

# LEGAL AID OF CAMBODIA

## Child Protection Policy

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LAC aims to safeguard children from abuse and exploitation in all that we do, in line with articles 2, 3 and 19 of the United Nations Convention on the Rights of the Child (the UNCRC).

Article 1	Introduction
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All children have a right to protection from abuse, violence and exploitation. In line with the UNCRC, LAC works to ensure that all children, particularly those that are most marginalised and vulnerable, are empowered to realise their rights through all our work. All children have a right to protection:

*“...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.”*

LAC works to create a safe environment for children, especially for children who benefit from LAC programs and the children of LAC representatives or share the household of LAC representatives.

This policy is approved by the Management Team and the Supervisory Board of LAC and makes clear LACs position on child protection.

Article 2	Scope and communication
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The policy applies to all LACs staff, consultants and volunteers. It is essential that all staff, consultants and volunteers are aware of its central messages and any duties/responsibilities it places on them.

Article 3	Definitions
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A Child is defined as a human being under 18 years.

Child abuse is inflicting harm on children, or by failing to prevent harm. Children may be abused in a family, institution or community setting, by those known and trusted to them or, more rarely, by a stranger. With this policy LAC protects children from two categories of child abuse:

- **Physical injury:** may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child including fabricating the symptoms of, or deliberately causing, ill health to a child.
- **Sexual abuse:** involves forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. This may also include involving children in looking at, or in the production of, pornographic material, or encouraging children to behave in sexually inappropriate ways.

LAC representative is LAC staff, consultants and volunteers.

Article 4	Purpose
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Children need protection and safeguarding for many reasons. They may need protection from the effects of poverty, disadvantage, exclusion and violence. But in addition to these economic, social, and political problems affecting large numbers of children, individual children may also be at risk from specific forms of abuse by adults or other children.

In this policy LAC is concerned with maltreatment against a child:

- who is in contact with a LAC representative through LAC program implementation. Many beneficiaries of LAC are marginalised and some vulnerable children are particularly open to abuse such as disabled children, those from minority ethnic groups, street children, refugee and asylum seeking children and those who live with families where there are alcohol or drug problems, mental health or domestic violence. Organisations that work with children, such as LAC, provide possibilities for befriending and establishing relationships with vulnerable children and must therefore be vigilant to the possibility that a small minority of individuals may abuse their position to gain access to children.
- who is the child of a LAC representative and/or shares the household of a LAC representative.

Article 5	Notification and disciplinary measures
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Upon suspicion of child abuse by a LAC representative the suspicion will have to be notified to the Administrative & Human Resources Director or the Executive Director within 24 hours after the suspicion rose, taking into account limitations of telephone coverage and communication means outside Phnom Penh.

In case of a notification to the Administrative & Human Resources Director or the Executive Director, the Directors will apply LACs internal regulations.

- a. In case there is insufficient evidence, the Directors will appoint an Investigation Commission.
- b. If there is sufficient evidence for the child abuse, the Directors will take disciplinary measures as mentioned in LACs internal regulations. A mistaken belief about a child's age is not a defence.

Asides from the disciplinary measures mentioned in LACs internal regulations, the Directors can further:

- Report the incident to the family of the child
- Report the incident to NGOs that work on child protection and child psychology
- Report the incident to the police

if this is considered in the interest of the child.

If the case is brought to court, the disciplinary decision of the Directors can deviate from the court judgments on the same facts.

In case the Directors are aware that a LAC representative has not notified a suspicion within 24 hours after a (s)he developed concerns or suspicions regarding child abuse by another LAC representative, the Directors may also discipline the LAC representative for not notifying them.

Article 6	Recruitment LAC staff, consultants and volunteers
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LAC will strive to ensure that it applies the highest standards in its recruitment. Candidates will be checked for their suitability for working with children and their understanding of child protection.

The following checks must be done:

- evidence of identity (family book or birth certificate)
- authenticity of qualifications through copies of diploma's
- self-declaration about previous convictions on child abuse, and
- check at least two references.

Article 7	Proper implementation
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The Directors, Program Managers and the Heads of LAC's Branch Offices will have the responsibility for the proper implementation of the child protection policy in their office or program. This includes:

- a. properly informing all their staff of the Child Protection Policy
- b. properly follow the recruitment checks
- c. ensure that all incidents are notified to the Admin & Human Resource Director or the Executive Director
- d. send all information to the Admin & Human Resource Director to allow proper monitoring

Article 8	Monitoring
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All information relating to any concerns about abuse by LAC staff, consultants, volunteers and SB members must be sent and/or copied to the Administrative & Human Resources Director who has the task to:

- a. record all incidents, minor or major
- b. to keep the records secure and confidential. Confidentiality will only be breached if and when it is in the best interests of a child and by a decision of the Directors.

This Child Protection Policy is adopted by the Supervisory Board on the 23<sup>rd</sup> of July 2008.

Phnom Penh, July 23, 2008



Mrs. Peung Yok Hiep  
Executive Director of LAC