CHILD PROTECTION POLICY AND PROCEDURES

1 STATEMENT

This policy and accompanying procedures outline the Himalayan Trust's (henceforth known as 'HT') commitment to taking all possible measures to ensure the safety and best interests of children accessing their services and programmes or involved in campaigns, voluntary support, fundraising, work experience or employment. The HT is committed to upholding the '*UN Convention on the Rights of the Child*', (CRC)(OHCHR, 1990), the Child Protection Working Group's (CPWG) '*Minimum Standards for Child Protection in Humanitarian Action*' (CPMS), the Children's Act 2019 (NZ) and the HT '*Code of Conduct for working with Children*' (COP02). A full version of COP02 is in Appendix 2.

2 PURPOSE

To document the HT's commitment to protecting children from harm, abuse and exploitation through integrating child protection into its programmes and strategies, recruitment of staff and volunteers, educating its staff, guidance on how to work respectfully and effectively with children and how to deal with abuse, and it promotes the safety and well-being of children accessing its programmes.

3 SCOPE OF POLICY

This policy applies to all HT staff, Board members and other key groups. "Staff" refers to full-time, part-time, international and national personnel and through engaged on short-term contracts, such as consultants, researchers, photographers, etc. "Others" refer to visitors, volunteers, contractors, staff in partner agencies and other individuals and groups that have contact with the HT. Where appropriate these stakeholders are required to sign the Code of Conduct as part of their involvement with the HT.

4 ROLES AND RESPONSIBILITIES

It is the responsibility of the HT Board to ensure that the Himalayan Trust takes every precaution to protect the children and young people we serve and encounter during the course of our work. The staff and board must foster an environment that facilitates access and ease in the submitting of complaints and feedback around Child Protection matters.

5 DEFINITION

Child Protection is defined as "the prevention of and response to abuse, neglect, exploitation and violence against children" (CPWG, 2019). Himalayan Trust utilises the New Zealand Ministry of Foreign Affairs and Trade (MFAT) definitions for our Child Protection Policy:

a) Sexual exploitation refers to any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. It includes profiting monetarily, socially, or politically from sexual exploitation of another.
b) Sexual abuse is the actual or threatened physical intrusion of any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or other behaviour directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting.
c) Sexual harassment refers to when a person makes any unwelcome sexual advance or unwelcome request for sexual favours or engages in other unwelcome conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated. Sexual harassment can take various forms. It can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by any person of any gender towards any person of any gender. Sexual harassment can be perpetrated against beneficiaries, community members, citizens, as well as staff and personnel. Some examples of behaviour that may be sexual harassment include:
    i. staring and leering.
    ii. unnecessary familiarity, such as unwelcome affection or touching.
    iii. suggestive comments or jokes, insults or taunts of a sexual nature intrusive questions or statements about your private life.
    iv. displaying posters, magazines or screen savers of a sexual nature.
    v. sending sexually explicit emails or text messages inappropriate advances on social networking sites.
    vi. accessing sexually explicit internet sites.
    vii. requests for sex or repeated unwanted requests to go out on dates.
    viii. behaviour that may also be considered to be an offence under criminal law such as physical assault, indecent exposure, sexual assault, stalking or obscene communication.

What can Sexual Exploitation Abuse and Harassment (SEAH) look like?

Below are some examples of SEAH:

a) A humanitarian worker attempts to engage in sexual activity with a community member who is connected with a project that their organisation is implementing (exploitation).
b) An individual gives their consent to have sex with someone in exchange for a paid staff position (exploitation).
c) A humanitarian worker uses sex trade workers outside work hours (abuse).
d) A project officer attempts to force an individual to have sex with them while they are visiting their community for a needs assessment (abuse).
e) A staff member makes unwelcome or uninvited physical contact with others including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching (harassment).
f) A senior member of staff makes sexual remarks about the body, clothing or appearance of staff or volunteers at the office (harassment).

SEAH impacts not only on the survivor but also their family, friends and communities. SEAH has numerous potential consequences that can last a lifetime, with serious adverse effects on emotional and psychological well-being, social acceptance, health, education, employment, crime and/or economic well-being.

As well as harming the people we serve, SEAH has the potential to erode trust in the Himalayan Trust and can have serious reputational, financial and legal consequences.

6 GUIDING PRINCIPLES (CRC)

The four key principles set out by the Convention on the Rights of the Child (CRC) are:

6.1 **Definition of the Child (article 1)**, a "child" is a person below the age of 18, unless the laws of a particular country set the legal age for adulthood younger.
6.2 **Non-discrimination (article 2)**, the CRC applies to all children regardless of race, religion or abilities.
6.3 **Best Interests of the Child (article 3)**, the best interests of the child must be the primary concern in making decisions that affect them.

6.4 **Right to Survival and Development Survival (article 6)**, children have the right to live. Governments should ensure that children survive and develop healthily.

6.5 **Respect for the view of the Child (article 12)**, when adults are making decisions about children, children have the right to say what they think should happen and have their opinions taken into account.

7 HT PRINCIPLES

HT prohibits the sexual exploitation, abuse or harassment of children in any way or form. The HT will strive to portray children and their families in fundraising material and photographs in a dignified and respectful manner. It will obtain consent before sharing or publishing personal details of such persons.

HT staff, associated personnel and partners must not employ or engage children under the age of 18 in any form of labour or service, whether paid or unpaid, that is exploitative, interferes with their education or development, or is likely to be harmful to their health or physical, mental, spiritual, moral or social development.

The HT will ensure that all images relate directly to the story told, recognising the following principles:

7.1 Any form of child abuse and exploitation is unacceptable and will not be tolerated.

7.2 All children have a right to be safe at all times and the HT has an obligation to provide safe and protective services and environments.

7.3 Recognises its duty of care to take all reasonable steps to ensure that children are safe from harm.

7.4 To take proactive steps to create child-safe and child-friendly programs.

7.5 Adherence to the Child Protection Policy is a mandatory requirement for all HT staff and others.

7.6 To ensure that all staff and relevant stakeholders are made aware of the Policy and their responsibilities.

8 PROCEDURES

8.1 Background

The HT conducts work for the benefit of children in Nepal through a variety of NGOs.

A key function of the HT is also to fundraise within New Zealand which may involve portraying children visually in media and fundraising activities.

The following procedures outline the way in which HT protect the rights of children.

8.2 **Development Planning and Implementation with delivery partners.**

The protection, safety and well-being of children are a consideration when developing and implementing programmes. The Trust is committed to child and youth participation and opportunities for children's views to be heard and incorporated into the Trust's policies and programmes and these will be explored where applicable. Feedback on HT staff and services will also be invited where appropriate.

a) **Verification of due diligence and risk management on the part of delivery partners.** This includes working with our partners through due diligence processes and contracting to ensure they have developed a child protection policy, providing regular trainings/capacity building for our partners, and monitoring their child protection measures through site visits.

b) **Programme-level Child Protection Risk Management.** As part of the programme design, review and proposal approval process, programmes staff will also develop a risk management plan to monitor and mitigate harm, abuse or exploitation.

c) **Visits to The Himalayan Trust Programmes coordinated by The Himalayan Trust.** We will clearly articulate our commitments to child protection and ensure those in contact with children are under the management of The Himalayan Trust and closely monitored.

8.3 **Use of images for promotion and fundraising**

The HT will at all times portray children in a respectful, appropriate and consensual way. Guidelines on the use of children's images are:

8.3.1 A child should always be portrayed in a dignified and respectful manner, adequately clothed and not in poses that could be seen as sexually exploitative.

8.3.2 Identifying images that clearly show an individual (a) will require a consent waiver to be signed by a parent or guardian. A broader group image (b) only requires teacher or school principal consent

a) Group images such as below only require teacher or principal consent:



b) Images such as below will require consent from a parent, guardian or teacher:



8.3.3 Children should be portrayed positively as part of their community.

8.3.4 Local cultural traditions should be assessed regarding restrictions for reproducing personal images.

8.3.5 Images should be an honest representation of the context and the facts.

8.3.6 When uploading images to the internet, ensure file names suppress names and identifying information.

Recruitment of staff and volunteers

The HT is committed to child safe recruitment, selection and screening processes to ensure recruitment of the safest and most suitable people to work in our projects. Child safe recruitment includes:

8.3.7 Promoting the HT's child-safe commitment in promotional materials and in job advertisements.

8.3.8 All applicants will receive a copy of this Child Protection Policy and be informed of screening requirements when they are sent the application form.

8.3.9 All applicants will be required to sign the Child Protection Code of Conduct (Appendix 2: COP02).

8.3.10 Behavioural-based questions used for positions working directly with children will explore the candidate's motivation, attitudes to children, professional boundaries, accountability, teamwork and how they have responded to ethical dilemmas.

8.3.11 All staff employed with the organisation will be required to undertake police clearance and/or criminal history checks in line with the Children's Acts Regulations.

8.3.12 Issues relating to child protection will be included in staff performance reviews.

9 STAFF RESPONSIBILITIES

HT staff and associated personnel must not:

a) Engage in sexual activity with anyone under the age of 18.
b) Sexually abuse or exploit children.
c) Subject a child to physical, emotional or psychological abuse, or neglect.
d) Engage in any commercially exploitative activities with children including child labour or trafficking.

Adult safeguarding.

HT staff and associated personnel must not:

a) Sexually abuse or exploit at risk adults
b) Subject an at-risk adult to physical, emotional or psychological abuse, or neglect

Protection from sexual exploitation and abuse.

HT staff and associated personnel must not:

a) Exchange money, employment, goods or services for sexual activity. This includes any exchange of assistance that is due to beneficiaries of assistance
b) Engage in any sexual relationships with beneficiaries of assistance, since they are based on inherently unequal power dynamics

Protection from harassment

HT staff and associated personnel must not:

a) Make unwelcome sexual advances or comments to another staff member, associated personnel, or beneficiaries of assistance.
b) Make unwelcome requests for sexual favours, or engage in other unwelcome conduct of a sexual nature towards another staff member, associated personnel or beneficiaries of assistance.

Additionally, HT staff and associated personnel are obliged to:

a) Contribute to creating and maintaining an environment that prevents safeguarding violations and promotes the implementation of the Safeguarding Policy
b) Report any concerns or suspicions regarding safeguarding violations by any HT staff member or associated personnel to the designated person.

10 COMPLAINTS PROCESS

A complaints process is in place for all complaints against the Trust and its staff including those related to a breach of the Child Protection Policy.

A complaints contact and directions to finding complaint submission information will be provided to schools by Himalayan Trust Nepal or other in-country partners as part of their MoU or contract.

11 EDUCATING THE ORGANISATION

The HT is committed to educating staff and others on the Child Protection Policy and how to reduce risks and create child-safe environments. Adequate resources will be allocated for this process. We will also provide information about child protection to the children and communities in which we work along with processes on how to report abuse if they have concerns about a HT staff member or other representative of the organization.

12 MISCONDUCT

The Himalayan Trust will promptly investigate all reported actual or suspected breaches of this policy and, where grounds are found to exist, will take appropriate corrective measures and/or report the matter to the relevant authorities. The Himalayan Trust reserves the right to initiate appropriate action up to and including

employment/contractual termination for staff or other representatives, or for volunteers/interns, to sever the volunteer relationship.

12.1 Procedures with regard to International Programmes and Implementing Partners

Verification of due diligence and risk management on the part of delivery partners. This includes working with our partners to ensure they have developed a child protection policy, providing regular trainings/capacity building for our partners, and monitoring their child protection measures through site visits.

Programme-level Child Protection Risk Management. As part of the programme design, review and proposal approval process, programmes staff will also conduct a review which highlights the level of risk of child harm, abuse or exploitation.

During field visits to schools, all Himalayan Trust staff and partners staff and contractors will provide schools with information about:

I. How Child Protection incidents can be reported (to include contact details to both HT safeguarding officer and partner's safeguarding officer).
II. What their rights and entitlements are to treatment.
III. Information should be provided in English and Nepali.

Printed information booklet will be provided to the school staff at the commencement of any visit.

Visits to The Himalayan Trust Nepal's Programmes will be coordinated by The Himalayan Trust to assess Child Protection measures. We will clearly articulate our commitments to child protection and ensure those in contact with children that are under the management of The Himalayan Trust's partners adhering to the programmes Child Protection Policy.

12.2 Incident Reporting

It is mandatory for all Himalayan Trust personnel and associates to report any witnessed, suspected, or alleged incidents of child abuse or any breach of the CPP and/or COC. These concerns may relate to a child, or a staff member involved in the organisation or a concern about a child or person/s outside of the organisation's programs. The Himalayan Trust strives towards incident reporting which is child friendly. If you do have a concern,

you should immediately follow the following child abuse reporting procedures and contact the Himalayan Trust Safeguarding Officer.

Who should report?

All Himalayan Trust staff and associates including people in the community and partner organisations.

What should be reported?

Any disclosure, concern or allegation from a child, community member, staff or associate regarding the safety, abuse or exploitation of a child (this includes actual, suspected, or risk of abuse or harm to a child)

Any observation or concerning behaviour exhibited by a Himalayan Trust New Zealand or Nepal staff, volunteer or other associate that breaches the Himalayan Trust Code of Conduct for working with children.

When to report?

Child abuse concerns should be raised immediately.

Who to report to?

Overseas: Child abuse reports should be made to the General Manager of HTNZ or the HTN Education Programme Manager. If this is not possible reports can be made directly to the New Zealand-based Safeguarding Officer (SO).

In New Zealand: Child abuse reports should be made to the SO or the General Manager.

For contact details please refer to the Himalayan Trust's policies and complaints webpage: https://himalayantrust.org/policies-and-complaints

How should it be reported?

Verbally and by completing the Himalayan Trust incident reporting sheet.

What will happen next?

The CEO and/or Country Director in consultation with the CPO will discuss the allegations and then decide upon the next step. This will involve one or more of the following:

Interviewing the person/persons who made the allegations and/or other witnesses to gather more information with which to make a decision about the allegation;

Reporting to local police and or child protection authority when it is suspected or becomes clear that a crime has been committed, or if require assistance to determine the appropriate course of action;

a) Reporting to local child protection services as necessary,
b) Handling the concern internally if it is not a criminal matter,
c) No further action taken,
d) Providing support to all stakeholders (including reporter) as necessary.

All incidents that involve sexual or physical abuse should be raised at the next scheduled Management meeting. Details regarding the child and the case should be strictly de-identified.

Management Team members would consider the incident report and reflect on whether any change to organisation policy, procedures and protocol is required.

13 CONFIDENTIALITY

It is essential that confidentiality is maintained at all stages of the process when dealing with safeguarding concerns. Information relating to the concern and subsequent case management should be shared on a need-to-know basis only, and should be kept secure at all times.

14 REVIEW

The HT's Child Protection Policy will be reviewed every three years to assess its effectiveness, update new activities and relevant legislation and ensure ongoing commitment to good practice in child protection. The GM will manage the review in consultation with the board.

15 REFERENCES

CPWG. (2012). Minimum Standards for Child Protection in Humanitarian Action. from http://cpwg.net/?get=006914|2014/03/CP-Minimum-Standards-English-2013.pdf

OHCHR. (1990, 1990). Convention on the Rights of the Child. from http://www.ohchr.org/en/professionalinterest/pages/crc.aspx

16 APPROVAL

This Policy was approved by The Himalayan Trust, with effect from 18 March 2024.

This policy was amended following a BDO Due Diligence review in 2025.



Signed _____

The Himalayan Trust

Document information:

Date Adopted: 26 July 2015	Last Reviewed: 26 January 2025
Next Review Due: 18 March 2027	Approved By: Board of Trustees

APPENDIX 1

DEFINITION OF KEY TERMS

a) *Duty of care*: responsibility to provide children with an adequate level of protection against harm.

b) *Child and young person*: any person under the age of 18 years (unless otherwise under national laws).

c) *Child protection*: responsibilities and activities undertaken to prevent children being abused or maltreated.

d) *Child abuse*: physical, sexual, emotional, neglect, bullying, child labour and domestic violence.

e) *Physical abuse*: when a person purposefully injures or threatens a child or young person.

f) *Emotional abuse*: when a child is repeatedly rejected or frightened by threats.

g) *Neglect*: persistent failure or the deliberate denial to provide a child with clean water, food, shelter, sanitation, supervision or care.

h) *Sexual abuse*: when a child or young person is used by an older or bigger child, adolescent or adult for his/her sexual stimulation/gratification.

i) *Child sex tourism*: the commercial sexual exploitation of children by men or women who travel from one place to another.

j) *Bullying*: the inappropriate use of power by an individual or group with an intent to injure either physically or emotionally.

k) *Exposure to domestic violence*: when children and young people witness or experience the chronic domination, coercion, intimidation or victimisation of one person by another by physical, sexual or emotional means.

l) *Particularly vulnerable children*: those in institutions, at work, in war or in emergencies.

m) *Children in emergencies*: especially vulnerable to abuse exploitation as part of a traumatized and displaced population.

n) *Protection from Sexual Exploitation and Abuse (PSEA)*: the term used by the humanitarian and development community to refer to the prevention of sexual exploitation and abuse of affected populations by staff or associated personnel. The term derives from the United Nations Secretary General's Bulletin on Special Measures for Protection from Sexual Exploitation and Abuse (ST/SGB/2003/13)

o) *Safeguarding*: Safeguarding means taking all reasonable steps to prevent harm, particularly sexual exploitation, abuse and harassment from occurring; to protect people, especially vulnerable adults and children, from that harm; and to respond appropriately when harm does occur. Safeguarding applies consistently and without exception across our programmes, partners and staff. It requires proactively identifying, preventing and guarding against all risks of harm, exploitation and abuse and having mature, accountable and transparent systems for response, reporting and learning when risks materialise. Those systems must be survivor-centred and also protect those accused until proven guilty. Safeguarding puts beneficiaries and affected persons at the centre of all we do.

APPENDIX 2

CHILD PROTECTION CODE OF CONDUCT

I (insert name)_____,
agree that while implementing Himalayan Trust-funded activities I will:

- Treat children with respect regardless of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status;
- Not use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate;
- Not engage in any form of sexual activity or acts, including paying for sexual services or acts;
- 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 supervisor's permission and ensure that another adult is present ;
- Use any computer, mobile phones, or video and digital cameras appropriately, and never to exploit or harass children or to access child pornography through any medium;
- Refrain from physical punishment or discipline of 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 New Zealand and local legislation, including labour laws in relation to child labour;
- Immediately report concerns or allegations of child abuse in accordance with appropriate procedures;
- When photographing or filming a child for work-related purposes, I must:
    - Before photographing or filming a child, assess and endeavour to comply with local traditions or restrictions for reproducing personal images;
    - Before photographing or filming a child, obtain consent from the child or a parent or guardian of the child;

- Ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive;
- Ensure images are honest representations of the context and the facts;
- Ensure file labels do not reveal identifying information about a child when sending images electronically.

I understand that the onus is on me to use common sense and to avoid actions or behaviours that could be construed as child abuse when implementing Himalayan Trust funded activities.

Signature _____

Date _____

Please sign, scan and return to the HT General Manager

End of Document