

CHILD PROTECTION

Protection from sexualized violence
and exploitation



LEGAL NOTICE

Publisher:

Kleine Hilfsaktion e. V.
Bergheimer Straße 503
41466 Neuss
Germany

Email: info@kleinehilfsaktion.de

Phone: +49 2131 460889

Register of Associations:

Local Court of Neuss, VR 2588

Board of Directors:

Roland Debschütz

Tax Number:

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Kleine Hilfsaktion e. V.
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1. Introduction

Kleine Hilfsaktion e.V. (KHA) is a German NGO (Non-Governmental Organization) based in Neuss, North Rhine-Westphalia, Germany with a focus on four programmatic areas, i.e., (1) Child Rights & Protection (CRP) including children's educational rights, (2) Water Sanitation and Hygiene (WASH), (3) Basic Health in addition to eyesight treatments, and (4) Rural Development (RD) including rural infrastructure and support to individual families from rural vicinities amid critical circumstances, for instance provision of food items (FIs), non-food items (NFIs), Shelter, etc. It is significant to not that a vast majority of our projects, implemented by our partners, crosscuts at least two of our thematic areas. However, children remain the central point of our endeavors.

1.1 Vision

Creating opportunities for disadvantaged people and developing sustainable solutions for a better future.

1.2 Mission

Kleine Hilfsaktion e.V. provides swift and effective aid to those in need, while working together with local partners for transparent and sustainable development.

1.3 Policy Statement

This CRP policy is prepared and approved in accordance with the United Nations Child Rights Convention (UNCRC), signed and ratified by Germany on 26.01.1990 and 06.03.1992 accordingly, and the Basic Law (Grundgesetz), German Constitution, Article 6, paragraph 2. The former establishes a

worldwide framework illustrating the rights of children for protection from abuse and neglect (article 19), discrimination (article 2), and various kinds of exploitation (articles 32-36); attention in particular is provided to children cut off of parental care (article 20), refugee children (article 22), children at risk of acquiring a drug habit (article 33), children who have been stripped of their liberty (articles 37, 40), and children in the midst of armed conflict (article 38, 40). However, in a recent development, the following guides the German citizens and associations as “The constitutional rights of children, including their right to development as responsible individuals, must be respected and protected. Children’s best interests must be taken into account in an appropriate manner. The constitutional entitlement of children to a fair hearing in front of the law must be ensured. The primary responsibility of the parents shall remain unaffected.”ⁱ While the state reserves the right to watch over them regarding their performance in duty.

In this context, the KHA forms this policy whose structure is standing on four key pillars; i.e.:

- Awareness,
- Prevention,
- Reporting, and
- Responding.

The first pillar, Awareness, makes sure that every member of staff, volunteers, Board Members and partners are aware of the issue of child abuse and the potential risks it may pose to children. Not only through the awareness of the KHA team and affiliates, but also through the background cross-verifications of the staff members and others strengthens the foundation of its second pillar of Prevention. Regarding Reporting, the KHA takes all concerns seriously and makes sure that staff members and others understand what procedures must be followed when there are concerns about children's safety. It further clarifies the immediate communication channels for disciplinary measures. The KHA Respond to all forms of child

abuse seriously and sensitively. The KHA also ensures that it will take not only the transparent disciplinary but where appropriate legal actions against the convict while protecting the victim(s).

This policy establishes shared principles, concepts, and values, as well as the measures KHA will take to fulfil our commitment to protecting children.

1.4 Guiding Principles

For this CRP Policy, the KHA derive guiding principles from the charter established by UNCRC.

- **Best Interests of the Child:** All choices and conducts affecting children must emphasize the best interests of children.
- **Non-discrimination:** Every child, regardless of her/his color, race, ethnic origin, faith, handicap, or socioeconomic standing, is entitled to be safeguarded.
- **Participation:** Children possess the right to freely voice their opinions on all issues concerning them, and their opinions must be taken into consideration.
- **Accountability:** The KHA will hold itself and its associates (e.g., Staff Members, Volunteers, Board Members, Partners, etc.) accountable to children as well as their communities by implementing clear and rigorous CRP Policy framework.

#

1.5 Objectives of the Policy

The KHA establishes this CRP Policy by keeping in view the following objectives;

- **Prevention:** Implement safeguards to protect children from any type of violence, neglect and exploitation.
- **Response:** Establish explicit standards and processes for handling the issues related to child protection.
- **Promotion:** Make children's rights a priority in all KHA projects, subsequent activities and partnership.

2. Scope & Procedure of Policy Implementation

Geographically, the scope of KHA's CRP Policy ranges from its operations in Germany to its specific project locations, where the project is running at the time of eventuality, in the developing countries. Moreover, this policy is a binding document for all the individuals (Staff Members, Volunteers, Board Members, regular Members) and entities (Corporate Members, Members Families, Sponsors and German and Local Partners). In the following section the way policy is applied to KHA affiliates is described.

2.1 Staff, Board Members & Volunteers

- All employees, Board Members and Volunteers must have accessibility to a copy of the kid protection policy.
- All the employees, Board Members and Volunteers must pledge to adhere with the KHA's CRP Policy and Code of Conduct, which is contained in Annex II.
- Employment processes may incorporate screening on aptitude to work with young people.
- KHA reserves the rights to crosscheck the (potential) employee's background from previous employers concerning child rights violations.
- The process of induction will consist of an orientation on KHA's child protection considerations.
- Concerning employees and volunteers, the section of adherence to the KHA's CRP policy must be included in their work contracts.
- In case of any legal allegations of child rights violation or abuse towards any employee or volunteer, the employment or voluntary service will be suspended, without obligation from KHA, until proven innocent by the court of law.
- In case of any legally proved child rights violation or abuse by any employee or volunteer, the employee or the volunteers will be discharged with immediate effect and cannot claim any liabilities towards the KHA.

- Concerning the any legal allegations of child rights violation or abuse towards the KHA Board Member, the membership will be suspended for a period of 6 months.
 - If the Board Member will be declared innocent by the court of law, the membership will be resumed; otherwise,
 - The KHA reserves the rights to select a new Board Member by calling an election following the procedure described in KHA's Memorandum and Articles of Association.

2.2 Members

- The membership candidate (who may happen to be an individual, a family and or a corporate firm) must pledge to adhere with the KHA's CRP Policy and Code of Conduct, which is contained in Annex II.
- While assessing upon an application for the KHA membership, the KHA maintains the right to assess the potential candidate's healthy approach toward children's rights and be supportive of the cause of children.
- All the members must have accessibility to a copy of the kid protection policy.
- The KHA reserves the rights to crosscheck the potential candidate's background concerning child rights violations.
- In case of any complaint/news/legal report against any member of the KHA, KHA will suspend the membership until the concerned authorities declare the candidate innocent.

2.3 Partners

- All individual and organizational partners must have accessibility to a copy of the kid protection policy.
- Concerning local partner NGOs, the KHA;
- prefers to work with the local partners who have established their CRP or child safeguarding policy and implement it.
- encourages the local partners, who do not have their CRP or child safeguarding policy, to establish and implement it as soon as possible.
- will not tolerate any kind of child abuse or child rights violation by any staff member or associate of the partner organization and will;
 - demand to the local partner to take strict disciplinary, if appropriate legal, action against the person in accordance with its own CRP policy and report to KHA, otherwise
 - reserve its rights to terminate the partnership, and
 - never consider the local partner for further partnership(s).
 - reserve its right to reclaim all the financial support given to the local partner.
- Adherence to KHA CRP must be included in the partnership contracts with the local partners.
- The partner will display the KHA's and its own helpline contact at all the project location for possible reporting of the child rights violation and for the protection of the victim(s).
- For direct aid to families in the life-threatening situation, the KHA expects that;

- children in the family will not be sent for labor during and after the support of the KHA.
- children in the family will not be exposed to any kind of abuse.

2.4 Sponsors/Donors

- All sponsors (corporate firms, foundations, any project donor) must have accessibility to a copy of the kid protection policy.
- The KHA does not work with the sponsors/donors, who had previously involved in any form of child rights abuse.
- In case of any involvement of the sponsor's staff/board member and other affiliates in any form of child rights abuse, the KHA may demand to its sponsor/donor to take disciplinary and or legal action.
 - If no action is taken, KHA reserves the rights to terminate the partnership with the sponsor, however, the sponsor will be liable to meet its financial commitment, at once.
- Adherence to KHA CRP must be included in the partnership contracts with the sponsors.
- If visiting the field along with the KHA staff, the donor/sponsor must adhere and follow the Code of Conduct, which is contained in Annex II.

3. Monitoring of the Policy Implementation

3.1 Reporting

The KHA creates and promotes easily accessible, confidential, and child-friendly reporting methods for child protection issues. The details of our policy reporting measures is given below.

Focal Person

The position of focal person for CRP is crucial inside the KHA. The KHA board appoints its co-chairperson, Ms. Kim Knorr, as the focal person, who will be ensuring the effective implementation and monitoring of CRP Policy and its policy measures. The key roles associated to the focal person are following.



Ansprechpartnerin
Kinderschutz:
KIM KNORR
1. Vorsitzende KHA
info@kleinehilfsaktion.de

Policy Development & Implementation

- Establish and enforce the KHA's CRP policy and code of conducts that comply with the UNCRC and German Basic Law standards.
- Ensure that all staff (full- and or part-time employees), volunteers, Board Members, Partners and others follow the KHA's CRP policy.
- Carry out frequent CRP policy and its implementation reviews to make sure that policy objectives are being addressed.

Reporting & Confidentiality

- Circulate the contact details or hotline of the focal person among the KHA staff (full- and or part-time employees), volunteers, Board Members, Partners and at the project locations, so that the victim(s) may report the abuse or suspicion of abuse directly and freely.
- Ensure the confidentiality about the victim(s) and the reported case. Moreover, under no means, the identity of the victim will be revealed to the public or the people who are unconcerned.

Case Management

- Obtain and respond to claims and reports of violation of child rights in the KHA locations in Germany and in the project areas.
- Execute independent inquiries in accordance with the KHA's CRP guidelines and policy.
- Give trust and assistance to the victims who have been abused or harmed.
- Present the case in front of the KHA Board Members along with the recommendations for disciplinary actions.
- Report the case to the relevant legal authorities without consultation to the KHA Board Members, if the focal person feel the need.

3.2 Confidentiality

As revelation of the victim(s) may jeopardize the physical and social safety of the victim, the KHA maintains.

- The confidentiality of all information, informants and victims relating to the child protection concerns, unless compelled by law or to safeguard a child at danger.
- The anonymity of the vulnerable children by pixelating their faces or presenting their rear position in the published photos and videos, if their case(s) or recorded material is needed to be published.

3.3 Review & Revisions

This policy is living document and the KHA's Board Members will be reviewed;

- Every three years and changed as needed to ensure that it is still relevant and effective in safeguarding children, or
- If required earlier, in the case of any unintended and unfortunate event and changed as needed to ensure that it is still relevant and effective in safeguarding children.

4. Approvals

This policy and, later, its amendments, will be approved by the KHA Board of Directors requiring a simple majority for its approval. This policy will be in effect from the day of the approval by Board of Directors.

This first version of the policy is approved and in-effect from August 22, 2024 with a simple majority.

Annex I - Glossary of Terms

Abuse

For the policy purpose, the KHA uses an all-encompassing term, i.e., (Child) 'Abuse'. The term should be understood equivalent and interchangeable to Child Maltreatment as defined by World Health Organisation (WHO), "Child maltreatment is the abuse and neglect that occurs to children under 18 years of age. It includes all types of physical and/or emotional ill-treatment, sexual abuse, neglect, negligence and commercial or other exploitation, which results in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power."ⁱⁱ It addresses all four types of abuses; i.e. Neglect, Physical, Sexual and Psychological/Mental abuses.

Neglect

The KHA adopt the Child Neglect term from Webster's New World Law Dictionary, "The failure of a person responsible for a child's care and upbringing to safeguard the child's emotional and physical health and general well-being."ⁱⁱⁱ

Physical Abuse

The KHA borrows the definition of Physical Abuse from WHO as;

- "Physical abuse of a child is defined as the intentional use of physical force against a child that results in – or has a high likelihood of resulting in – harm for the child's health, survival, development or dignity. This includes hitting, beating, kicking, shaking, biting, strangling, scalding, burning, poisoning and suffocating. Much physical violence against children in the home is inflicted with the object of punishing."^{iv}

Sexual Abuse

The Sexual Abuse or Sexual Violence is adopted from Bundeskoordinierung Spezialisierter Fachberatung (BKFS) by the KHA as, “sexual violence against children and young people to mean any sexual act that is carried out on or in front of children and young people against their will or to which they cannot freely and knowingly consent due to their physical, mental, intellectual or linguistic inferiority. Even if children consent to or initiate sexual acts, this is violence. Perpetrators exploit their position of power and authority to satisfy their own needs at the expense of the child or young person. Sexual violence against children and young people is always an abuse of power. Sexual violence is often accompanied by other forms of violence, such as psychological or physical violence.”^v

Emotional & Psychological Abuse

The Child Crime Prevention and Safety Center of the United States defines the emotional and physical abuse, “a pattern of behavior that impairs a child’s emotional development or sense of self-worth”^{vi} and the KHA stands completely in-line with this definition.

Child

The KHA fully adhere the definition of a child given in the UNCRC Article 1, “A child is any person under the age of 18.”^{vii}

Member

Any individual, family or a corporate company, who commits to the KHA vision and agenda and financially support the KHA at least on yearly basis.

Partner

Partner is an Non-Governmental Organization (NGO) implementing or implemented or considered to implement the KHA supported project within Germany and, especially, in the target countries.

Sponsor/Donor

Corporate bodies, foundations, the state departments who are providing the financial aid for the selected projects screened and approved by the KHA.

Staff Member

Any individual who is on the payroll of the KHA, for part- or full-time of work, will be the staff member.

Volunteers

Any individual who freely motions to participate in the KHA or undertakes (a) task(s).

Board Member

A member of the three members executive committee of KHA, elected by general members of the KHA.

Annex II – Code of Conducts

The KHA along with its local partners are dedicated to fostering a culture that safeguards and protect the rights of children children in the target project localities. Children deserve the best available safeguarding, especially against (sexualized) maltreatment and predatory behavior. To carry out its shared duty for the protection of children and to ensure this protection, the KHA has adhered to the below narrated code of conducts.

1. Spectrum of Code of Conduct's Application

The scope of the Code of Conduct spans to all individuals who get into direct contact with children in relation to and through the KHA or have access to children's material and data (e.g., photographic, videographic, text, oral, etc.). This comprises full- and part-time employees (staff members), volunteers, members of the organization, Board Members, Fundriders, local partners, sponsors/donors, and/or anybody visiting the KHA project location(s). All of these individuals make significant contributions to the KHA's activities. They may play a critical role in guaranteeing that children's rights to protection from (sexualized) abuse and exploitation are protected.

2. Behavioral Conducts

My actions and conducts contribute to ensuring that the child's wellbeing and safety is respected.

- I acknowledge and respect children as a complete individuals,¹ as I am, with their own rights, irrespective of their gender, age, skin

¹Aligned with UNCRC's Article 1 stating Child as a child is any person who has not yet reached the

color, place of origin, language, faith, physical or intellectual limitations, or political beliefs.

- I respect children and abstain from engaging in vocally or nonverbally aggressive, discriminating, abusive, demeaning, disparaging, racist, or sexist behavior with them or in their presence.
- I value children's opinions, feelings, concerns and reservations in a serious manner in addition to encouraging them to engage freely in all topics impacting them based on their age and maturity level.
- I guarantee that the "two-adult rule" is followed while physically and or verbally interacting with children in the areas where the KHA operates and or supports projects through its local partners. It implies that when I meet a child, I always make certain that a second adult is there or within reach. In this case, the second adult must be a;
 - primary caregiver that includes parent(s) or legal guardian of the child subject to be interacted
 - secondary caregiver that includes teacher of the child subject to be interacted
 - tertiary caregiver that includes staff member of the KHA or its local partner(s)
- I handle proximity and distance in a responsible manner and avoid hazardous types of connections with minors, such as physical, emotional and sexual abuses.
- I value and respect the children's caregivers (primary or secondary) and their duties.
- I perform my own role with utmost care and honesty toward children and their families, and I do not violate any trusting relationship or disparity in power that originates from my position of authority or office.

- While demonstrating the KHA's project work, I ensure that all media representation is respectful, distinguished and stigmatization-free, and that the respect and vulnerability of the individuals (in particular children) characterized are preserved, and that I fully adhere to the instructions for the photographing and videotaping children appended in this Code of Conduct by the KHA.
- At my utmost level, I work to defend children's rights from any kind of maltreatment, such as neglect, physical, psychological, and sexual abuses, and exploitations.
- I must promptly report any (suspicious) incidents or violations that I become cognizant of while performing role for and with the KHA to the KHA's nominated focal person for CRP.

3. Conducts for Photography & Videotaping

- I full adhere that, while photographing or videotaping, I shall maintain the respect for the self-esteem of the child and the human dignity of the adults in the project area. Moreover, I shall not photograph or videotape the content that go beyond the local cultural values.
- I must refrain myself to photographed and videotaped children and adults from the front against their will. I must acquire their intentional permission in a verbal or written form. In the case of young children, from a primary or secondary caregiver (as defined in the Code of Conduct Article 2.D.I & II).
- I understand that children and adults may be photographed and videotaped from the behind without any conscious consent, not disclosing the identity of any individual.
- I adhere that in no circumstances as mentioned in the Code of Conduct articles 3.B and 3.C, I shall not photograph or videotape any child or individual in the KHA project area, who is unclothed, naked or in any compromising position.

- Acquiring the approval of the data subject(s) indicates that I have taken steps to make it reasonably evident to them the reason of photo- and videographing, how I intend to employ them, and where the image or video will be published. It is essential to be certain that this has been fully comprehended.
- If children and adults have reservations with the publishing of their photos, I shall use the image/video, only for a common good by; pixelating their faces to protect their identity.
- I understand that in cases of any abuse of children's rights that necessitate principally delicate handling of the victim (e.g., sexual assault), the child's identity must be anonymized, such as by photographing or videotaping the victim's rear or pixelating the region surrounding the victim's eyes.
 - I shall provide the recorded material as an evidence of abuse to the KHA and legal authorities, if required.
- I observe that for the photograph and videotaping acquired, as described in the Code of Conduct article 3.E, it is not authorized to manipulate them. However, the enlargements, zooming (in & out), cropping, light adjustments are permissible only if the photographed and videotaped material considered to be advantageous in the better documenting an occurrence.
 - I also maintain that that photo and or video, captured in accordance with the Code of Conduct article 3.E, may only be used for fundraising for the KHA with the due permission of the KHA Board, not for any other outlet (organization, association, (non-)profit body and individual fundraisers).
 - In case, I use the photo or video, captured in accordance with the Code of Conduct article 3.E, for fundraising for any other outlet, the KHA reserves the legal rights against this usage.
- In case of publishing, captions, in general, ought to complement the photo or video imagery and help the viewer grasp the context.

The Declaration of Adherence

By signing this Code of Conduct, I declare that I have thoroughly studied and comprehended the codes of conduct for visiting the KHA's project area. Additionally, I, hereby, agree to follow these conditions.

I am cognizant that the KHA will report any criminally connected conduct. Breaches of this Code of Conduct that are not criminal in nature might outcome in disciplinary action under labor or the association's legislation.

Düsseldorf, 21.08.2024

Place, Date

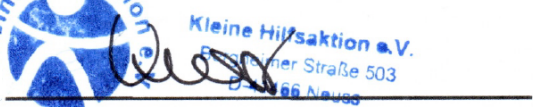


Kleine Hilfsaktion e.V.
Kleine Hilfsaktion e.V.
Bergheimer Straße 503
D-41466 Neuss

1. Chairman, Dirk Boerner

Neuss, 22.08.2024

Place, Date



Kleine Hilfsaktion e.V.
Kleine Hilfsaktion e.V.
Bergheimer Straße 503
D-41466 Neuss

2. Chairwoman, Kim Knorr

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