized professionals (physician, psychologist, etc.).

Integrated and multidisciplinary care

Above all, care should be based on ethical principles and respect for the rights of the child. According to the intervention principles of the Convention on the Rights of the Child, therapeutic support shall put the victim's interests first, ensure their safety, maintain confidentiality and avoid stigmatization.

Situations of ill-treatment require interpretation at several levels: medical, psychopathological (individual, family, and inter-generational), but also social and legal levels. For this reason, treatment and care requires a multidisciplinary approach that is sustainable over time and can rely on qualified, skilled professionals, familiar with the issues of child ill-treatment and sexual abuse. It should support both the abused child and his/her family, and have a three-fold objective: caring for the child, his/her family relations and preventing recurrence.

This multidisciplinary team should decide on a direction to take regarding all the measures to be implemented to ensure the protection of the child and provide him/her with adequate assistance. If necessary, the team may resort to other services, sometimes better suited to the situation.

Support provided to the family and other relations plays a vital role in the process of care and in overcoming the trauma. However, the severity of emotional abuse situations may require temporary removal of the child from his/her natural environment and his/her placement in a foster home. This decision is not to be taken lightly and requires different levels of analysis: a significant diagnostic, social investigation, medico-psychological examination of the child, psychiatric expertise of parents, information guidance and therapy, etc.

Support

The introduction of a process of support in favor of the child victim is based on the creation of a “safe space”, which aims to provide care in a protective environment. Professional actors (social workers, police, judges, doctors, psychologists...), in collaboration, when possible, with the child and family, define actions that will be prioritized over time, and then develop a support plan including preventive actions (to prevent the recurrence of abuse), actions to protect the child victim (reporting, temporary placement in a shelter, medical care, etc.) and psychosocial recovery.

Social workers should always inform the child and family of the different procedures that have been implemented. This is crucial to allow the victim's empowerment, protection and decision making. Each interview should be experienced by the child as a positive experience that allows him/her to feel better.

The child victim has resources and strengths that the social worker must rely on. Rather than focusing on the causes of the problem, the emphasis is on finding solutions and to value successes that encourages the child and contributes to his/her reconstruction. Developing with the child a life project ensures that the focus is not placed on the past trauma, and gives an opportunity to talk about the future and reconstruction. The life project is expected to be developed in conjunction with the important people in the child's circles, to focus on a comprehensive approach. This project contains a series of possible actions that depend on factors relating to the child (age, sex, educational level, family environment, skills and difficulties...) and the violence he/she suffered (forms of ill-treatment, duration, impact, etc.).

The child will have a professional referent in charge of coordinating interventions and the individualized project. This person will ensure that a structured framework and sound content that meets the child's needs are maintained, and will help the victim to deal with his/her emotions and overcome difficulties. This project, co-developed by various partners and the child, is designed to meet their basic needs and his/her social and professional integration. The child's reconstruction work should allow the latter to form a positive image of the adult he/she is becoming.

Psychosocial recovery will help children take a different perspective on their situation by expressing their anger and hatred to gradually distance themselves from what they have experienced. It also concerns actions supporting the child's reintegration into a school setting or access to a professional project.

The support relationship ends when the social worker and other professionals find that the child is no longer in danger and has become resilient: they have acquired the ability to face new challenging situations; they have learned self-protection, learned to trust the adult world again; they have learned to manage their emotions, they no longer speak of themselves as victims, but simply as children, which is what they are and are fundamentally entitled to be.



Dr. Saleebey's recommendations regarding resilience

Dr. Saleebey has designed a particularly interesting table bridging the gap between the therapist's practice and the child's resilience. Here are a few changes in professional practices, identified as ways to promote victims' resilience:³²

- Identify the person's talents and resources and other skills rather than reducing him/her to diagnosed symptoms;
- Therapy should focus on the person's potentials rather than on problems;
- Listen to the person's rationalizations sympathetically rather than with skepticism;
- Consider that the trauma undergone in childhood does not necessarily mean that some sort of pathology will develop in adulthood;
- Focus therapy on the aspirations of various stakeholders rather than on the therapist's sole intervention plan;
- Indicate that during therapy, the expert is the patient, as well as his/her family and community, rather than thinking that the therapist has all the answers;
- Consider that the resources of therapy are also to be found among the patient and his/her family, rather than limited solely to the therapist;
- Help the person find his/her place in life, rather than try to reduce to person to his/her symptoms;
- Consider family and volunteers as valuable allies of therapy, rather than as meddlers.

3. Different therapeutic support methods possible

There is no ideal therapy to assist child victims of ill-treatment. Responses to ill-treatment and/or sexual abuse depend on many factors, including the child's age and stage of development, as well as stress factors in his/her environment. The victim must benefit from all therapeutic strategies that will help turn a leaf on trauma.

Here are some future methodological avenues or existing therapies:

Individual therapy

Victims of ill-treatment or sexual abuse often find it awkward to express themselves in a group. The individual stage of the work offers the child a space for expressing him/herself, in strict confidence, and it may therefore prove to be indispensable before even considering being able to "trust" a therapy group. These moments are first used to reconstruct the child's personal image. Individual therapy can help the child get involved later in another type of therapy (family, group work, etc.).

32 - SALEEBEY D., *The strengths perspective in social work practice*, Pearson/Allyn Bacon, 2006.

Systemic family therapy

Systemic family therapy aims at understanding pain by placing it within the system the child belongs to and in which he/she operates. These sessions are very practical and grounded in the present, as they study each family member's actions and reactions during sessions. In these types of therapy, the problem is often rooted in past events, but only the present holds the key to recovery. To systemic practitioners, it is important to understand how the pain or symptom ended up being installed and what function might it prove to have in the system; what does it make possible, what does it prevent, what power does it give, and to whom?

Self-expression-based group therapy, with victims of ill-treatment and sexual abuse

Group therapy is ideal to break the isolation which can be felt by victims, because it lets them see and hear others who share similar experiences (thus reducing the feeling of stigmatization); develop new communication skills and change those that set them apart from healthy interactions with others; learn about healing models the child can identify to; measure evolution, successful milestones, challenges to be expected; and receive support and solidarity from people who have experienced a similar situation.

Treatment of the intergenerational cycle of ill-treatment

Unfortunately, there are situations when domestic violence, particularly child abuse, is the result of a lifestyle, an interaction process where adults tend to repeat abusive behavior on their children, who may in turn become abusive parents.³³

Such repetition from one generation to another is a commonly observed fact. However, many studies disagree on this trans-generational sequence being necessarily inevitable. Many victims do not become adult abusers; many abusers have not been victims of such incidents in their childhood. The point is then to create a therapeutic alternative for the whole family, including abusive adults.

The genogram

A genogram is a graphical representation of a family tree that displays detailed data on relationships between individuals over at least three generations. It makes it easier to understand the different behaviors found in the history of the family that could have an influence on the patient's current mental state. It contextualizes the child's history and explores the family history over several generations.

33 - BARUDY, J., *L'approche systémique de la maltraitance d'enfants*. <http://www.cfwb.be/maltraitance>



Drawing

Just like language and playing, drawing is a way for the child to communicate or tell others about him/herself. It expresses an authentic vision of the world in which children can easily identify themselves. It is therefore important not to ask what the picture is but what the child means. Interpreting a drawing means, firstly, knowing how to read and translate it verbally. To this end, the represented objects and their relationships must be taken into consideration.³⁴

The drawing is recognized as a mirror that reflects their personality. The child, in fact, draws what is important to him positively and negatively, what comes spontaneously to mind. It expresses a sort of projection of his/her own existence. But the picture cannot be taken into account in isolation. It must be analyzed together with other information obtained about the child and his/her family.

As part of the internal protection policy, the professionals in charge must ensure that therapeutic follow-up of the child is sufficient and appropriate. The organization may rely on external support structures and therapeutic monitoring to enable the child to benefit from the most appropriate follow-up.

This possibility should be included within the internal protection policy.

→ See the practical fact-sheet n°10, page 77

34 -JONCKHEERE, S., clinician and psychologist, Centre SOS Enfants de l'ULB-CHU Saint-Pierre-rue Haute 322 in 1000 Brussels.

FACT-SHEET N°11: CHILDREN'S PARTICIPATION IN THE FRAMEWORK OF AN INTERNAL CHILD PROTECTION POLICY

Children's participation is a right for children to be heard and be involved in decision making; at home, at school, in their village or neighborhood, and in all judicial or administrative proceedings affecting them.

Participation is one of the four key principles of the United Nations Convention on the Rights of the Child (CRC) and, in particular, Section 12 of the CRC on involvement and the right to freedom of opinion.

Children's participation is not only a fundamental right, but it also offers a better way to protect children, by means of:

- Access to an active participation at all levels of the development process, implementation and evaluation of the internal child protection policy. Your organization will thus be well assured that adequate and effective policies and procedures are adopted.
- Training in specific knowledge and skills and access to information relating to the protection of children, in order to have the means to protect themselves against cases of abuse.

In the framework of implementing an internal child protection policy to protect the child, four components of participation were identified:

- 1) Consultation with children and joint development of key documents
- 2) Participatory prevention
- 3) Children as actors in their own protection
- 4) Post-event participation

Participation can take many forms. In the following sections, propositions will be suggested, but it is of course up to the organization, in its internal child protection policy, to define relevant forms of participation and their application.

1. Consultation with children and joint development of key documents

Here are some practical ways to encourage and enable children to participate in the development, implementation and monitoring of the internal child protection policy:

- a) Develop, with the participation of children, a charter setting out the principles and values that govern life within the institution;
- b) Develop, with the participation of children, internal regulations defining the basic rules within the institution;



- c) Develop, with the participation of children, a code of conduct defining the various procedures relating to the protection of children;
- d) Develop, with the participation of children, a table listing the different types of violence (insults, physical violence, sexual assault, harassment, humiliation, etc.), potential aggressors (a friend, a teacher, a parent, a neighbor, a friend, a social worker, etc.) and the different types of responses or even sanctions to be imposed (warning, restorative punishment, dismissal, prosecution...);
- e) Develop, with the participation of children, a list of trusted people within the institution, adult referents and persons they would willingly confide into.

2. Participatory prevention

Building a safe and well-treating organization for children also requires enhancing their capabilities. Children must not only participate in the development, implementation and monitoring of the internal child protection policy, but also have sufficient abilities to know how to use it, if needed.

There is a multitude of participatory prevention programs,³⁵ but all are based on five key capabilities:

- a) **Being aware:** Understanding violence, its causes, knowing how to identify violent acts; also knowing how to become aware of one's own violent behavior;
- b) **Identify:** being able to identify high-risk or dangerous situations;
- c) **Respond/dealing with it:** to be able to respond to risky situations through various skills (saying no, self-confidence, resistance to peer or adult pressure, reacting without violence, exercising self-control, determination, etc.);
- d) **React:** who to warn in case of violence, reporting, talking, and ensuring violence does not persist;
- e) **Support:** ability to understand others' feelings and emotions, to empathize.

These participatory violence prevention programs must always be fun, based on role-play, simulations, using tools to promote strong group dynamics to actually promote participation. In addition, as these topics are sometimes awkward, it is crucial that these prevention sessions are always positive. They should never be a source of anxiety but should effectively put children at the center of prevention and making them actors of it.

35 - *Prévenir la maltraitance et l'abus sexuel à l'encontre des enfants, Bonnes pratiques de prévention et recommandations*, BICE, Bruxelles, 2013.

3. The child as an actor in protection

- For the child to become an actor of protection, it is necessary to ensure proper dissemination of information and procedures:
- Inform children on the various procedures;
- Regularly check that they have a good knowledge of the rules, code of conduct, internal procedures, and reporting;
- Provide positive and constructive relationships between the referent adults and children;
- Devise reporting tools suitable for children (simplified reporting forms, "mailboxes" in which children can submit messages to the attention of the director or the protection commission, etc.).

4. *Post eventum* participation

If abuse is suspected or confirmed, it is important to ensure the child victim's proper participation in decisions and procedures. It is often in the most serious times that the child is deprived of his free will, sometimes in the name of the child's best interests. It is important to be attentive to their opinions and decisions.

This applies, even if a child has committed a violent act on a peer: the child who has been violent also needs to be able to participate, including by an eventual compensation for the damage.

These four elements: consultation with children, participatory prevention, children as actors in their protection and *post eventum* participation, can be usefully integrated in the child's internal protection policy. But, first and foremost, children must be consulted to find out what other ways can help them participate actively in the internal protection policy.

Truly effective participation depends on many factors that the practitioner will gradually have to get used to (educators' expertise, child motivation, quality of the animation, etc.). It is therefore strongly advised for the staff to deepen their knowledge in the field of child participation in order to ensure effective and operative participation.³⁶

→ See the practical fact-sheet n°11, page 77

36 - It is recommended the reader refer to the bibliography in which he/she will find books dealing specifically with children's participation.



FACT-SHEET N°12: MAIN CHALLENGES IN IMPLEMENTING AN INTERNAL CHILD PROTECTION POLICY

Implementation of an internal child protection policy might create new patterns and configurations that can raise barriers to its success. It is necessary to anticipate and ward off these elements positively. This fact-sheet lists four obstacles that may limit the effectiveness of an internal child protection policy:

1. Resistance to change
2. Denial of abuse
3. Fear of potential damage to the reputation of the institution
4. Social workers' emotional overload in the face of a revelation of a case of ill-treatment

1. Resistance to change

Resistance to change can be defined as “the explicit or implicit expression of defense responses relative to a change”³⁷ or as “a set of observable events, be they active or passive, individual or collective, which hinders the process of change”.³⁸

In industrial and organizational psychology, resistance to change is considered as a natural phenomenon resulting in the employee feeling a sense of insecurity due to various factors.

The table below shows the different types of resistance to change, the risks and associated strategies to deploy to address them and ensure effective implementation of the internal child protection policy.

37 - COLERETTE, P., *Le changement organisationnel*, Presse Université Québec, 1997.

38 - BAREIL, C., *La résistance au changement: synthèse et critique des écrits*, Montréal, 2004.

FACT-SHEET N°12: MAIN CHALLENGES IN IMPLEMENTING AN INTERNAL CHILD PROTECTION POLICY

Type of resistance	Risk	Strategy
The employee does not feel concerned with the internal child protection policy	The internal child protection policy is not implemented homogeneously among the staff	Get all the staff involved from the start of the process, during every meeting (including maintenance staff, drivers, etc.) so that everyone feels concerned with the new protection policy and realize its importance.
The employee feels his/her work is being challenged: “haven’t I been able to protect children so far? Don’t you trust me any longer safeguarding their safety and well-being?”	Change is rejected because it is interpreted as a lack of confidence and recognition; it is deemed negative. As a result, the protection policy risks being applied badly if at all	If this is indeed the case, insist on the staff member’s qualities, and reassure him/her while walking him/her through the new process
The employee deems the protection policy to be ill-suited, too complex and unrealistic	The internal protection policy gets discredited; because of an employee’s cynical comments and criticism, thus influencing colleagues and jeopardizing sound implementation of the procedures	Make sure everyone takes part in the drafting of the internal protection policy. Promote participative adoption and implementation processes that guarantee the proper application of the protection policy
The employee is worried that new procedures might result in a greater workload	The internal protection policy is seen as an extra constraint added on to the regular workload hours; as a result, staff feel demotivated and procedures are dismissed because they are deemed too time-consuming	Following the participative development stage, train all personnel as early as possible on the protection policy implementation process and on an ongoing basis. Provide for a free expression forum on the actual implementation of the protection policy (difficulties, practical cases)



2. Denial of ill-treatment

Denial is a concept referring the non-consideration of part of the reality by an individual, whether the direct victim of an incident, or an indirect witness or onlooker.

This is commonly a short, medium or long term spell of blindness, which prevents the person concerned from recognizing and realizing the full measure of an unexpected, shocking, traumatic event or an event of such violence that it causes a sort of partial or total blackout of reality.

Yet, if a fragment of the reality, even an important one, is totally rejected and ignored, the fact remains the fact remains, even if the person is acting as though that event never existed. They actually perceive what has happened, but either minimize its seriousness or its veracity.

Denial by professionals dealing with cases of child abuse is common.

Even professionals working with children can hardly cope with the idea that a child closely related to them has been a victim of assault, even more so if it is of sexual nature. In addition, if the ill-treatment has occurred inside the professional community – committed by a colleague, a trusted person, and to make things worse, within a supposedly safe and protective environment – they may feel totally incapable of processing the information. In this case, the professional who has been informed about the abuse may go into denial, is unable to hear, to protect the child, to ensure his/her security: the internal child protection policy becomes impractical.

To address such risk, concrete elements should be integrated in the protection policy that ensure the inclusion of this risk: mention should be made that professionals may suffer from denial; training on protection policy which deals with this notion; organize a multidisciplinary team within the organization/institution so a professional may never be left alone to face these decisions, cope with doubts and difficulties; set up discussion and support groups to cope with difficult situations.

3. Fear of potential damage to the institution's reputation

Alleged or proven abuse perpetrated on its premises is damaging to any institution's reputation. It becomes suspect; it is no longer considered a safe place and inspires distrust. In some cases, a suspected or confirmed abuse case calls into question the very existence of the organization. Therefore, propensity to cover up this type of case and prevent it from spreading is common, thus disregarding the child's best interests. The internal protection policy foundations require that considerations regarding the reputation of the institution should not be taken into account. The institution's management and professionals should therefore override this and always firstly ensure the child's protection, despite bad publicity. The point here is not to confuse

FACT-SHEET N°12: MAIN CHALLENGES IN IMPLEMENTING AN INTERNAL CHILD PROTECTION POLICY

“guaranteeing protagonists’ confidentiality” and “cover-up”. Finally, although reporting a case of abuse may at first look like an attack on the organization’s reputation, its reputation will later be enhanced positively since it can be considered as a safe place which places safety and the child’s best interest at the forefront.

4. Social workers’ emotional overload in the face of a revelation of a case of ill-treatment

Having to deal with situations of ill-treatment, neglect and sexual abuse suffered by children before they enter a facility or within the institution itself can be very stressful emotionally. To avoid emotional overload, burnout, or more commonly to manage the relationship with the child with a distance which is healthy and safe both for the child and the professional, the organization should implement concrete measures to ensure employees professional well-being.

A great number of courses are available to enable professionals to learn how to manage their stress and emotions: the managing team may find it useful to allow its employees to attend these courses, preferably as a group, or hosting them at the institution.

In parallel, it is imperative, especially for social workers and psychologists, to also be supported by professionals, so as to express their daily difficulties and address them. It is possible to create groups within the institution that will address and take into account these very specific emotional difficulties. The management team may also provide visits by an outside practitioner to provide teams with on-going quality monitoring.

→ See the practical fact-sheet n°12, page 78

FACT-SHEET N°13: DISSEMINATING THE PROTECTION POLICY

Commitment

When an organization works with partners in contact with children (shelters, day centers, therapy centers, nurseries, training centers, etc.), these partners must have policies and procedures relating to child protection that are in compliance with the organization's internal child protection policies.

Why disseminate the principles of a protection policy?

Working in partnership with other structures of all types, the organization has the responsibility to ensure that its partners are attentive to the protection of children; that they are always in a well-treating environment. The protection policy cannot and should not be imposed on partners, but must be clearly identified as an important aspect of collaboration.

Finding common grounds in terms of child protection

At the most basic level, the work of disseminating the internal child protection policy creates a common space for well-treatment for children. Knowledge of and respect for the fundamental principles of the policy by all those involved in child protection (whether governmental or non-governmental organizations, traditional leaders, the community or family) enable better prevention management and reduction of cases of ill-treatment.

Identification of key stakeholders in your area for dissemination

Several levels of organizations for the dissemination of the internal child protection policy can be identified.

Dissemination tools

Training, blogs, knowledge fairs, community of practitioners, Intranet, newsletters, local radios stations, video, websites, etc.

Tips to facilitate dissemination:

- Build on existing networks;
- Choose partners with complementary missions;
- Take into account the level of development of the stakeholders you have chosen for dissemination.

→ See the practical fact-sheet n°13, page 78

FACT-SHEET N°14: ASSESSING THE PROTECTION POLICY

The objective of the evaluation is to support the development of a full and effective childhood protection system, properly structured and funded, to reach and meet the children and their families' need.

Assessment tools are designed to help organizations identify and prioritize actions that will contribute to this process.³⁹

The expected results of the evaluation process

- The main risks for child protection within the organization and its partner organizations in contact with children and their families have been identified;
- The size and capacity of the existing protection system (both formal and informal) have been analyzed;
- Opportunities to improve the protection policy have been identified and prioritized.

To ensure an effective evaluation process, one of the major challenges is to get the support and participation of individuals and organizations involved in the implementation of the internal child protection policy.

Each organization must determine its own evaluation approach.

One of possible ways of approaching the process

- **Launch:** initial encounter between people and organizations involved in the implementation/management of the internal child protection policy.
- **Orientation session:** explanation of the evaluation objectives, content and implementation.
- **Development of an evaluation grid:** this is a critical step of the process, so the grid must be precise and lead to realistic implementation.
- **Assessment tools:** evaluations require various tools such as questionnaires, focus groups, interviews, audit, observation, etc. The choice of one or more assessment tool(s) depends on the organization's human and financial capacities.
- **Consolidation of results:** once the evaluation process has been completed, consolidation and results analysis may begin.
- **Dialogue/review/planning:** final dialogue on results, development of a strategy for improvement, action plan, and schedule.

39 - UNICEF, *Carte et outils d'évaluation pour l'analyse d'un système de protection de l'enfance*, http://www.unicef.org/french/protection/index_54229.html



Getting children and families involved

It is important that children and parents participate in the evaluation process in a meaningful way and at every stage of the process: design, data collection, preparation of the final report and recommendations. If they are to participate in a meaningful way, they must receive training and participate in a sufficient number of evaluation exercises to feel comfortable expressing their views and to ensure that greater weight is given to their views. Strategies to encourage their participation may contain more “focus groups discussions”, and include them in a working group.

Frequency of the assessment process

It is advised that the evaluation process should be implemented periodically, for example every year during the first three years of the protection policy implementation and thereafter every 3 years.

Monitoring the implementation of the internal child protection policy

Timely assessment of the internal child protection policy is important, but is not sufficient in itself to ensure a protective environment within the institution and partner organizations.

To ensure effective implementation of the internal child protection policy, it is important to initiate a process of continuous follow-up.

Monitoring is an ongoing and systematic process of collecting and analyzing data indicating, in this case, the level of child protection. It includes identifying all cases of violence and abuse against children within the institution and partner organizations. It should also always be accompanied with an adequate response in case of abuse or risk of abuse.

The information collected during the monitoring process is used to determine whether it is possible and necessary to improve or revise policies and procedures. An efficient follow-up system will include both monitoring of the policy's day to day implementation and will also be able to assess its impact.

→ See the practical fact-sheet n°14, page 79

FACT-SHEET N°15: DEVELOPING AND IMPLEMENTING A PROTECTION POLICY

In the first part of this guide we issued a number of standards relating to the internal child protection policy.

Here are 10 minimum standards for an effective internal protection policy:

1. A shared culture of well-treatment based on a universal framework of standards and approaches based on the child's best interests;
2. A participatory culture that strongly involves children and their entire direct and indirect environment;
3. A protective human resources policy;
4. Professionals trained specifically on issues of ill-treatment and sexual abuse;
5. Ongoing prevention activities with children, their close relatives and professionals;
6. Clear internal procedures made known to all;
7. A clear code of conduct made known to all;
8. Multidisciplinary and proactive internal bodies;
9. Compliance with legal reporting procedures;
10. Multidisciplinary support of the child in cases of ill-treatment.

The development of an internal protection policy depends heavily on the institution's nature, function and specific features. One-size-fits-all internal policy cannot be adopted since it is fundamental that every policy is adapted to each institution's precise realities.

In order to develop an effective protection policy, it is therefore necessary to:

- Make an assessment of the current internal policy or, if it does not yet exist, identify formal and informal practices already implemented in the organization;
- Identify the missing elements relating to the standards listed above and ways of integrating them into the internal child protection policy;
- Develop a realistic action plan for the development and implementation of the internal child protection policy, providing for the participation of all actors and for the internal methods of dissemination and assimilation of this policy.

→ See the practical fact-sheet n°15, page 86

PRACTICAL FACT-SHEETS

WORKING TOGETHER ON THE INTERNAL CHILD PROTECTION POLICY

PRACTICAL FACT-SHEETS - WORKING TOGETHER ON THE INTERNAL CHILD PROTECTION POLICY

FACT-SHEET N°1: WORKING TOGETHER ON THE OBJECTIVE OF AN INTERNAL CHILD PROTECTION POLICY

Objective: Define the objectives of an internal child protection policy.

Procedure:

- Exchange ideas in groups of five and chose three main objectives of an internal child protection policy. The chosen objectives should be approved by the majority. Then, write chosen objectives on a sheet of paper.
- Introduce each group's paper during a common work session. Try putting together similar objectives, taking into account nuances.
- Finally, take some time for explanations and exchanges. Keep the main identified and approved objectives.

Time required: 15 minutes

FACT-SHEET N°2: WORKING TOGETHER ON RIGHTS, RESILIENCE AND SPIRITUALITY

Objective: Building a “house” on solid foundations. Understanding the importance of approaches that place children at the heart of activities and involve them as actors of their own protection and development.

Procedure:

a) As an introduction, present BICE's approaches

b) Invite participants to answer the following questions individually or in small groups:

- Among the dimensions mentioned here, is there one which is particularly favored by your organization?
- What are the approaches chosen by your organization as part of its commitment to protect children?
- What is your organization's vision regarding children's role in their development process and search for well-being?



c) In small groups, based on previous inputs and the CRC, “draw up an ideal approach” for your organization. (The drawing can evolve and change throughout the workshop when new elements are brought up).

d) Group-work sharing. Questions, answers and orientations for review, updating and/or modification of the approaches defined at the individual level and in every organization.

Time required: 45 minutes

FACT-SHEET N°3: WORKING TOGETHER ON THE DEFINITION OF ILL-TREATMENT

Objective: Define the ill-treatment by consensus, taking into account the less obvious forms of ill-treatment.

Procedure:

a) Exercise 1 :

- Develop a common definition of all forms of ill-treatment, starting from the keywords suggested by participants.
- Each participant should write down six words to define ill-treatment.
- Discuss in groups the suggested words and chose together the six most relevant.
- Individually or in small groups, the participants should write down a definition of ill-treatment.

b) Exercise 2 :

- Ask participants to discuss a case of ill-treatment encountered during their practice or personal lives, which at the time was not unanimously regarded as ill-treatment (the case should be short and telling). See if all participants agree on what ill-treatment actually is.

Time required: 45 minutes

FACT-SHEET N°4: WORKING TOGETHER ON WELL-TREATMENT

Objective: Define well-treatment, how to apply it and find practical ways to implement procedures promoting.

Procedure:

- What is the essence of well-treatment: culture, ethics, approach, methodology?

GROUP BRAINSTORMING

- How to express well-treatment in practice?
- List the values and actions involved in building a culture of well-treatment.

Quick individual thinking, then group brainstorming: note all the words on a flipchart or on flashcards. Try to rank keywords by categories, e.g. what pertains to the environment, to professionals' or children's right.

Consistency	Justice	Constance
Equality	Smiling	Listening
Encouragement	Dialogue	Participation
Involvement	Affection	Consideration
Understanding	Humor	Measure
Sharing	Solidarity	Human warmth
Expression	Fulfillment	Confidence
Respect	Truth	etc.

- What are the links between promoting the child's well-treatment and their rights as stipulated in the CRC?
- Exercise: in small groups, work on a simplified version of the CRC and the principles of well-treatment later defined.
- Regarding life-skills – apart from the ones mentioned above, can you think of any others to be added to the list?
- As heads of an institution, a department or a group of children, what are the measures to be concretely implemented to promote well-treatment? At the levels of human resources management, the surroundings, procedures, conflict management among children or with professionals?

Work in small groups to develop concrete ways to implement measures promoting well-treatment in your department, institution or group. The workshop results may be drafted into a charter for well-treatment in the institution, common to professionals and children.

Time required: 2 hours

FACT-SHEET N°5: WORKING TOGETHER ON THE LEGAL FRAMEWORK

Prerequisites: The workshop facilitator should know the national standards for child protection and make printed copies of national standards articles that include the three fundamentals principles mentioned above (non-discrimination, the child's best interests and participation) of the United Nations Convention on the rights of the Child.

Objective: To increase awareness on international, regional and national standards and the fundamental principles relating to violence, sexual abuse and exploitation against children.

Procedure:

- Compare international and national standards for child protection.
- Work in subgroups and identify similarities/differences/legal loopholes.

Equipment required: articles of the UN Convention on the Rights of the Child relating to child protection (APPENDIX 4). Relevant national reference documents relating to child protection.

Time required: 30 minutes

FACT-SHEET N°6: WORKING TOGETHER ON THE COMPONENTS OF A PROTECTION POLICY

Objective: Define policies and procedures to be put into place in order to prevent, report and respond to the ill-treatment of children, whether found, suspected or alleged.

PRACTICAL FACT-SHEETS - WORKING TOGETHER ON THE INTERNAL CHILD PROTECTION POLICY

Procedure:

- Work in subgroups to define what elements constitute a policy for prevention and protection.
- Work in small groups to list the documents to be produced for an effective protection policy.
- Work in small groups to define the type of internal authority which could monitor the internal protection policy.
- Ensure each subgroup presents its work to the whole group and facilitate exchanges.

Time required: 2 hours

FACT-SHEET N°7: WORKING TOGETHER ON THE EVALUATION OF A SITUATION

Objective: Being aware of the signs to identify and evaluate a worrisome situation.

Procedure:

a) Exercise 1 :

- Hold a brainstorming session and list the signs of child ill-treatment.
- Hold a brainstorming session and list the signs of adolescent ill-treatment.

b) Exercise 2 :

- Based on a case raised by a participant, discuss the issue of detecting a possible lie: remind that the authorities are in charge of investigating, never the staff itself.

Time required: 45 minutes



FACT-SHEET N°8: WORKING TOGETHER ON HOW TO DEAL WITH AN ABUSING MINOR

Objective: Identify and know how to neutralize a child's violent behavior against his peers.

Procedure:

1. Horseplay or abuse?

Consider the following cases to: a) understand whether the behavior described can be defined as ill-treatment; b) if necessary, define appropriate intervention:

a) Julian, 9 years old, a) regularly ends up without his lunch at school because the older boys steal it by threatening him with physical violence.

Is this abuse?

You are a teacher in Julien's class, what do you do?

- Nothing, boys must learn to protect themselves.
- I take his lunch to keep it safe in my office.
- I talk to the aggressors, and then, if necessary, to their parents.
- I call the police.

b) Margot, 7 years old, comes to your day care center for children of poor workers. One day she tells you she has been sexually assaulted by a 13-year old boy, who also comes to your center.

Is this abuse?

What do you do?

- Nothing, they are both minors; they are entitled to have sex.
- I make sure they are always kept in separate groups.
- I do not allow the boy in our center anymore.
- I call the parents of the children concerned to have a talk about it.
- I call a competent authority.

c) Two best friends in the class had a fight. And one wrote "bitch" on the other's backpack.

Is this an abuse?

What do you do?

- Nothing, provided I see the situation does not deteriorate.
- I talk to the girls to help them establish a dialogue and constructive feedback to explain what can replace an insulting register.

PRACTICAL FACT-SHEETS - WORKING TOGETHER ON THE INTERNAL CHILD PROTECTION POLICY

- I call the parents.
- I call the director.
- I call the police.

2. What do you do, within your organization, to prevent ill-treatment by some children towards their peers?

Identify formal and informal practices.

3. Why do you find it difficult to report child abuse on their peers?

In groups, identify the reasons and how to overcome them.

Examples of identified challenges:

- Reputation of the organization;
- Parents' discontent and loss of confidence;
- Under-estimation of the consequences and risks of abuse among children;
- Etc.

4. Make a list of simple rules to observe:

DOs	DON'Ts
Be aware ill-treatment might take place among children	Let children play games of a sexual nature
Develop protection measures for particularly vulnerable children	Leave different sex/age children to play together without supervision
...	...

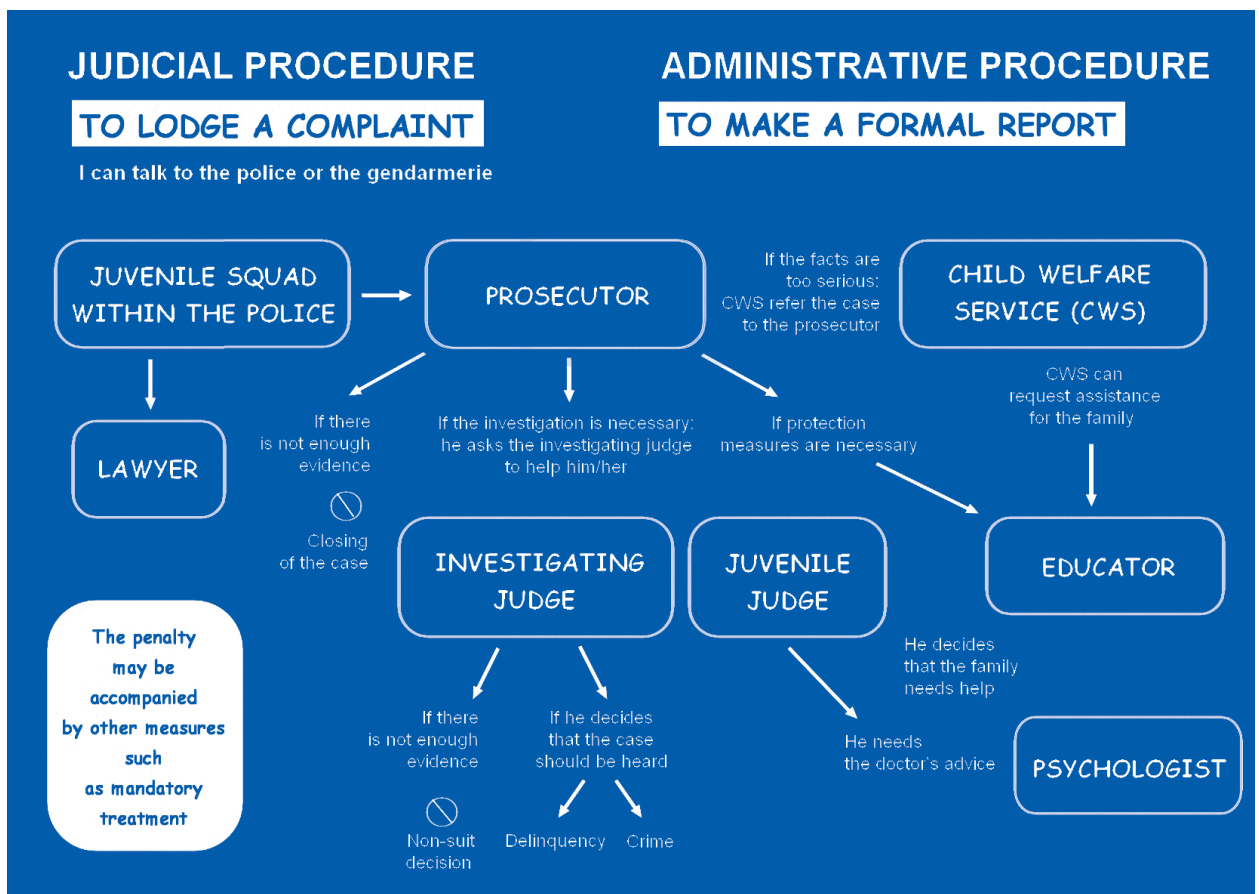
Time required: 45 minutes

FACT-SHEET N°9: WORKING TOGETHER ON ADMINISTRATIVE AND JUDICIAL PROCEDURES

Objective: To define the role and responsibility at each level (citizen, professional, administrative and judicial services) in administrative and judicial proceedings.

Procedure:

1. Reporting suspected child abuse in France : legal and administrative procedure.



2. To be prepared beforehand with a local legal practitioner.

- a) **Present** the diagram, reaffirming each stake-holder's roles and responsibilities;
- b) **Identify** the strong and weak points in the system;
- c) **Try to find** what administrative and legislative measures would make reporting more efficient;
- d) **The result** of this workshop can be the draft of an advocacy document in favor of an administrative and judicial system better suited to children.

Work in a plenary session or in working groups.

3. Case Studies

As a citizen

When your window is open, you often hear cries that come from a neighbor's yard. You reckon there must be 2 or 3 children between 3 and 10 years of age. The mother is the one that shouts loudest. Children also communicate by screaming. It is unclear, but you hear a lot of shouting, insults and tears from over there. Noises that sound like slaps or hitting are invariably followed by tears. Almost every day. You cannot see much from where you live, you do not know exactly what is going on.

What should be done?

As a social worker in the workplace

Tania has recently joined your structure; she quickly shows obvious signs of sexual violence, most probably perpetrated by her stepfather.

What should be done?

As an institution responsible for/guardian of the child when child abuse takes place within the institution / and the offender is under-age

Tom, 9, arrived in your organization six months ago, following the incarceration of both of his parents for drug-trafficking. Tom is a reserved boy but behaves in an increasingly sexualized way. One day, you happen to find Teo, a 13-year old boy, together with Tom in the cellar and both are naked.

What should be done?

As an institution responsible for/guardian of the child when child abuse takes place within the institution / and the offender is a staff member

Mr. Martel has been a psychologist in your facility for 2 years. He is a good employee, there has never been a problem, he is well integrated into the team and the kids enjoy being around him.

Maria, 14, who lives in your institution, confides in you one day and says that Mr. Martel has asked her to do indecent things and that she cannot take it anymore.

What should be done?

Work in small groups. You should highlight how to use the organization's reporting procedures and internal resources.

Time required: 1½ hours

FACT-SHEET N°10: WORKING TOGETHER ON THE THERAPEUTIC SUPPORT OF THE CHILD VICTIM

Objective: To identify the different types of therapeutic support for a child who was a victim of ill-treatment or sexual abuse.

Procedure:

- Brainstorm to list the principles of effective therapeutic support.
- Brainstorm to define how to integrate this dimension into the internal protection policy.

Time required: 30 minutes

FACT-SHEET N°11: WORKING TOGETHER TO FOSTER CHILD PARTICIPATION

Objective: Understand how to promote children's participation in the development of the protection policy.

Procedure:

- What is your experience in the field of children's participation? What creative ideas do you have to involve children? Brainstorming in plenary session or subgroups
- What are the barriers to child participation and how to overcome them? Brainstorming in plenary session or subgroups

Examples: educators do not know how to involve children and children are reluctant to participate because they do not see the point of it; child participation is considered optional.

PRACTICAL FACT-SHEETS - WORKING TOGETHER ON THE INTERNAL CHILD PROTECTION POLICY

- What are the stages (development, implementation, monitoring and evaluation of the protection policy) during which children's participation is desirable? Brainstorming in plenary session or subgroups

Examples: guidelines on behavior; strategies to disseminate information regarding children; reporting procedures, etc.

Time required: 45 minutes

FACT-SHEET N°12: WORKING TOGETHER TO ADDRESS THE CHALLENGES OF IMPLEMENTING A PROTECTION POLICY

Objective: Identify the challenges, risks and difficulties inherent in the implementation of a protection policy within a facility working with children.

Procedure:

- Perform a SWOT/SWOC analysis, i.e. “Strengths/Weaknesses”, “Opportunities and Risks/ Constraints” on the four challenges mentioned above.
- Participants are invited to speak (brainstorm) on other obstacles and challenges that may arise during the implementation of the internal child protection policy within their organizations.

Time required: 45 minutes

FACT-SHEET N°13: WORKING TOGETHER ON DISSEMINATING A PROTECTION POLICY

Objective: To validate the need for immediate partners to also implement a protection policy.

Procedure:

- Identify all direct or indirect partners of the organization that absolutely must have a protection policy.
- *To go further:* your partner, which works directly with children, refuses to adhere to your protection policy, on the grounds that, for them, having sex with girls from age 12 should not be routinely reported to the police. What should you do?

Time required: 30 minutes

FACT-SHEET N°14: WORKING TOGETHER ON THE EVALUATION OF THE PROTECTION POLICY

Objective: The evaluation table below is intended to highlight the minimum requirements that any organization engaged in child protection should strive to fulfill.⁴⁰ This table is not comprehensive and should be adapted to the nature of your work with children, your context, working conditions, etc.

Procedure:

For this exercise, we suggest developing an assessment grid of the internal child protection policy based on your own experience.

Assessment areas	Imple-mented	Partially implemented	Not imple-mented
1. Children and the organization			
The agency is very clear about its responsibility to protect children and makes this known to all who come into contact with it.			
The way staff and other representatives behave towards children suggests that they are committed to protecting children from abuse.			
There is good awareness of the UN Convention of the Rights of the Child (UNCRC) or other children's rights instruments and this is seen as a basis for child protection in the organization.			

40 - KEEPING CHILDREN SAFE, *Assurer la sécurité des enfants : la boîte à outils pour la sauvegarde des enfants, Outil 2 : Assurer la sécurité des enfants – Comment mettre en œuvre les normes*, http://www.keepingchildrensafe.org.uk/sites/default/files/Tool%20-%20-%20French_0.pdf

PRACTICAL FACT-SHEETS - WORKING TOGETHER ON THE INTERNAL CHILD PROTECTION POLICY

Assessment areas	Implemented	Partially implemented	Not implemented
1. Children and the organization			
Managers and senior staff ensure that children are listened to and consulted and that their rights are respected.			
The agency makes it clear that all children have equal rights to protection.			
The agency manages children's behavior in ways which are non-violent and do not degrade or humiliate children.			
2. Policies and procedures			
The agency has a written child protection policy or has some clear arrangements to make sure that children are kept safe from harm.			
The policy or arrangements are approved and endorsed by the relevant management body (senior management board, executive committee).			
The policy or arrangements have to be followed by everyone.			
There are clear child protection procedures in place that provide step-by-step guidance on what action to take if there are concerns about a child's safety or welfare.			



Assessment areas	Implemented	Partially implemented	Not implemented
There is (a) named child protection person(s) with clearly defined role and responsibilities.			
The child protection procedures also take into account local circumstances.			
3. Preventing harm to children			
There are policies and procedures or agreed ways of recruiting representatives and for assessing their suitability to work with children, including, where possible, police and reference checks.			
There are written guidelines for behavior or some way of describing to staff and other representatives what behavior is acceptable and unacceptable especially when it comes to contact with children.			
The consequences of breaking the guidelines on behavior are clear and linked to organizational disciplinary procedures.			
Guidance exists on appropriate use of information technology such as the internet, websites, digital cameras, etc. to ensure that children are not put at risk.			

PRACTICAL FACT-SHEETS - WORKING TOGETHER ON THE INTERNAL CHILD PROTECTION POLICY

Assessment areas	Implemented	Partially implemented	Not implemented
3. Preventing harm to children			
Where there is direct responsibility for running/ providing activities, including residential care, children are adequately supervised and protected at all times.			
There are well-publicized ways in which staff/representatives can raise concerns, confidentially if necessary, about unacceptable behavior by other staff or representatives.			
4. Implementation and Training			
There is clear guidance to staff, partners and other organizations (including funding organizations) on how children will be kept safe.			
Child protection must be applied in ways that are culturally sensitive but without condoning acts that are harmful to children.			
There is a written plan showing what steps will be taken to keep children safe.			



Assessment areas	Imple- mented	Partially implemented	Not imple- mented
All members of staff and volunteers receive training on child protection when they join the organization which includes an introduction to the organization's child protection policy and procedures where these exist.			
All members of staff and other representatives are provided with opportunities to learn about how to recognize and respond to concerns about child abuse.			
Work has been undertaken with all partners to agree on good practice expectations based on these standards.			
5. Information and communication			
Children are made aware of their right to be safe from abuse.			
Everyone in the organization knows which named staff member has special responsibilities for keeping children safe and how to contact them.			
Contact details are readily available for local child protection resources, safe places, national authorities and emergency medical help.			

PRACTICAL FACT-SHEETS - WORKING TOGETHER ON THE INTERNAL CHILD PROTECTION POLICY

Assessment areas	Imple- mented	Partially implemented	Not imple- mented
5. Information and communication			
Children are provided with information on where to go for help and advice in relation to abuse, harassment and bullying.			
Contacts are established at a national and/or local level with the relevant child protection/welfare agencies as appropriate.			
Staff members with special responsibilities for keeping children safe have access to specialist advice, support and information.			
6. Monitoring and review			
Arrangements are in place to monitor compliance with child protection measures implemented by the organization.			
Steps are taken to regularly ask children and parents/carers their views on policies and practices aimed at keeping children safe and on their effectiveness.			
The organization uses the experience of operating child protection systems to influence policy and practice development.			



PRACTICAL FACT-SHEETS

Assessment areas	Implemented	Partially implemented	Not implemented
All incidents, allegations of abuse and complaints are recorded and monitored.			
Policies and practices are reviewed at regular intervals, ideally at least every three years.			
Children and parents/carers are consulted as part of a review of safeguarding policies and practices.			

Time required: 1½ hours

FACT-SHEET N°15: WORKING TOGETHER ON DEVELOPING AN INTERNAL CHILD PROTECTION POLICY

Objective: Work on the development or improvement of an internal child protection policy.

Procedure:

a) Exercise 1

- Compile a comprehensive update of formal and informal protection practices already implemented in the organization.
- Work individually or in small groups, exclusively with people working in the same organization.

b) Exercise 2

- Identify the important elements that are missing and need to be implemented, if possible by building upon the existing positive mechanisms.
- Work individually or in small groups, exclusively among people working in the same organization.

c) Exercise 3

- Define an action plan to develop and implement an internal protection policy.
- Work individually or in small groups exclusively among people working in the same organization.

d) Exercise 4

- Present the action plans in a plenary session, one organization after the other, and discuss.

Time required: at least 3 hours



APPENDIXES

APPENDIX 1 : BICE INTERNAL CHILD PROTECTION POLICY

APPENDIX 2 : STATEMENT AND COMMITMENT PERTAINING TO THE BICE CHILD PROTECTION POLICY

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APPENDIX 1: BICE INTERNAL CHILD PROTECTION POLICY

Promoting Well-treatment and Preventing Child Abuse Situations in The International Catholic Child Bureau (BICE) Network

Passed at the BICE General Assembly of May 25, 2011

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Main abbreviations:

BICE: Bureau International Catholique de l'Enfance

CRC: International Convention on the Rights of the Child (adopted by the United Nations on November 20, 1989)

CPC: "Child Protection" Commission created within BICE to ensure the application of the BCPP (BICE Child Protection Policy)

IAM: Individual Adhering Members of BICE

WHO: World Health Organization

BCPP: BICE Child Protection Policy

SREE: Sexual relations between an educator (in the wider sense including collaborators and IAM of BICE) and an educated individual.

1st Part: Presentation of the BICE Child Protection Policy (BCPP)

A. Preamble

As an organization for the defence of the dignity and rights of the child, which has been active for many years at the international level, the “The International Catholic Child Bureau” (BICE) applies all efforts to protect the children it is engaged with, or that it supports through its action and who are concerned by its purpose.

To this effect, it has adopted a **Child Protection Policy** (BCPP) which every collaborator and partner organization should apply in their work. The member organizations of BICE commit, on the other hand, to adopting a child protection policy that is at least equivalent to the one enforced by BICE.⁴¹

The policy aims at promoting the well-treatment of children and, consequently, at tracking all forms of abuse by being equipped with effective tools to prevent them, identify them and counter them.

BICE is aware that any human being, thus children as well, to the extent of their capabilities, is a subject of rights and duties: a decent life in society requires the respect of the rights of each, but also the accomplishment of duties which allow reciprocity. In particular, children are entitled to be taught, to develop their resources, to accept being well-educated and more informally to respect the life and dignity of others. Nevertheless, this document will not further develop the issue of duties even though it is of equal importance as the issue of rights.

B. Philosophy and approach

The BCPP relies on the **Charter of BICE adopted in 2007** which defines the vision of the child promoted by BICE and the values that drive our action: the respect for the dignity of the child, the promotion and defense of his or her fundamental rights which are universal, indefeasible and inalienable as well as the search for the best interest of the child.

It is also based on the international standards of child protection.⁴²

The adopted approach is an **approach of awareness, prevention and concrete responses to promote welfare and fight abuses.**

41 - Partner organizations and member organizations of BICE are defined in section E.

42 - Cf. infra C

That is how BICE, through its network of partners and member organizations, promotes the fundamental rights of the child wherever he/she may be. It is committed to make its values, commitments and Child Protection Policy known by raising the awareness of Governments, administrative and judicial authorities, the personnel in social and administrative organizations, the media, religious institutions, traditional leaders, civil society organizations at all levels, etc.⁴³

C. Reference texts and legal framework

The BCPP complies with the provisions of the Convention on the rights of the child (CRC), adopted by the United Nations on November 20, 1989.⁴⁴ It specifically relies on articles 19 and 3 pertaining to:⁴⁴

- The right of the child to be protected in all circumstances « *from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse* », which implies a duty of protection for all adults, whether educators or witnesses, and for all competent authorities.
- The respect of the best interest and wellbeing of each child.

The BCPP also relies on the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, commonly called Lanzarote Convention, signed in 2007, and effective as of July 1st, 2010.

Lastly, it draws inspiration from other international and regional treaties pertaining to the rights and the protection of the child.

BICE, an association as recognized by the French law of 1901, is recognized by the Holy See. The latter was among the first States to ratify the United Nations Convention on the rights of the child. In case of situations of sexual abuse involving priests or consecrated people, the Holy See specifically applies as a rule that «the provisions of civil law pertaining to the reporting of crimes to competent authorities must always be observed.»⁴⁵

43 - Administrative authorities: depending on the country, the prevention of the maltreatment and the fight against the same follow specific procedures. In certain countries, these are strictly administrative instances (for example, ministry of the family), or medical-psychological teams that ensure an initial phase of intervention and then assess whether judicial authorities must be involved, and specifically which ones (juvenile court, criminal proceedings, etc.) The generic term "administrative authorities" will designate these official non-legal actors. In addition, in order to observe local particularities with flexibility, we will refer each time to the collaboration with administrative and/or judicial authorities, according to local customs.

44 - The main articles of the CRC dealing with child protection are listed in attachment 3.

45 - Cf. Guide pertaining to procedures to follow concerning accusations of sexual abuse of the Congregation for the faith doctrine accessible on the Vatican website http://www.vatican.va/resources/resources_guide-CDF-procedures_fr.html. On 11 July 2013, the Holy See adopted the Act VIII "Additional standards in criminal justice" and the Act IX "Amendments to the Criminal Code and the Criminal Procedure Code," confirmed by the Apostolic Letter in the form of "Motu proprio" on the jurisdiction of the judicial organs of the state of Vatican City in criminal matters. In addition, a Pontifical Commission for the Protection of Children was established. For more information: http://www.vatican.va/resources/index_fr.htm



D. Key notions

The key notions used in the BCPP are the following:

Child / Minor: Any human being of less than 18 years of age, except if legal age is attained earlier in accordance with the applicable law. (*Article 1 of the Convention on the Rights of the Child*)

Well-treatment⁴⁶ : Well-treatment is the result of the mobilization of community resources and parental skills in order to respond to the needs of the child, thereby also considering the resilience resources of all people involved in the process.

Abuse: We maintain the definition suggested by the World Health Organization (WHO)⁴⁷ «*child abuse includes all forms of physical and emotional ill-treatment, sexual abuse, neglect or negligent and commercial exploitation or other that results in actual or potential harm to the child's health, his survival development or dignity within the context of a relationship of responsibility, trust or power*», as well as the CRC definition (Art.19) "all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse" of children.

This definition is not exhaustive. Abuses also occur outside of a relationship of responsibility, trust or power. The exploitation with objectives of begging, delinquency / violation of the law and sexuality also represent abusive acts. In addition to abuse committed by individuals, institutional abuse also exist. We include as well all forms of discrimination and of educational abuse, such as discrimination by reason of gender, handicap or, the unjustified exclusion from an institution where a child lives or studies. An attitude of passive resignation by witnesses of a proven act of abuse is also deemed as an act of abuse.

E. Actors and recipients of the child protection policy

At different degrees of involvement, actor and recipients are as follows:

The collaborators of BICE, that is to say *any individual who directly or indirectly takes part in the activities of BICE*.

These are, therefore, the directors of BICE⁴⁸, and all personnel (employees, volunteers, interns, independent consultants, experts, etc.) who have a contractual relationship with BICE.

The directors and personnel of BICE's partner organizations (see below) also fall under this term of collaborator.

⁴⁶ - Definition provided by Jorge Barudy, neuropsychiatrist, family therapist, author of the book *About child well treatment*, Ed. Fabert, 2007.

⁴⁷ - World report on violence and health, WHO, November 2002.

⁴⁸ - in accordance with article 12 § 2 of the Bice Statutes.

APPENDIX 1: BICE INTERNAL CHILD PROTECTION POLICY

All collaborators of BICE are required to adhere to the code of conduct and to sign the declaration and the commitment relating to the BICE Child Protection Policy (annex 1).⁴⁹

The partner organizations of BICE are corporations that, under BICE's legal responsibility, implement field projects or participate in programs or actions of BICE which directly involve children. These partner organizations sign a partnership agreement with BICE.

In the event that they do not already have an internal child protection policy or if the latter is deemed insufficient, the partner organizations are required to adopt BICE's policy or to establish an equivalent one within a reasonable time. In addition, the BICE code of conduct must be included in the organization's internal regulation. This obligation is included in the partnership agreement signed with BICE.

The member organizations of BICE are the organizations that compose the BICE by adhering to the organization (article 5 in the statutes). BICE, in fact, constitutes « a worldwide network of organizations working for the dignity and the rights of the child » (Art.4 in the statutes).

An adhesion to BICE by member organizations means that they share its philosophy as expressed in its Charter. Implicitly, the observance of the latter implies they must have a genuine concern for the protection of the child. It is desirable for this to be specified through a sufficiently structured policy. These organizations may adopt the BCPP or establish their own protection policy.

BICE may terminate the adhesion of member organizations, if they display an excessively inactive or negative management of the issue of abuse within their organization, whether it is a result of problems with private individuals, groups, or the entire organization.

BICE also has **individual adhering members (IAM)**. These too adhere to the Charter of BICE and therefore have a genuine desire to protect children. Their specific involvement with the BCPP will be detailed below. They must at least adhere to the code of conduct.

BICE ensures that all its collaborators are well aware of the objective of well treatment as well as of the issues and dangers of children's abuse. The awareness and training sessions offered to them as a priority are focused on these issues.

In addition, the training sessions organized by BICE are open, without any reservations, to the member organizations of its network as well as to the IAMs.

49 - Cf. infra 2nd part.



F. Tools of the BCPP

The code of conduct is intended for all partners and collaborators of BICE. It also applies to the IAM and member organizations that may use it or draw inspiration from it for their own protection policies. It has been translated into the languages of the regions where BICE operates.

It must be integrated into the internal regulations of each partner organization.

It is an integral part of the contract that binds the collaborator to BICE or to the partner organization. It must be signed by all individuals along with a document listing its significant administrative elements (see attachment 1).

It will be updated every 3 years in order to take into account any applicable change and experience acquired.

A similar code addressed to children (in a « child-friendly » manner) will be prepared as soon as possible, following the adoption of the code intended for adults.

A « child protection » Commission (CPC) has been created within BICE. Its mission is to watch over the implementation and the promotion of the BCPP. It is also in charge of supporting BICE collaborators and assisting BICE's partner and member organizations in the design and adaptation of their child protection policies. It also has a monitoring, assistance and advice giving role in cases of alleged or proven cases of abuse.

The Commission can act on its own initiative or be directly contacted by BICE collaborators, partner or member organizations and IAMs.

Partnership and project agreements signed with partner organizations establish their obligation to enforce the BCPP or to establish an equivalent protection policy, adapted to local contexts.

A training program on the child protection policy will be designed. It will mainly be intended for collaborators, IAMs, partner and member organizations of BICE. In addition, the employees responsible for the regional delegations of BICE will be trained as trainers so they may, in turn, train collaborators from partner organizations.

2nd Part : Code of Conduct

A. Introduction

The Code of conduct determines the behaviour that must be adopted by BICE collaborators, in accordance with the BCPP. The IAMs must also adhere to it according to their own field realities.

This code is in conformity with the BICE Charter and the international and regional texts relating to child protection. These specifically enforce article 19 of the CRC, stipulating that everything will be established to effectively protect children « *against violence, abuse or physical and mental brutalities* » specifically by means of reports, investigations, monitoring, preventive measures, etc., and at the same time, the intervention of administrative and/or legal authorities must be considered « *as necessary*».

BICE therefore invites its collaborators to show prudence, but also vigilance and courage when facing allegations or situations of abuse. The procedure set forth in this code provides them with useful elements in this respect and details the steps to follow to ensure all situations are managed respectfully and always in the best interest of the child.

B. Information and awareness

Every collaborator and IAM commits to:

1. Promoting the objectives contained in the BICE Charter, that is: the respect of the dignity of all children, the implementation and the protection of all their rights and the search for their best interest.
2. Making children aware of their rights. They specifically commit to allowing and favouring the access of children to information, as guaranteed by articles 13 and 17 of the CRC.
3. Listening to the needs and requests from children. They commit to making all efforts to favour this dialogue and refrain from displaying any behaviour or words which may lead the child to interrupt communication with the staff, the organization as a whole, his/her surroundings and other children.
4. Developing initiatives which may allow children to express themselves freely: discussion groups, workshops, recreational projects, etc.
5. Conforming to local customs that govern relationships between children and adults, and between genders, as long as these customs respect the children's dignity and do not affect their physical and psychological integrity. They will thereby



show their respect for the children and avoid all suspicion, accusation or troublesome and embarrassing situations for the child.

6. Taking active part to the training sessions that are offered to them.
7. If appropriate to their work on the field, attending training sessions on how to care for children affected by a disability, in reference to article 23 of the CRC, in order to grant them attention and care to avoid any negligence and to favour their development « including in the cultural and spiritual areas », while always respecting their dignity and physical or psychological integrity.

A particular vigilance will be enforced with regards to collaborators, who through their professional activity, are in contact with the intimacy of disabled children (for hygiene, health services, etc.) so that these activities are respectful of their dignity.

BICE commits to:

8. Making available to all its collaborators and IAMs all information and tools to achieve well-treatment to prevent abuse and to fight it.
9. Organizing training sessions with the same objective.
10. Disseminating information on all regulations and legal measures applicable to circumstances of abuse. Among other things, BICE and its partner organizations will provide all necessary information on people, services, and/or institutions to contact in case of emergency. These pieces of information, clear and accessible at all times, must be presented in a manner that is adequate for children and must also be available to them.
11. The information provided will also have to mention explicitly to risks and sanctions incurred in case of allegations or accusations of abuse that are willingly erroneous and/or unfounded.

C. Prevention and protection

Recruitment

12. Recruitment will be achieved in accordance with the international law regarding the protection of the child.

Article 5 § 3 of the Lanzarote Convention sets forth that candidates with a mission that places them in regular contact with children must not have been convicted of acts of sexual exploitation or sexual abuse of children. BICE extends this requirement to all other forms of significant abuse.

Consequently:

- a. At the time of recruitment, the employing organization commits to taking all necessary steps to verify and meet these requirements.
- b. The candidate commits to providing all information concerning his file and criminal record. To this effect, he/she adheres and signs the document called “Statement and commitment relating to the BICE Child Protection Policy” (cf. attachment 1).

Checks

13. BICE, its collaborators and IAMs, partner organizations and its members must submit themselves to the various mechanisms and control tools in accordance with the legislation and regulation in force in the countries where they operate.
14. When these checks concern sheltered children (i.e. medical-social assistance, etc.), they commit to facilitating their appropriate application. In addition, they will have to ensure that all children undergo a regular medical-social monitoring, according to a frequency adjusted to their needs.

Relationships among adults and children

15. The BICE collaborators and IAMs commit to:
 - a. Considering that any adult is morally responsible for all children. Regarding children they are in contact with, but who are not under their administrative responsibility, BICE collaborators and IAM, as defenders of the rights of the child, must also observe a moral duty of well treatment and protection.
 - b. Treating all children with respect and dignity, allowing them to speak, to be heard and defended. Ensuring that these children get care, help, protection and supervision according to their needs.
 - c. Preventing from engaging in any act that can constitute discrimination among children, specifically by reason of gender, place of origin, disability, etc. (Article 2 of the CRC)
 - d. Not engaging in activities that can place the child in physical or moral danger, nor place him/her in a troublesome or embarrassing situation.
 - e. Observing the prohibition of abuse, that is, of « all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse » involving children. (Article 19 of the CRC)

This prohibition applies to all forms of abuse, whether physical, psychological, sexual and educational, constituted by an action or an intentional negligence. The exploitation of the child (for instance for objectives of begging, delinquency or sexuality) is part of these maltreatments.

In addition to maltreatment by individuals, it may also be necessary to fight against instances of institutional mistreatment with as much determination (for instance the discrimination of certain categories of children, their abusive exclusion, etc.)

The attitude of resigned passivity by witnesses of a proven act of abuse is also deemed as an act of maltreatment.

- f. Refrain from engaging in any sexual relations with a minor that is part of the project/program, even if he or she has reached legal age in the concerned geographical area. Whether they are consensual or pseudo-consensual, BICE does not allow sexual relations among educators in a wider meaning of the term collaborators and IAM and an educated individual (SREE).
- g. Be trained to identify children who through their behaviour or unease are likely to suggest a situation of abuse. In addition to this identification, BICE collaborators must entrust these children to professionals capable of helping and protecting them. Ensure that the mechanisms of institutional resistance, if there are any, do not pose obstacles to the revelation of possible situations of abuse and/or suspected or proven SREE, nor to the help to be provided to the children involved.
- h. Informing the employer as soon as possible (BICE, partner organisation and/or BICE member) about any suspicion or acts of abuse they become aware of.

Relations among children

16. It is the responsibility of BICE collaborators and IAM to:
 - a. Promote values of respect, solidarity and non-violence among children.
 - b. Ensure that no act of abuse is perpetrated among children
 - c. Abstain from all quick and superficial bias in conflicts between children.

Relations among adults

17. BICE collaborators and IAMs, among themselves, will :
 - a. Facilitate communication at all levels of their organization.
 - b. Abstain from inappropriate behaviour and language (foul language, sexual references, etc.)
 - c. Guarantee that no tolerance will be granted to a collaborator who has perpetrated an act of abuse against a child, even in cases of SREE.
 - d. Prevent from making any voluntary false accusation against anyone.
 - e. Proceed to report any act of abuse or SREE with clarity, discretion, and with respect for the people involved, whether victims or potential perpetrators.

D. Procedures in case of abuse

Spirit

18. Any action initiated in a case of abuse must be carried out in the respect of the dignity of each individual.

We must therefore ensure discretion in the reporting and in the process that follows. To protect the child and prosecute the perpetrators (adults, adolescents) with determination regardless of their social rank does not mean to expose anyone to public retribution. In fact, if the people in question are merely suspects, the presumption of innocence remains an essential democratic principle that must be observed.

The discretion due to the respect for people is unrelated to a return to a «law of silence». We reaffirm that BICE and its partner organizations involved in a situation of abuse must engage in the officially required processes with transparency and may even sometimes go beyond it. The processes engaged must also be accessible and understandable for child victims.

The member organizations are invited to share this spirit.

Procedures to be followed by partner organizations

19. In the presence of a proven case of abuse or a suspicion of abuse, the first step to take is to actively protect the child. Therefore, the organizations must ensure that temporary protection measures are quickly put in place while taking into account the best interest of the child and that effective help is provided to the victim in the event that official proceedings are too slow or ineffective. In certain cases, these temporary measures are destined to be long-lasting.

20. In parallel, partner organizations must conform to the reporting and assistance procedures that are officially required at the local level; thus, competent administrative, social, healthcare and/or legal authorities must be involved.

21. BICE's partner organizations also commit to informing as soon as possible the « Child Protection » Commission of BICE (CPC) of any proven or suspected case of abuse they are aware of, as well as the means deployed to resolve the situation. The CPC will also have to be informed of any case of SREE.

Procedures to be observed by collaborators⁵⁰

All collaborators must immediately inform their hierarchic superiors of their suspicion of child abuse or acts of abuse they are aware of, as well as SREE (cf. attachment 2 for a sample report letter).⁵¹

50 - As to IAM, the procedure is adjusted to their local circumstances. They must anyhow inform the CPC.

51 - Depending on the case, it will be the general secretary of Bice, if the latter is the direct employer, or the managing authority of the partner organization, if it is the direct employer.

(I) In case of proven abuse

22. In its capacity as a defender of the dignity and rights of the child, the collaborator who is made aware of an act of abuse maintains full responsibility in the management of the issue throughout the process, until it can be really and durably reassured about the destiny of the victim(s). Specifically, it shall notify its hierarchic superiors. Then, in agreement with it, and according to applicable local procedures, superiors ensure that :
- a. The administrative and/or legal authorities are involved and official steps are observed.
 - b. The BICE CPC is informed as soon as possible.
 - c. Temporary protective measures are established, in accordance with paragraph 19.
 - d. Unfortunately, it may occur that hierarchic superiors remain inactive, assume a negative attitude or may also be the perpetrators of the abuse. In this case, the collaborator must directly contact the BICE CPC to determine the conduct to be followed (cpe@BICE.org).

(II) In case of suspected abuse

23. The same spirit and similar procedures to the ones set forth in (I) must apply. The informed hierarchic superiors will make all possible efforts to clarify the situation: search for evidence, performance of a medical and psychological examination of the child involved, etc. If the suspicion remains a suspicion, surveillance must steadily be maintained in the long term. If it evolves into a deep conviction that an abuse took place, we must refer to the process set forth in (I).

(III) In case of suspected or proven SREE

24. The collaborator is also required to report the fact. The partner organization will take the necessary steps to put an end to it. It will sanction the collaborator who perpetrated the SREE and will help the young individual, if he/she wishes to continue being a part of the program.
25. In any of the preceding cases (I, II, III), the individual making the report must provide a written statement. Attachment 2 provides sample letter to be used or which may serve as inspiration.

Sanctions

26. All collaborators and partner organizations that do not observe the BCPP nor the code of conduct and are guilty or accomplices in acts of child abuse will incur sanctions. Remaining silent in front of such acts is considered a form of complicity. On the other hand, sanctions will apply in cases of false accusations.⁵²
27. Various types of sanctions may be the responsibility of BICE and be pronounced by the latter in the framework and within the limits of its administrative authority:
 - a. Disciplinary measures (official warning, temporary suspension, etc.)
 - b. Dismissal or any other form of termination of the contractual relation with the collaborator.
 - c. The suspension or termination of the contractual relation with BICE's partner organization or IAM.
28. Sanctions issued by BICE do not substitute the referral to administrative and/or legal authorities nor the measures and sentences likely to be pronounced by these authorities. They do not substitute the possible direct sanctions applied by the partner organization.
29. Partner organizations must keep the CPC informed of any possible sanction as set forth in point 28.

3rd Part : « Child Protection » Commission of BICE (CPC)

A Commission for « Child Protection » is established (CPC).

This Commission intervenes within BICE, employer of direct collaborators.

In partner organizations, the Commission exercises its missions in accordance with the partnership agreements signed between the partner organizations and BICE.

When dealing with member organizations and IAM, the Commission has an advisory role.

A. Missions of the Commission

The commission has a three-fold mission:

53 - Even if procedures among member organizations, the IAM and BICE are less binding, the spirit is the same. In serious cases, they may be excluded in accordance with article 7 paragraph c) of the statutes.

1. Promotion of the BCPP and evaluation of its implementation

As such it ensures that:

- a. All partner organizations of BICE implement a child protection policy that is effective and adequate.
- b. All collaborators of BICE are familiar with the Code of conduct, adhere to it and sign it, as well as the document « Statement and commitment to the BICE Child Protection Policy. »
- c. It encourages and promotes the diffusion of child protection policies of equal standards for BICE's member organizations.
- d. It ensures that the CPP publicity is guaranteed in BICE's and partner organizations' communication tools.

2. Assistance in case of a situation of abuse

- a. The Commission has a mission of **control**; it must be informed as soon as possible of any situation of significant abuse and on how it has been managed. The Commission ensures that all incidents, allegations of abuse and all complaints are adequately recorded and followed-up.
- b. It also has a mission of evaluation and of **accompaniment**: it assesses the situation reported, may hear the people involved and issues an opinion on the facts perpetrated and the assistance provided to victims.

3. The Commission assesses and updates the Code of conduct at least every 4 years based on the experience acquired or if any specific event make revision necessary.

In that same spirit, the Commission contributes to the drafting of the "child protection" component in the strategic plans that are periodically prepared by BICE.

B. Composition of the Commission

The CPC is constituted by initiative of the General Secretary of BICE and its members are approved by the Board of Directors.

Its multi-disciplinary composition includes an administrator, the General Secretary, a representative of the Program Committee of BICE, two experts (if possible, a child psychiatrist or a psychologist and a lawyer specialized in issues of abuse).

The members of the Commission have a 4 year renewable mandate.

C. Information about executive organizations of BICE

The Commission immediately informs any reported situation of abuse and how it is being managed to the president and the Bureau of BICE.

If appropriate, the Commission will formulate recommendations for actions.

The Bureau makes decisions in accordance with the circumstances.

These may consist of actions of protection and/or assistance to the victims.

They may include sanctions, within the limits of the applicable social law, when BICE collaborators are involved. The Bureau may decide to take appropriate measures with the competent administrative and/or legal authorities.

The General Secretary of BICE prepares an **annual report** about the activity of the Commission. This report is added to the agenda of the Board of Directors at the beginning of the year. A debate is organized and guidelines are determined for the year in progress.

APPENDIX 2: STATEMENT AND COMMITMENT PERTAINING TO THE BICE CHILD PROTECTION POLICY

I, undersigned, hereby state that:

1. I have been informed of the specific vigilance given by BICE on child protection; that I have received and acknowledged BICE's internal child protection policy and the Code of conduct, copies of which are attached, and I commit to observe them.
2. In the past I have never been convicted nor subjected to administrative sanctions for any behaviour that is incompatible with the activities of education, and care of children; this specifically refers to acts of paedophilia, bad conduct that placed the physical integrity of children at risk, ill-treatment or related practices against children placed under my responsibility; that I am not the subject of an ongoing investigation in this respect.
3. I commit to inform my superiors and the "Child Protection Commission" of BICE (CPC) of all proven or suspected cases of child abuse within the organization that employs me and/or its programs, as well as any information on such acts. The same applies to SREE (Sexual relations between educators and educated). The email address of the CPC is cpe@BICE.org.
4. I have been informed that, in the event of a suspected or proven case of abuse imputable to me, BICE and/or the partner organization that employ me will take the appropriate measures, including towards the competent administrative and/or legal authorities.
5. I have been informed that in case of a sexual relation between an educator and an educated individual (SREE), even if it is a consensual relationship, sanctions may result in a termination of the employment contract.
6. I have been informed that, in case of termination of contract for a violation of the physical and/or psychological integrity of children, the organization reserves the right to inform any other organization requesting professional references, of the reasons for the termination of contract, with due respect for the legislation on the protection of information.

Date:

Place:

Name:

Signature:

APPENDIX 3: SAMPLE REPORT LETTER

If you are concerned about the security and the well-being of a child, you are required to protect him or her and to report the facts in accordance with the procedure described in the code of conduct.

In addition, the BICE CPC must be informed through your hierarchy or by yourself. The following is a sample report letter that we recommend using.

1. What are the reasons for your report? *(Explain briefly)*

- Have you **witnessed** an abuse against a child?
- Do you **suspect** someone is abusing a child?
What elements justify your concern?
- Do you **think** a child is a victim of abuse?
For what reasons?
- **Has someone informed you** of a suspected/proven abuse involving a child?
What have you been told?
- **Has a child told you** about being or having been abused?
What has he or she told you?

2. What are the facts? *(Check all relevant answers)*

- Sexual abuse
- Physical abuse
- Psychological abuse
- Negligence
- Exploitation
- Abandonment
- Discrimination

If possible, state the details, the place and the date of the recounted facts.

3. Identity of the person suspected of having committed the abuse:

Name:

Title:

Place of employment:

4. Other details and comments:

Identity of individual making the report:

Name:

Title:

Place of employment:

Telephone number:

Signature :

Date :

NB: We commit to guaranteeing the confidentiality regarding the identity of the person making the report.

APPENDIX 4: ARTICLES OF THE CONVENTION ON THE RIGHTS OF THE CHILD DEALING WITH CHILD ABUSE

Article 19

1. 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, maltreatment 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.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes 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 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 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

APPENDIX 5 : POSITION PAPER

Mobilization for the protection of children against sexual abuse and exploitation

Introduction

The International Catholic Child Bureau (BICE), along with its 25 partner organizations⁵³ in the Program “Promotion of Well-Treatment and Fight against All Forms of Maltreatment⁵⁴ (hereinafter Well-Treatment/Maltreatment) from 15 countries in Africa, Latin America, Asia and Europe and CIS, reaffirm that only a national legal and operational framework that is in line with the United Nations Convention on the Rights of the Child (CRC), its optional protocols as well as the related Conventions and recommendations of the International Labor Organization (ILO), the United Nations Office on Drugs and Crime (UNODC) and regional instruments, is liable to guarantee fundamental rights to every child.

The 2006 UN Study, *Violence against children*, showed a bleak picture of the situation and reported that “there are no possible compromises when it comes to tackling violence against children”.⁵⁵ Five years later, the NGO Advisory Committee follow-up report also noted with concern that the “sad reality is that children continue to be humiliated, beaten, burnt and sexually abused by adults who are part of their lives, their parents, teachers, assistants and employers”⁵⁶ and that “violence, including severe violence, continues against millions of children.”⁵⁷ The Committee on the Rights of the Child⁵⁸, the UN Human Rights Council (HRC) Special Rapporteurs whose mandates relate to violence against children agree with that same statement.⁵⁹ The World Health Organization (WHO) stressed that as of 2002 there was an exponential increase in “sexual abuse

53 - Kazakhstan: Podrugy (Almaty), Kenes, Moldova: Child’s Rights Information Center (CRIC) (Chisinau), Voinicel, Chile: Paicabi (Corporación de Promoción y Apoyo a la Infancia), la Vicaría de Pastoral Social de los Trabajadores (VPST), Hermanos de las Escuelas Cristianas, Hermanos Maristas, Hogar de Cristo, Vicaría de Pastoral Social, Uruguay: JPC - Juventud para Cristo, Bolivia: le CEINDES (Centro de Investigación Social para el Desarrollo Socioeconómico), EEC - Comisión de Educación y Cultura (Conferencia Episcopal), Brazil: CAF - Casa Filadelfia, Associação Brasileira Terra dos Homens (ABTH), INBRADESE - Instituto Brasileiro de Desenvolvimento Social e Educacional, INDICA, Pastoral do Menor Nacional, Cambodia: Smiling Cambodian Children, Ivory Coast: Droits et Dignité de l’Enfant en Côte d’Ivoire; Nepal: Briser le silence contre les abus sexuels, AAWAAJ, Paraguay: BECA (Base Educativa Comunitaria de Aprendizaj), Asociación CALLESCUELA, Peru: Cedapp - Centro de Desarrollo y Asesoría psicosocial, CESIP - Centro de Estudios Sociales y Publicaciones, COMETA - Compromiso desde la Infancia y Adolescencia, IFEJANT - Instituto de Formación Educadores de Jóvenes, Adolescentes y Niños Trabajadores de América Latina, INFANT - Instituto de Formación de Adolescentes y Niños Trabajadores, MANTHOC - Movimiento de Adolescentes y Niños Trabajadores Hijos de Obreros Cristianos, OPA - Observatorio de Prisiones de Arequipa, Dominican Republic: Centro Cultural Poveda (CCP) avec le Ministère de l’Education. Russia: NAN Foundation (Moscow), OZON (Moscow) and Initiative Civique (Zlatoust), Togo: Bureau National Catholique de l’Enfance; Ukraine: Women’s Consortium (Kiev).

54 - Interim Assessment of the Well-Treatment/ Maltreatment Program, BICE, Brussels, October 2012 available on BICE website: <http://www.BICE.org/fr/actualites-du-BICE/actualites-BICE/dernieres-actualites/1182-premier-bilan-encourageant-de-notre-programme-international-de-lutte-contre-la-maltraitance.html>

55 - A/61/299, § 2.

56 - Five years later: a global point on violence against children, pages 9-10.

57 - Ibid.

58 - General Comment n.13 (2011), Concluding Observations: CRC/C/TGO/CO/3-4, §§ 49-50 and 69-70 (Togo), CRC/C/BOL/CO/4, §§ 77-80 (Bolivia); CRC/C/OPSC/UKR/CO/1, §§ 29-30 (Ukraine); CRC/C/KHM/CO/2, §§ 49-50, 71-74 (Cambodia).

59 - A/HCR/20/18/Add.1, §§ 5-16 (Australia), A/HCR/20/18/Add.2, §§ 7-16 (Thailand), A/HRC/17/35/Add.4 (Argentina) and A/HRC/17/35/Add.3 (Uruguay): Mission Report of the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo.

within the household”, even in developed countries⁶⁰, also noting that over “150 million girls and 73 million boys under the age of 18 have presumably endured an imposed sexual relation or other forms of sexual abuse”.⁶¹ According to UNICEF, the so-called “sex” industry exploits approximately two million children every year. Over one million photographs representing 10,000 to 20,000 child victims of sexual abuse circulate on the Internet. Among these children, only a few hundred are identified. The others are anonymous, abandoned and most likely victims of repeated abuse”.⁶²

The Rio de Janeiro Declaration and Call for Action to prevent and stop the sexual exploitation of children and adolescents (2008) has, for its part, set 2013 as the deadline among other objectives for the establishment of mechanisms and/or processes that facilitate the **coordination, at national, regional and international scale**, of an effective and easily accessible system for **reporting** of suspicions and instances of sexual abuse, the follow-up of cases and the support of child victims and **independent national institutions** in charge of promoting and protecting children’s rights.⁶³ This objective has only partially been met.

Even though the CRC calls on States “to protect the child from all forms of sexual exploitation and sexual abuse” (article 34), and to 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, maltreatment or exploitation, including sexual abuse” (article 19), these objectives are still largely to be met. That is why BICE and its 25 partner organizations decided to call for integrated and inclusive action as well as greater mobilization to ensure optimum protection for child victims, those who are at risk and/or have suffered from sexual abuse or exploitation.

1. Orientation and definition

This position paper draws its inspiration from the outcome of the BICE Good Treatment/ Maltreatment Program as well as from the experience and knowledge previously acquired by our organization and the members of our network. It focuses on the ever increasing abuse against children in trusted environments such as family, school, hosting and child-placement institutions, care centers, workplaces, with presumably

60 - A/61/299, § 44.

61 - Global Estimates of Health Consequences due to Violence against Children, op.cit., note 8, based on the estimates prepared by G. Andrews et al., Child sexual abuse, chap. 23, in M. Ezzati et al., (2004) Comparative Quantification of Health Risks: Global and regional burden of disease attributable to selected major risk factors (Genève, World Health Organization, 2004), vol. 2, p. 1851 to 1940, and the data from the Division of Population of the Department of Economic and Social Affairs regarding populations of less than 18 years of age.

62 - Quoted from the Report of the Council of Europe on the Convention of the Council of Europe on the Protection of Children against Sexual Exploitation and Sexual Abuse, STCE n° 201, §§ 1-2.

63 - World Congress III against Sexual Exploitation of Children and Adolescents, Rio Declaration and Call for Action 2008 to prevent and stop sexual exploitation of children and adolescents. <http://www.ecpat.net/ei/Updates/FRWCIIIOutcome.pdf>. The Second World Congress against Commercial Sexual Exploitation of Children was held in Yokohama in 2001. <http://www.csecworldcongress.org/en/yokohama/index.htm>; and the First World Congress against Commercial Sexual Exploitation of Children in Stockholm in 1996 <http://www.csecworldcongress.org/fr/index.htm>

trusted people such as relatives in a broad sense, neighbors, teachers, educators, therapists, trainers and others. In addition, this position focuses on sexual abuse and exploitation of children, especially those involving the new forms of violence and exploitation through the Internet.

BICE is convinced that an excessively precise definition may undermine the fight against impunity for violations pertaining to sexual abuse and exploitation. In the absence of such a definition, it is, however, necessary to identify the criteria and constitutive elements of these issues.

Thus, inspired by the CRC and specifically its articles 19 and 34, the Committee of the Rights of the Child General Comment n°13 provided the following constitutive elements:⁶⁴

a) Inducing or compelling a child to engage into illegal or psychologically detrimental sexual activity. The Committee specifies that sexual abuse includes all sexual activity imposed to a child by an adult, from which the child is protected by criminal law. Sexual activities are also deemed as violence when they are committed by a child against another child, if the perpetrator is sensibly older than the victim or uses his power, threats or other pressure tactics. Sexual activity among children is not considered as sexual abuse if the age of the children in question is over the minimum age set by the State for consenting to sexual relations.

BICE considers the following as sexual abuse:

- Sexual activities or attempts at sexual activity with a child who has not reached the age required for such activity, whether according to internal harmonized legislation or international law.
- Sexual activity or attempts to have sexual activity with a child resorting to or using fraud, coercion (force, constraint, violence of different natures), threats, a situation of vulnerability, a position of authority, influence and trust towards the child. The age of the child is not a determining factor. The status of the perpetrator may constitute an aggravating circumstance.

In these two cases, consent, whether clarified or not, of the victim cannot exonerate the author of the said abuse and sexual exploitation. The meeting of constitutive elements is sufficient to charge the perpetrator.

b) Using a child for sexual exploitation for commercial purposes;

According to BICE, sexual exploitation refers to the exploitation of children for purposes of prostitution or for the production of performances or materials of pornographic nature, child pornography or cybercrime.

64 - CRC/C/GC/13, § 25, The right of the child to be protected from all forms of violence.

c) Using of children in sound or visual representations of sexual violence committed against children;

d) Child prostitution, sexual slavery, sexual exploitation during trips and tourism activities, trading (within countries and among them) and selling children for sexual purposes and forced marriage. Many children suffer from sexual offenses that are not accompanied by force or physical constraint but which are nonetheless psychologically intrusive and traumatizing; these constitute exploitation.

BICE's position is based on four areas: **prevention, protection, participation and national, regional and international cooperation.** These four areas are rooted in the fundamental principles of the CRC, which must serve as a compass in the analysis and interpretation of the criteria and constitutive elements of abuse and sexual exploitation:

a) **A right-based approach:** that recognizes the child as a subject of rights, ensures the inclusion of his or her opinion, protects procedural safeguards in judicial, non-judicial and administrative matters and preserves access to a court settlement, disciplinary action, litigation or other actions.

b) The **best interest of the child** (article 3 of the CRC and General Observation n.14): it transcends all considerations that do not contribute to the protection of the fundamental rights of the child. This principle is transversal and present before, during and after the investigation, hearing and outcome of a case involving a minor.⁶⁵

c) **Non-discrimination** (article 2 of the CRC): No reason for discrimination based on gender, race, color, language, religion, political or any other opinion, regular or irregular status, ethnic or social origin, belonging to a national minority or aboriginal population, property, birth, sexual orientation, health conditions, disability or any other condition, can legitimately and reasonably prevent benefitting from preventive, conservation and protective measures. All children must receive equal treatment.

d) **Listening to the child and his/her participation** (article 12 of the CRC): listening to the child and encouraging his/her participation, whether he/she was the perpetrator, author, witness or victim in adapted child-friendly conditions are vital. The child has the right to freely express his or her opinions regarding any matter of his or her concern and the child's opinions must duly be taken into account. The child must be heard in any legal or administrative procedure that regards him or her, whether directly or through a representative or adequate organization, in a manner that is in accordance with the rules of procedure of national legislation.

e) **Respect for private and family life** (article 16 of the CRC): Arbitrary and illegal interference is prohibited; however, it may not serve as a pretext for the State and its services to allow the continuation of suspected or proven abuse within the family through converging evidence or clues. Intervention must be regulated by law and translated in

⁶⁵ - For the content of the "best interest of the child", see General Comment n°14 [CRC/C/GC/14], 2013 of the Committee on the Rights of the Child.

practice into the psychosocial counseling of the child, in the legal procedure (closed session, confidentiality of recorded testimonies, blurred photographs, disguised voices, etc.) and following the same (non-communication of sensitive information -- e.g. criminal record -- at the time of re-insertion into a private or public company, a family or hosting institution, etc.)

2. Prevention

BICE has tested preventive interventions on two levels:

Primary prevention: general prevention through public health, education, social services and other approaches,

Secondary prevention: targeted public policies.⁶⁶

Tertiary prevention: inter-institutional collaboration in the implementation of public policies.⁶⁷

The most effective protection against sexual abuse and exploitation is prevention based on a national operational legal framework that is harmonized, strengthened and sustained by a multidisciplinary and inter-institutional strategy focused on prevention, protection, accompaniment and participation of children. That is why BICE:

- a. Intervenes with regard to positive parenting, to help parents raise their children in a safe environment, to adopt and put into practice education processes that are based on the knowledge of children's rights, child development characteristics and techniques of positive discipline to reinforce parent-child relations;
- b. Organizes awareness campaigns in communities as well as television and radio broadcasts in local languages to fight against attitudes that perpetuate tolerance and leniency with regard to sexual abuse and exploitation;
- c. Works to reinforce the capabilities of players such as psychologists, teachers, education specialists, educators and social workers, therapists, judges and judicial police officers ;
- d. Implements media self-regulation mechanisms through professional media charters for a treatment of cases of sexual abuse and exploitation that are respectful of the child. The child must be recognized subject of law and as a human being who should be accompanied to play a constructive role in the future (respect for private and family life, nondisclosure of criminal records or other precedents that could be damaging to the child).

66 - In its General Comment n°13, the Committee states: "Emphasis on general (primary) and targeted (secondary) prevention must remain paramount at all times in the development and implementation of child protection systems", § 46.

67 - In its General Comment n°13, the Committee states "it is necessary to focus on general prevention (primary) and targeted prevention (second) during all the elaboration and implementation phases of the systems for the protection of the child, § 46.

2.1. The role of States

The role of States in prevention should focus on the following commitments:

Legal context

1. **Ratify** international legal instruments **without any reservation** incompatible with the objective and goals of the provisions on sexual abuse and exploitation; implement, specifically the CRC and its optional protocols, the supplementary Protocol to the United Nations Convention against organized transnational crime aiming at preventing, repressing and punishing human beings (especially children), the conventions pertaining to the ILO and the ONUDC; and harmonize the national legal and operational framework with international provisions to which States have freely consented to comply with the objective of eliminating sexual abuse and exploitation of children;

2. **Improve the national legal framework**, in accordance with the transformations, modifications, changes and natures of threats, and:

- Above all, adopt a **right-based approach**, which aims at establishing a participatory democracy and the rights of children in communities;
- Integrate **repression of cybercrime** in all its forms, specifically child prostitution, cyber-pornography, child pornography on the internet, sexual tourism involving children, child trafficking for sexual purposes, and ensure the regulation of the information and communication technologies (ICT) sector, the company supplying the domain and internet access, the internet service supplier, mobile telephone operators, the producers of software, those responsible for internet websites and social networks, of cybercafés and blogs ;
- **Criminalize the production, possession, storing, sharing, spreading, transportation** of pornographic material displaying children, and its **distribution**, including online;
- **Specifically criminalize sexual abuse and exploitation within the family, in schools, in professional learning and training places, at the workplace, in private or public institutions of employment and coaching, as well as any other facility that hosts or cares for children.** Abuse and exploitation committed by a parent, an educator or a professional spontaneously trusted by a child constitutes an aggravating circumstance. Attempts and passive or active complicity should be equally punishable as abuse or exploitation ;
- Necessarily provide for the **minimum age** required for consent to sexual relations and marriage, in order to prevent the exposure of little girls to sexual abuse and exploitation as well as to early or forced marriages;

- Incorporate child protection and the prevention of child sexual exploitation to the **legal system** and the **social liability policies of businesses** engaged in tourism, travel, transportation, agriculture and financial services, as well as in communications, media, internet services, advertisement and entertainment sectors.⁶⁸

Public policies

- Develop a **monitoring system** to identify and organize the follow-up of children in danger or children who have already been victims of violence or abuse in their families, schools, home institutions or health centers. An alert and support mechanism (such as telephone assistance) must be available. This system should also be available to families presenting high risk factors (previous abuses, lack of supervision by the adult responsible for the child, social services reports etc.) by offering them training sessions on preventing violence, promoting bonding with the child and discipline without violence;
- **Train, and periodically retrain, continuously evaluate and systematically monitor** State representatives expected to implement and enforce the harmonized and reinforced legal and operational framework;
- Integrate **adapted training to sexuality in curricula**. Training should be offered to children but also to the **teaching staff, administrative staff working with children, medical staff and institutional teams working with children**. It should focus on friendly and unfriendly gestures, respect for the rights of children and sanctions applicable if these rights are violated;
- **Integrate training modules** relating to the harmonized and reinforced legal framework, at the source (training school) within the training plan of State agents, specifically judges, judicial police officers, teachers, social workers and educators, doctors, nurses, and other health agents, law enforcement, municipal authorities, decentralized communities or federal and canton authorities. These modules should also integrate aspects related to the development of the child, the causes and consequences of violence and sexual education adapted to children;
- Take into account **gender** issues in national policies;
- **Integrate the rights of the child** in school curricula at all levels, including informal education, to respond to training objectives, including children's, regarding human rights and thereby **defend respect for child rights in society**, starting with young children;
- Promote **child participation** by institutionalizing it through the consultation of children before developing programs that concern them ;

68 - Rio Declaration and Call for Action 2008.

- Conduct **awareness campaigns** over time, with culmination phases that target children, whether victims or not, community leaders, griots, traditional and customary chiefs, those in charge of traditional convents, opinion leaders, religious leaders, indigenous populations chieftains, including school establishments, psychologists, psychoanalysts, social educators, and the public at large, over the entire national territory, including rural areas whether remote or isolated, to solidly establish a knowledge of the rights of the child;
- Implement **process and impact indicators** regarding the phenomena of abuse and exploitation, accompaniment mechanisms and coordination organized among different services dealing with child protection, involving other players, specifically civil society organizations.

2.2. Role of civil society

Today, the action of civil society cannot be dissociated from government efforts. The latter recognizes and develops integrated cooperation between civil society organizations and public institutions. Some states, however, remain reluctant and try to hamper the actions of civil society organizations by enacting legislations against human rights defenders.

Civil society should:

- Continue to **advocate with government authorities** the improvement of the legal framework and the development of public policies that are respectful of the international child rights system;
- Intensify initiatives **aimed at the ratification without reservations of relevant legal instruments and the harmonization of the national legal framework** to lay the foundations of prevention of sexual abuse and exploitation of children ;
- Gear the development of its **programs and projects** towards strengthening the concerned players' capabilities, to **achieve prevention objectives**, working in partnership with State services and agents involved in the care, guidance and protection of children ;
- Reinforce **partnerships among civil society organizations**;
- Ensure that sexual abuse and exploitation **preventive measures** be listed on the **international agenda** and in **public policies** at **national** level;
- **Continue to develop awareness campaigns on sexual violence, abuse and sexual exploitation. It should also continue its actions in terms of detection, orientation and follow-up of cases of abuse committed against children.**

2.3. Role of the Committee on the Rights of the Child

The Committee on the Rights of the Child is firmly committed to supervising the enforcement of the CRC through a constructive dialogue with States. Thus, it examines States periodical reports, expresses its concerns and formulates recommendations after consulting during pre-sessions, and designs a list of issues to request supplementary or updated information. The Committee also strives to interpret and clarify the CRC provisions through General Comments, namely numbers 8 (2006)⁶⁹ and 13 (2011)⁷⁰ concerning violence against children. General Comment N. 13 constitutes a call for the Committee to broaden the scope of its actions to eliminate violence, particularly sexual abuse and the exploitation of children.

The Committee should:

- Systematically continue to pay particular attention on the abuse and exploitation of children at the time it **examines States' reports**, and **formulate achievable and measurable recommendations** to States, as well as report the **loopholes in the legal and operational frameworks and strategies for prevention and protection** ;
- Ensure that the CRC Optional Protocol on the sale of children, child prostitution and child pornography is adequately integrated to national law, particularly by **assessing its enforcement every three years**.

2.4. Role of Special Procedures

Special Procedures are UN Human Rights Council mechanisms. They deal with a **specific country's** situation or with **thematic issues** in all regions around the world. Special procedures are mainly represented by field visits and exchanges with governments. The mandates of certain procedures relate to child rights, particularly to the abuse and exploitation of children. Among them, those concerning:

- The sale of children, child prostitution and child pornography;
- Human trafficking, especially women and children;
- Violence against children;
- Violence against women, its causes and consequences.

These procedures should:

- Perform thematic studies, if necessary in collaboration with universities and graduate institutes for training and research, focused on aspects of prevention, protection, cooperation, accompaniment, care for child victims, witnesses and perpetrators of sexual abuse and exploitation ;

69 - CRC/C/GC/8: The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (art. 19, 28 [par. 2] and 37, among others).

70 - See above. Footnote n. 12.

- Carry out visits, studies, conferences and other joint activities with other mechanisms at international, regional and national levels in order to reinforce visibility on all or certain aspects of sexual abuse and exploitation.

3. Protection

Children are subjects of rights and their fundamental rights must be guaranteed and protected in accordance with what is required by their conditions as minors. **States** should therefore ensure that their duty to protect and guarantee protection does not permit a suspension of the rights or guarantees that are essential to protecting such rights, even in exceptional situations.

According to BICE, **denouncing, reporting, accompanying, reintegrating**, and the follow-up of reintegrated children victims of sexual abuse and exploitation are fundamental elements. In particular, care should be given by providing psychological, legal, physical, and health support, as well as by providing nutrition and clothing to aid the recovery of children. In addition, further guidelines have been adopted such as the **capitalization of best practices** (significant practices) and the **establishment of process and impact indicators**.

3.1. The role of States

According to BICE, an adequate public policy for protection against child sexual abuse and exploitation and the supply of services requires a multi-disciplinary and integrated strategy focused on 15 criteria. Each of these criteria:

- Takes into account, first and foremost, the **victim** and his or her needs and considers him or her as such by paying immediate attention to possible traumas endured, inherent effects and visible or latent consequences ;
- Accompanies, particularly on a psychological level, the victim's family notably when the family is not involved in abuse or exploitation;
- Facilitates and accompanies with no procedural and financial constraints, the effort of **gathering evidence** of abuse and exploitation;
- **Raises public awareness on the need to fight against impunity of perpetrators** of sexual abuse and exploitation, regardless of their social or political position or their closeness to the victim, particularly through denouncing and reporting actions, when circumstances demand it, at the expense of settlements, as these are actually catalysts of abuse and exploitation;
- **Implements a child-friendly legal system, respectful of child rights before, during and after the legal procedure;**

- Mobilizes a child-friendly **legal system that is reactive, effective and efficient**, particularly through an information system at all stages of the procedure; which provides **free legal and judicial assistance**, extra medical assistance and a support team made up of **social workers and educators**; and that ensures that the matter is dealt with **promptly and diligently** with **detering sanctions**;
- Guarantees the **rights of the victim** and considers him or her as such, with all adequate services and measures; **abstains from further victimizing the victim** to the point of exposing him or her toward increasingly dangerous threats;
- Ensures that the victims benefit from **protection**, including **preventive**, and **cautionary measures** while waiting for a final decision from justice and the administration or for the outcome of the investigation; that victims' **compensation** is not dependent on the "law of the strongest", which is often the only one the perpetrator of the abuse or exploitation respects, and that social services (housing, professional training, work, social security, etc.) are mobilized to ensure greater safety to the victim ;
- Establishes functional links of **coordination, exchange and reinforcement of capabilities** among state services, non-state services and other actors involved, on the basis of **harmonized and adjusted indicators**
- Is equipped with a program of **physical, emotional and psychological rehabilitation, fostering the socio-professional reintegration and monitoring** of the entire process, for victims as well as child witnesses or perpetrators, and that refrains from obstructing through whatever means and maneuvers, the intervention of other stakeholders, including civil society organizations;
- Includes an **investigation and disaggregated data gathering process**, on the phenomenon of abuse and exploitation that is regularly updated, in order to adapt and adjust responses to changes and to the evolution of the threat, along, if necessary, with schools, institutes and universities;
- Is equipped with a system of **effective reporting**, that is known, easily accessible, used and periodically evaluated in line with **indicators established** under the auspices of the State by professionals and institutions caring for children, state services engaged in child protection, civil society organizations with expertise and experience in that field, with the technical support of international organizations;⁷¹
- Integrates **international cooperation mobilized to meet the fundamental needs**

71- Objective 2013 Rio Call for Action 2008: "Establish by 2013 an effective and accessible system for reporting, following up and supporting children victims of suspected or actual incidents of sexual exploitation, for example by instituting mandatory reporting for people in positions of responsibility for the welfare of children".

of children at risk or victims of abuse and exploitation and provides **adequate responses focused on the child**, whether accompanied or separated, on his protection and guaranteeing fundamental rights;

- Establish mechanisms and/or processes that facilitate **coordination on national, regional and international scale** or improves the existing mechanisms for better cooperation among the different ministries, donors, UN agencies, NGOs, the private sector, employers and workers associations, the media and organizations;
- Aims at developing the **specialization** of agents in charge of fighting against sexual abuse and exploitation to adjust to the new threats, particularly those emerging from the Internet and other ICTs and the establishment of **tools, as well as control and sanction services**, including online.

3.2. The role of the Committee on the Rights of the Child

In its role of protection, the **Committee on the Rights of the Child** should:

- Record abuse and exploitation as issues ranking high in importance, which must be the object of further studies during **pre-sessions**, to obtain specific supplementary information in **formulating the list of issues**;
- Ensure that this topic is kept on the **international agenda**, particularly as a topic for debate at the time of the annual HRC day on the rights of the child, or as a topic to be examined during the Committee Day of General Discussion;
- Implement – along with the relevant Special Procedures, other United Nations mechanisms related to child rights, as well as those established at regional level, **joint actions** (visits, thematic reports, consolidated statistics, establishment of indicators, news, communications addressed to the States, etc.) on the prevention and fight against sexual abuse and exploitation of children;
- Formulate **recommendations** aiming at setting up institutions and public programs for the prevention and protection against violence, abuse and sexual exploitation.

3.3. The role of Special Procedures

These procedures should:

- Perform **thematic studies**, if necessary in collaboration with **universities** and **graduate education institutions for training and research**, focused on aspects of prevention, protection, cooperation, accompaniment, care for child victims, witnesses and perpetrators of sexual abuse and exploitation;

- Continue to conduct *in situ visits* in countries most affected by the phenomenon of sexual abuse and exploitation and submit to the Human Rights Council a report including **measurable and achievable recommendations** in accordance with an implementation-oriented **agenda**, including intermediate and follow-up activities and reports;
- Provide **technical assistance** for the harmonization of the legal framework, reinforcement of involved players' capabilities, development of indicators and establishment of programs in accordance with the harmonized and reinforced legal framework;
- Prepare a **collection of best practices of protection and care** recorded at the time of the *in situ* visits;
- Provide **technical support** to the parties involved, for better protection of child victims of sexual abuse and exploitation.

3.4. The role of civil society

Civil society organizations should:

- Adopt a **policy for the protection of children** that is vibrant and dynamic, enforced and understood at all hierarchical levels ;
- **Incorporate its action** aimed at fighting against child abuse and exploitation to the **legal and operational national framework** and, in **synergy** and in **coordination** with other stakeholders, advocate for actions destined to creating an environment that is protective of child rights in families, communities, workplaces, schools as well as within the state apparatus;
- Continue to launch **activities for the protection and care** of children as part of their programs and projects which are in the framework of states' national action plan.

4. Participation

An effective participation should play a preventive role on violence, abuse and sexual exploitation notably in trust-worthy environments such as within families.⁷² Parents must be trained in these methods and practices favoring the active participation of their child to decisions concerning both their families and themselves. At school, increased children participation to implement prevention measures helps reduce and even eliminate incivilities, humiliations and other forms of violence. Discrimination, stigmatization and marginalization do not favor participation and expose children in danger to more violence, abuse and sexual exploitation.

72 - Doc. UN, General Comment no 12 (2009), § 118.

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The application of the participation principle is a responsibility of **the state, and it should:**

- Recognize children as **subjects of rights** and not only as **beneficiaries of the benevolence of adults, as stakeholders that act for the protections of their rights and their promotion through campaigns conducted by children**, for and with children with a view to raising awareness and preventing sexual abuse and exploitation of children (e.g. education and awareness strategies directed toward other children, increased participation in the decision-making process on all issues concerning them directly, audits of the laws and decisions implemented as regards children);
- To ensure care for the child who is the perpetrator, victim, witness or is at risk of sexual abuse and exploitation through a process of socio-professional reinsertion whose monitoring must be based **on the active participation of the concerned child**, of his/her parents, if they are not involved in the abuse suffered by the child and, if appropriate, of his/her community;
- To establish the said participation on the right to information of the child, as this allows the child to express his opinions and wishes, in full knowledge of the facts about the terms of his accompaniment, the services offered, the objectives and goals of the measures regarding him ;
- Ensure participation when the child is unaccompanied or separated outside his country of origin. This demands availability, free of charge, of an **interpreting service at all stages of the accompaniment process.**⁷³
- Ensure **participation meets a transversal approach in the care process** and in services to the child from the beginning of the process, until his reintegration to family, school and professional environments, as well as during the follow-up process. In addition, his/her **opinion must be taken into account in the development of public policies** regarding sexual abuse and exploitation ;
- Build on the **resilience capacity** of every child perpetrator, victim, witness or at risk of sexual abuse and exploitation, relying on his/her own resources to live again following the trauma she/he has suffered from;
- Abstain from disregarding what the child says and therefore encourage the child's participation while taking into account subjective criteria such as his/her age, discernment capacity, capability to speak fluently a language or not, his/her status (irregular), his/her record or background;

73 - (General Comment n° 6, CRC/GC/2005/6).

- Apply the “**participation without discrimination**” **principle** to every child whether she/he is experiencing a handicap, is a unaccompanied minor or not, is living in the country regularly or not, is healthy or not etc.;
- Turn the child’s participation into an indicator to determine respect for legal procedures, his/her psychosocial care and respect for his/her rights within the family.

5. Cooperation

Inter-institutional cooperation (whether at regional, national or international levels) is essential for the effective fight against violence, abuse and sexual exploitation of children. Such networking favors information exchanges, coordination, follow-up as well as technical support. International media should also use this network to establish, develop and strengthen international cooperation.

It essentially concerns **states, which should ensure:**

- The implementation of a **dynamic international collaboration** to meet challenges in light of the risks and threats of abuse and exploitation that are in constant evolution, particularly through the internet; **among states**, on one hand, specifically through the services of Interpol, policemen, highway, port, airport and waterways customs and, on the other hand, **between the state and the private sector** (banking, social networks, internet, sex industry...) in order to obtain the means to track perpetrators of child sexual exploitation and prosecute them, as well as to deny them access to their sources of income and supply;
- Opening, by way of **international cooperation**, a path to collaboration between States and the private sector, specifically with **banking institutions and similar establishments as well as money transferring facilities**, to **fight against laundering money earned** from sexual exploitation; **with companies managing airports and airfields, travel agencies, tour operators and airline and waterways companies**, to raise the awareness of travelers, specifically tourists, regarding the laws of the country of destination and the risks involved; with hotels and hotel chains as agents of this awareness, sending prevention messages to their guests; and with the **sex industry regarding producing, possessing, storing, sharing, disseminating, transporting** pornographic material depicting children, and its **distribution**, including online ;
- Develop **international cooperation** aimed at **sharing information and best practices** among services, offering **technical support** for States with scarce resources, to face up to the issue of abuse and exploitation across borders, and the **development of a network of data accessible** from the different services involved, including beyond borders.

6. Conclusion

The 2006 United Nations study on violence against children drew alarming conclusions on the daily, recurrent and vicious presence of violence, as well as on the multiple forms this violence could take. The Objectives of the 2008 Rio Declaration and Plan of Action are far from being met. Clearly, violence, abuse and sexual exploitation plague our societies. Unfortunately, the threat of violence usually stems from trustworthy environments such as families, schools and health centers. The workplace is also a place where violence and abuse can occur. The majority of these acts of violence and abuse are being perpetrated by people the child knows and trusts.

Furthermore, the development of new communication technologies (notably the Internet, which displays pedophilia, child pornography and other technological lures) continue to present serious threats to children and teenagers.

A rights-based approach represents the only way to guarantee that children are effectively protected against violence, abuse and sexual exploitation. To deal with risk factors within society but also within families, it is essential to work for the creation of an environment that favors behavior changes but must, above all, be included in States' legal apparatuses in order to protect children and youths.

Actions should converge toward making children autonomous and strengthening their defense against sexual abuse. These actions should also facilitate the implementation of parenting programs taking into account the notion of gender. National policies on prevention and the protection of children must be included within a an adapted legal framework which should be designed in accordance with the social and cultural context, in order to support States and families in their efforts at creating a safe environment, free from violence and abuse.

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