

## CHILD PROTECTION POLICY

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<b>Issue Date</b>	December 10, 2024	
<b>Review Date</b>	December 09, 2026	

### INTRODUCTION

This policy affirms Stella's Child fundamental belief that children have the right to be protected and free from abuse and exploitation. Stella's Child endorses that this Policy considers relevant national and international standards including the UN Convention on the Rights of the Child and the Australian Government's Child Protection Policy (2013). This Policy operates in conjunction with common and statute law and does not exclude or replace any rights and obligations under Indonesian Law Number 35 of 2014 about The Revision of the Law Number 23 of 2002 on Child Protection.

This policy seeks to address the important issue of child protection at all levels affected by the work and operations including all activities of Stella's Child program, and will be revised regularly to ensure it remains relevant and complies with current legislation. Stella's Child believes that the protection of children from abuse and exploitation is the responsibility of all those who participate in the work space and operations of Stella's Child, including staff, directors, volunteers, interns, contractors and customers.

In keeping with the UN Convention on the Rights of the Child and Indonesian Law Number 35 of 2014 about The Revision of the Law Number 23 of 2002 on Child Protection, Stella's Child considers a child to be a person under the age of 18 years.

### PURPOSE OF POLICYs

This policy provides a practical guide to prevent child abuse and exploitation in Stella's Child operations, activities, and programs and it demonstrates Stella's Child commitment to protect children from harm and abuse. It aims to educate Stella's Child staff, directors, interns, contractors and customers (**Stella's Child**

**representatives)** about child abuse and exploitation and promote a child safe and a child friendly culture where everyone is committed to keeping children safe from harm.

Additionally, the policy provides guidance on how to respond to concerns and allegations of child abuse or exploitation.

Stella's Child must adhere to Indonesian and international child protection criminal laws, which prohibit the abuse and exploitation of children. These include Indonesian laws where Stella's Child programs exist, and international laws and Conventions in relation to all forms of child abuse and child exploitation, including: child sex tourism, child sex trafficking, child labour and child pornography.

Adherence to this policy is a mandatory requirement for all Stella's Child representatives.

## **CHILD PROTECTION POLICY**

To understand the scope of this policy, it is important to understand a number of concepts and definitions which are used in the policy.

According to Child wise, **abuse** of a child can occur in several different ways, including:

- **Physical abuse:** Occurring when a person purposefully injures or threatens to injure a child or young person and can take the form of slapping, punching, shaking, kicking, burning, shoving or grabbing
- **Emotional abuse:** A chronic attack on a child or young person's self-esteem, taking the form of name calling, threatening, ridiculing, intimidating or isolating a child or young person
- **Neglect:** The failure to provide the child with the basic necessities of life, such as food, clothing, shelter, space, and supervision, to the extent that the child's health and development are placed at risk
- **Sexual Abuse:** When a child or young person is used by an older or bigger child, adolescent, or adult for his or her own sexual stimulation or gratification

Child **abuse and exploitation** generally refers to one of more of the following:

- Committing or coercing another person to commit an act or acts of **abuse** against a child
- Possessing, controlling, producing, distributing, obtaining or transmitting **child exploitation material**
- Committing or coercing another person to commit an act or acts of **grooming** or **On line grooming**

**Child abuse material** is material that depicts (expressly or implicitly) a child under 18 years of age as a victim of torture, cruelty or physical abuse.

**Child exploitation material** is the collective description for material, irrespective of its form, which constitutes **child abuse material** or **child pornography material**.

**Child pornography material** depicts, or is a representation of, a person who is, or appears to be, under 18 years of age and who is, or appears to be, engaged in a sexual pose or sexual activity, or is in the presence of a person who is, or appears to be engaged in, a sexual pose or activity, and does this in a way that a reasonable person would, in all the circumstances, regard as being offensive.

**Grooming** generally refers to behaviour that makes it easier for an offender to procure a child for sexual activity. For example, an offender might build a relationship of trust with the child, and then seek to make that relationship a sexual one (for example by encouraging romantic feelings or exposing the child to sexual concepts through pornography).

**Online grooming** can occur when a person sends an electronic message with indecent content to a person who the sender believes to be under 18 years of age, with the intention of procuring the recipient to engage in or submit to sexual activity with another person, including but not necessarily the sender.

## **INTRODUCTION**

All Stella's Child representatives will conduct themselves in a manner which ensures children's rights and needs are always given priority. Children are often at risk from abuse and exploitation from a variety of sources. It is the responsibility of Stella's Child representatives to minimize this risk by promoting and being examples of good practice in identifying and managing potential risks. The Code of Conduct describes the basic expectations of Stella's Child representatives regarding their contact and dealings with children.

Stella's Child recognizes that each country has its own legal system. This policy and these standards must be interpreted and enforced in accordance with Indonesian law. There may be instances where the policy and standards are more stringent than Indonesian law, and in these cases the Stella's Child policy should be followed.

## **CORE OBLIGATIONS**

Stella's Child will act at all times to ensure children's safety and protection. Stella's Child values its staff, directors, interns also customers and will support their active contribution to achieving this goal.

### **Stella's Child representatives will:**

- Maintain and promote a safe environment for children to participate in Stella's Child activities
- Organize work to minimize the risk of all forms of child abuse and exploitation and accidental harm to children
- Take action to inform themselves and others on the rights of the child and specifically child protection
- Treat all children with the highest standards of respect and courtesy
- Listen to children and be aware of how their interactions with children may be seen by the children themselves and others

- Establish a culture that empowers children, their families and communities to be knowledgeable of their rights, to know what is acceptable and unacceptable and to know what they can do when there are problems
- Immediately report any allegations or suspicions of child abuse to the Directors
- Respond swiftly and in confidence to any such allegations
- Conduct themselves in a manner that is consistent with Stella's Child culture and values

**In addition, Stella's Child representatives will:**

- consider children's health, safety and well-being, and their best interests, as paramount
- not condone or participate in behavior involving children which is illegal, unsafe or abusive
- avoid being placed in compromising or vulnerable positions
- not discriminate against or show favor to particular children
- not use their position of authority inappropriately
- not use their relationship with children to obtain inappropriate favors
- realise that they are always the responsible parties, even if a child behaves inappropriately
- not behave in a way whereby their actions (physical, verbal or otherwise) are or could be perceived as offensive, inappropriate, abusive, neglectful or exploitative
- Where possible and practical, not spend time alone with children who are not members of their immediate or extended family, project premises or elsewhere
- not provide shelter for children in their premises unless in the case of extreme emergency
- be knowledgeable of local customs, practices and behaviors

**ANY BREACH OF THE CODE OF CONDUCT CAN LEAD TO DISMISSAL OF STELLA'S CHILD STAFF, DIRECTORS, INTERNS AND CONTRACTORS FROM EMPLOYMENT OR PARTNERSHIP AND MAY RESULT IN LEGAL PROCEEDINGS**

**CORE PRINCIPLES**

The following six core principles are specifically adopted as part of this policy, and will be incorporated into all relevant documents and agreements entered into or adopted by Stella's Child:

- All forms of abuse and exploitation of children by humanitarian and development workers constitute acts of gross misconduct and are therefore grounds for termination of employment
- Where a humanitarian or development worker develops concerns or suspicions regarding any type of child abuse or exploitation s/he must report such concerns via established agency reporting mechanisms
- Humanitarian and development workers are obliged to create and maintain an environment that prevents all forms of abuse and exploitation of children and promotes the implementation of the Stella's Child code of conduct. Managers at all levels have particular responsibilities to support and develop systems that maintain this environment
- Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defense
- Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior is prohibited. This includes exchange of assistance that is due to beneficiaries
- Sexual relationships between humanitarian and development workers and beneficiaries (both adults and children) are prohibited since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work

## **CHILD PROTECTION PROCEDURES ORGANISATIONAL AWARENESS AND ADVOCACY**

All Stella's Child representatives will be informed of Stella's Child child protection policies and compliance with them is expected. Any breach is treated with the utmost seriousness and will be investigated and dealt with accordingly.

Child protection awareness will be included at all stages of Stella's Child operations including the hiring, orientation and training of all representatives who will come into contact with children at all levels and in all offices and all operational premises.

Stella's Child will ensure that all Stella's Child representatives have read and are aware of this policy. Any changes made to the policy will be communicated immediately.

## **RECRUITMENT AND REFERENCE CHECKING**

Stella's Child is committed to child safe recruitment, selection and screening practices. All Stella's Child representatives will be informed of this policy during the recruitment process. All employees and interns will be required to sign an acknowledgement that they have both read this policy and will comply with its requirements.

In addition, all new Stella's Child employees:

- Where Stella's Child determines it is necessary or appropriate, employees and interns, particularly those who conduct work that brings them into direct contact with children, must provide a "working with children" or similar clearance to assist Stella's Child to make background checks, which may include police or criminal history checks (see Appendix 4).
- All staff will be required to provide original proof of identity documents such as a birth certificate, passport, driver's license and relevant qualifications, to prove their true identity when requested by Stella's Child to do so.
- At least two verbal reference checks with former employers/referees will be conducted. Verbal referees cannot include partners, spouse and / or other relatives. For any position deemed to be working with children, referees will be asked about the applicant's suitability for the role to work with children and /or to have regular unsupervised contact with children. Referees will be asked whether they hold any concerns about the applicant, or if complaints were made about the applicant, in connection with working or having contact with children.
- For any position working with children will be required to provide written disclosure regarding whether they have been charged with child exploitation offences in the past.
- For any position working with children the interview process will include behavior based interview questions that relate directly to working with children to probe the applicant's attitude, experience and approach to working with children to the post applied for.
- On commencement of work with Stella's Child, all employees/volunteers must sign an Employee Contract or Volunteer Agreement which includes the following statement:

*"Before signing this contract (agreement) I have read and signed Stella's Child Child Protection Code of Conduct for Staff, and the Staff/Volunteer Declaration. I understand that I may be dismissed, suspended or transferred to other duties if I am under investigation or found to not comply with the Child Protection Code of Conduct"*

Stella's Child may refuse to employ, or terminate the employment of, any person who it reasonably believes may pose a risk to children.

## **TRAINING**

This policy will be made available to all staff, interns, customers and others visiting or involved with Stella's Child projects. It is the responsibility of the Director to ensure that all Stella's Child operational, including all unit business, have a copy of and that all Stella's Child staff are aware of, and trained on, this policy.

Mandatory CPP Training is provided to Stella's Child members including contractors, consultants, volunteers, interns, and anyone within the scope of policy as part of the induction process, and regular CPP refresher training is provided. Mandatory training related to Code of Conduct is also provided during the induction process.

The Director may nominate manager in each unit responsible for ensuring that all their representatives adhere to this policy. In situations where any part of the policy is in conflict with Indonesian law, that responsible person must bring this to the attention of the Director.

Staff will be made aware of the importance of their own responsibility in the upholding and implementation of this policy. Any violation of the policy (including any suspected or known abuse or exploitation) must be reported directly to the Director.

## **MARKETING AND PRINTED MATERIAL**

Stella's Child undertakes all reasonable precautions to protect paper and electronic information about

children. At all times staff are required to adhere to Stella's Child policies in relation to privacy and photography – use of image.

All communications involving children must use pictures and text that are decent and respectful.

## **ALLEGATION REPORTING, MANAGEMENT AND INVESTIGATION**

Stella's Child is committed to doing all it possibly can to prevent the abuse of children and to hold accountable all those who do.

### **ALL STELLA'S CHILD REPRESENTATIVES ARE REQUIRED TO REPORT IMMEDIATELY TO DIRECTOR, DEPUTY DIRECTOR, and HUMAN RESOURCES REPRESENTATIVE:**

- Disclosure or allegation from a child or community member or Stella's Child representative regarding the safety, abuse or exploitation of a child
- Observation of concerning behavior by any Stella's Child representative that breaches this policy or the Child Protection Code of Conduct
- Inappropriate use of Stella's Child technology, including computers and photographic equipment
- Person engaging in suspicious behavior that could be associated with child abuse or exploitation or trafficking

### **IF A PERSON KNOWINGLY CHOOSES NOT TO REPORT AN INCIDENT OR ANY SUSPICION OF CHILD ABUSE OR EXPLOITATION, THEN THEY WILL BE REMOVED FROM ANY RELATION, AGREEMENT OR RELATIONSHIP WITH STELLA'S CHILD.**

The Director and Human Resources Representative will conduct an investigation in a timely and thorough manner, and may require the assistance of outside legal, mediation or other expert advice. The investigation and its outcomes will be appropriately documented.

The investigation may require the interview of the person making an allegation, other witnesses and the person who is alleged to have been involved in the incident or is the subject of the suspicion. The matter may be referred to local police or other authorities if it is considered to involve criminal behavior.

Stella's Child will treat all concerns raised seriously and treat all parties involved fairly. All reports will be handled professionally, confidentially and expediently. All reports, the names of people involved and the details will remain confidential and any disclosure will be on a "need to know" basis or when required by relevant Indonesian or International law or when police or child protection authorities are notified of the incident or allegation.

All reports made in good faith will be viewed as being made in the best interests of the child regardless of the outcomes of any investigation. Stella's Child will ensure that the interests of the Stella's Child representative reporting child abuse in good faith are protected. Any Stella's Child representative who intentionally makes false or malicious allegations, will face disciplinary action. The rights and welfare of the child is of prime importance. Every effort will be made to protect the rights and safety of the child throughout any investigation. During an investigation, the best interests of the child may warrant the standing down of a Stella's Child representative. Any staff member stood down in this manner will continue to receive full pay - recognizing that the member is entitled to a fair process that does not pre-judge the outcome of any investigation.

## CHILD PROTECTION CODE OF CONDUCT

I, \_\_\_\_\_, agree that I will comply with the Stella's Child Child Protection Policy and, while visiting project activities funded by or related to Stella's Child, I will:

- Treat children with respect regardless of race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status
- Not use language or behavior towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate
- Not engage children in any form of sexual activity or acts, including paying for sexual services or acts. I understand that mistaken belief of the age of the child is not a defense
- Wherever possible, ensure that another adult is present when working in the proximity of children
- Not invite unaccompanied children into my home, unless they are at immediate risk of injury or in physical danger
- Not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my manager's permission, and ensure that another adult is present if possible
- Be aware of behavior that could be seen by others as child abuse
- Use any computers, mobile phone, or video and digital cameras appropriately, and never exploit or harass children or to access child pornography through any medium
- Refrain from physical punishment or discipline of children (excluding my own children)
- Refrain from hiring children for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury
- Comply with all relevant legalization, including labour laws in relation to child labour
- Immediately report concerns or allegations of child abuse in accordance with appropriate procedures outlined in the Stella's Child Child Protection Policy
- Immediately disclose all charges, convictions and other outcomes of an offence that relates to child exploitation and abuse, including those under traditional law, which occurred before or occurs during association with Department of Foreign Affairs and Trade (DFAT)
- Take care to ensure local traditions or restrictions for reproducing personal images are adhered to before photographing or filming a child.
- I agree that I will comply with Stella's Child Development Photography Use of Image Policy, and I understand that the onus is on me to use common sense and avoid actions or behaviours that could be construed as child abuse when undertaking project activities.

I confirm that at no time have I ever been involved in or convicted of any criminal offence, including an offence of or relating to child abuse or child pornography, in any country. I have not been charged with any offence that is incomplete or awaiting legal action, nor am I aware of any investigation into my affairs that has the potential to lead to such charges.

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

\_\_\_\_\_  
**Signature**

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

## Appendix 1: Use of Image Policy

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### 1. CONSENT

- 1.1. Photos on location at any project site of Stella's Child Development must only be taken after permission has been granted by the person(s) to be photographed.
- 1.2. Photos of children on location at any project site of Stella's Child operational activities will not be taken unless parental or guardian consent has been obtained.
- 1.3. When possible, establish a relationship before you start taking photos. When you approach photo subjects on site, briefly introduce yourself, be courteous, and explain the purpose of your visit or the reason you want to take photos. In clinical contexts, speak with the captain vessel and paramedic officer before you begin photographing workers or customer.

### 2. TYPES OF IMAGES

- 2.1. Photos must be taken in a courteous manner, giving due respect to the local communities, staff and customers.
- 2.2. The images must present subjects in a dignified manner and should not present them as vulnerable or victims.
- 2.3. People (especially children) should be adequately clothed in photographs and not in poses that could be interpreted as sexually suggestive.
- 2.4. Paternalistic images should be avoided (ex. portraying the agency/donors as the 'providers')
- 2.5. Avoid using images of identifiable clients in clinics.

### 3. PHOTO USE

- 3.1. You will not use any pictures, images, or other likenesses of children and/or information related to children that could compromise their care and protection through any form of communication media (including all social media such as Facebook, Twitter, YouTube, etc.)
- 3.2. Remember: photographing and using photos of vulnerable populations requires extreme care and sensitivity. To protect the identity of individuals who may be put at risk of reprisal or rejection in their communities as a result of allowing their picture to be taken it is necessary to make sure they cannot be identified and leave out personal information such as names.
- 3.3. Images of children should not be accompanied by information relating to their place of residence. Images with corresponding text which may identify a child must be removed.
- 3.4. Photographs should be used in context and should be a true representation of events.
- 3.5. Images will not be used in public communications without the written approval of Stella's Child.

### 4. MEDIA

- 4.1. Media (including print, TV, video, documentary or other media) must act with particular sensitivity to ensure our staff, communities, customers and beneficiaries are not endangered.
- 4.2. No individual child's image (including photo or video) may be used in any identifiable form for the purpose of media.
- 4.3. Pictures of children in groups of more than three are permissible as long as they are not labelled, named or otherwise identified in any way.
- 4.4. Direction and permission for any media must be sought from and given by Stella's Child

## Appendix 2: Statutory Declaration of Criminal Record

### Statutory Declaration of Criminal Record

Applicant's Name:		Role applying for:	
Have you ever been charged or convicted of any offence?		<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
If yes, please provide details:			

**Please note:** if you are applying for a position where you will have regular contact with children, (this may be frequent or in frequent), you are required to give details of **all convictions** or criminal offences and cautions, or pending prosecutions.

Have you ever been dismissed from employment or had any disciplinary action taken against you, which may be related to work with a child / children under 18 years of age?	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
If yes, please provide details:		
Have you received any formal reprimands, final warnings, or cautions from the police?	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
If yes, please provide details:		
Is there any other information which may be relevant to your application e.g. pending prosecutions	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>
If yes, please provide details:		
Signature:	Date	

## Appendix 3: Child Protection Incident Reporting Sheet

### CHILD PROTECTION INCIDENT REPORTING SHEET

Please fill out as many sections as possible with as much detail as you can. This form is confidential.

Location:
Your name:
Your position:
Child's name:
Age/date of birth:
Child's address (if known)/ nationality:
Name of Parents/guardians/carers and addresses (if known)/ nationality:
Date and time of incident:
Employee, program staff or Authorised representative involved in incident:
Place where incident occurred:
Your observations:
Details of Concern/ Suspicion/ Incident: Describe what happened: time, dates, names of person(s) involved, behaviour or physical signs observed, any other details:

Details of any conversation with the child:

Action taken so far:

**Individuals/Agencies contacted (include date, time, and details below)**

**Police Yes/No**

**Name and contact number:**

Details of advice received:

**Social services Yes/No**

**Name and contact number:**

Details of advice received:

**Stella's Child Management**

**Name and contact number:**

Details of advice received:

**Other Local authority:**

**Name and contact number:**

Details of advice received:

Signature:

Print Name: Date:

## Appendix 4: Child protection risk management Assessment Guide :

This too list to be used to identify potential risks and ways children can be harmed, so that strategies may be developed to minimise and prevent child abuse.

<b>Activity Type</b>	<b>Risks to Children</b>	<b>Protocols/procedures to reduce risks to children</b>	<b>Who will be responsible for strategies/action taken? By when?</b>
<p><i>Example:</i> Overnight stay for training/conference etc (Community meeting, Community survey)</p>	<p><i>Example:</i> Staying at resorts and child or groups of children could be alone with an adult</p>	<p><i>Example:</i></p> <ul style="list-style-type: none"> <li>• More than one adult should accompany children, particularly when all sleeping in the same room</li> <li>• No one adult should be left to sleep in same room as children</li> <li>• Provide correct instruction to all those staying overnight at program locations</li> </ul>	
<p><i>Example:</i> Contracted partners provide direct services to communities /families in Stella's Child programs</p>	<p><i>Example:</i> Contractor work with youth on environmental programs – or work with farming / fishermen families and are in the field / area alone with children</p>	<p><i>Example:</i></p> <ul style="list-style-type: none"> <li>□ Educate contracted partners about potential risks to children and their responsibilities for care and reporting</li> </ul>	
<p><i>Example:</i></p>	<p><i>Example:</i></p>	<p><i>Example:</i></p> <ul style="list-style-type: none"> <li>□ Ensure processes are in place to prevent</li> </ul>	

<p>Stella's Child employees, program staff or program sponsors have volunteers or visitors</p> <p>working in Stella's Child Program areas and are interacting with children</p>	<p>Volunteers /visitors may not understand Cultural sensitivities or there is a risk of Being falsely accused of harm.</p> <p>There is also</p> <p>A risk that volunteers or visitors may not have best intention.</p>	<p>visitors from being alone with any child</p> <ul style="list-style-type: none"> <li>• Ask visitors to abide by the child protection policy</li> <li>• Provide an open location for activities to occur</li> <li>• Make sure adult members of the community / parents are present</li> </ul>	
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13

<p><i>Example:</i></p> <p>Swimming / participating in marine activities/ensuring to your staff are compliant</p>	<p><i>Example:</i></p> <p>Children required to change clothes in areas open to the public</p> <p>Children are present during marine activities (diving, snorkling etc.)</p>	<p><i>Example:</i></p> <ul style="list-style-type: none"> <li>• Keep children in same sex groups</li> <li>• Community consulted to ensure actions of engaging youth/children do not upset cultural norms</li> <li>• Educate children to stay in a group and avoid Speaking to strangers in areas not supervised by another adult</li> </ul>	
<p><i>Example:</i></p> <p>Stella's Child/and/or partners operate in rural are as where child prostitution and/or early childhood marriage is prevalent</p>	<p><i>Example:</i></p> <p>Risk of engaging in conduct unbecoming of Stella's Child codes of conduct</p> <p>Risk of contractors and/or associates ignoring Indonesian law regarding child protection</p>	<p><i>Example:</i></p> <ul style="list-style-type: none"> <li>• Code of conduct training for all Stella's Child employees and contractors in country areas</li> <li>• Training on Indonesian law regarding rights of children especially relationships with children and child marriage.</li> </ul>	

This information should be used to keep the Child Protection Policy and Code of Conduct current and to highlight areas where procedures or practices may need to be amended.

14