



## **SMILES AFRICA EXPERIENCE**

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### **SMILES AFRICA EXPERIENCE CHILD PROTECTION POLICY**

#### **STATEMENT OF RESPONSIBILITY**

Smiles Africa Experience (Smiles Africa) is committed to the safety and wellbeing of the children it works with and their protection from abuse and exploitation, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. Smiles Africa endorses and supports the UN Convention of the Rights of the Child (1989) and the Kenyan constitution. Smiles Africa will act without hesitation to ensure a child-safe environment is maintained to the best of its ability especially having regard to child abuse and pornography.

Our partners, whether formal or informal (“Partner organizations”), are likewise responsible for ensuring that child protection policies and standards are developed in accordance with the laws of the country and implemented.

Smiles Africa takes its duty of care seriously and will aim at all times to provide the safest possible programs and activities for children. This will be achieved by identifying and managing risks that may lead to harm.

#### **PURPOSE OF THE SMILES AFRICA CHILD PROTECTION POLICY**

For the purpose of this policy, a child will be considered to be a person under the age of 18 years.

The Smiles Africa Child Protection Policy (CPP) has been developed to provide a practical guide to prevent child abuse in activities, projects and programs carried out by Smiles Africa. It will outline a range of risk management strategies that will be implemented which will reduce the risk of children from being harmed.

### **The CPP:**

1. Will demonstrate Smiles Africa's commitment to protect children from harm and abuse;
2. Aims to educate staff and others about child abuse and promote a child safe and a child friendly culture where everyone is committed to keeping children safe;
3. Aims to create an open and aware environment where concerns for the safety and wellbeing of a child can be raised and managed in a fair and just manner, which protects the rights of all;
4. Will provide guidance on how to respond to concerns and allegations of child abuse. It provides guidance to Smiles Africa volunteers, personnel, Partner Organizations and others on how to work respectfully and effectively with children. This will foster a safe working environment.

Smiles Africa is obliged to adhere to local and international child protection criminal laws, which prohibit the abuse and exploitation of children. These include international laws and Conventions in relation to all forms of child abuse and child exploitation, including: child sex tourism, child sex trafficking, child labor and child pornography.

### **AWARENESS RAISING**

Child abuse is not tolerated by Smiles Africa, nor is possession of or access to child pornography. Child abuse consists of anything which directly harms children or damages their prospects of safe and healthy development into adulthood. Child abuse can be physical abuse (purposeful injuries or threat to injure), emotional abuse (chronic attack on a child's self-esteem), neglect (failure to provide a child with basic necessities of life such as food, clothing, shelter and supervision) or bullying.

The majority of sexual abuse takes place within the family and community. However, persons outside the community may also be a threat. Awareness raising provides education for members of Partner Organizations, volunteers and staff as to what constitutes exploitation, abuse and neglect and what are the indicators of pedophilia and sexual abuse in the local context. Partner Organizations and Smiles Africa volunteers are to receive instructions on what constitutes abuse and exploitation, to be monitored by the Smiles Africa Child Protection Officer and or the programs coordinator.

Smiles Africa is committed to educating personnel and others in the CPP, in how to reduce risks and create child safe environments. We will promote child safe practices which keep children safe in Smiles Africa programs and in their own community, and provide information about child protection to the children and communities in which we work.

### **SCOPE OF THE POLICY**

This CPP applies to all Smiles Africa personnel, Partner Organization personnel and other key groups. 'Personnel' refers to: full-time, part-time, international and national and also those engaged on short-term contracts such as: consultancies, researchers, photographers, etc and includes volunteers

Smiles Africa Child Protection Policy will be reviewed every two years. Smiles Africa Child Protection Officer/ Programs coordinator will manage the review of the CPP and Smiles Africa personnel and Partner organizations will be consulted in this process.

## **PROGRAM PLANNING**

Smiles Africa recognizes that there are a number of potential risks to children in the delivery of our programs. In recognizing these risks, assessment of the circumstance of children is incorporated into surveys conducted prior to the initiation of a program. Where relevant, such assessments include plans to work with communities to reduce risks facing vulnerable children and to address the needs of children who are in situations of abuse, neglect or exploitation.

Working with the grassroots communities provides Smiles Africa the opportunity to develop close links between project Partner Organizations and local law enforcement agencies.

Recognizing the high-risk features of the activities involving working with children who have been abandoned or orphaned and who have been abused, Smiles Africa personnel will be trained on local risks to the children.

Programs should be educational and generally explore the cause of child abuse and exploitation and implement responses (including how to report concerns about abuse) to support family and community responsibility for the wellbeing of children.

Children are considered active participants whose hopes and aspirations are respected and whose welfare is of paramount importance. They are involved in programs designed to protect them through mechanisms that give them a voice and provide them with skills for protecting themselves. However, the responsibility for protection of children lies with adults. Children should not be expected to make adult decisions.

Risk management is an ongoing part of every activity and Smiles Africa conducts a child protection risk assessment on every new and emerging program and project, included in the project management cycle.

## **SCREENING**

Smiles Africa is committed to child safe recruitment, selection and screening practices. Volunteers on the field are screened by way of personal interview, targeted reference check and police clearance. They are made aware of the Child Protection Policy before departure and will be required to sign the CPP.

In the best interests of children, Partner Organizations are encouraged to adhere to the Smiles Africa Child Protection Policy and should not work with anyone with a prior conviction for child abuse, pedophilia or related offences.

Volunteers and staff must fulfill accountability requirements which are set out in the Smiles Africa Child Protection Policy and report regularly to Smiles Africa on the activities.

Smiles Africa reserves the right to refuse engagement of the volunteers or terminate any person's engagement that may pose a risk to children.

## **TRAINING OF VOLUNTEERS & STAFF**

Smiles Africa is committed to training its volunteer and staff on child protection. Before departure, an induction session will be presented by the Smiles Africa programs coordinator to the volunteers. During the session, the charter for Smiles Africa will be explained and the importance of child protection will be emphasized.

Every volunteer will receive a copy of the Child Protection Policy and time will be given during the session for them to read the contents.

Smiles Africa will emphasize that the CPP is an important document and underlies the work that we do. After reading the CPP, any questions or issues raised will be discussed. Before the session ends, each field volunteer member must sign the CPP agreeing to abide by the terms of the CPP.

## **BEHAVIOUR PROTOCOLS**

Behavior protocols are designed to protect children, but are also intended to protect staff and volunteers from false accusations of inappropriate behavior or abuse. In addition to reflecting behavior requirements based on local sensitivities, the basic Behavior Protocol includes:

1. Smiles Africa personnel and volunteers will treat children with respect regardless of race, color, sex, language, religion, political or other opinion, national, ethnic, cultural or social origin, property, disability, birth or other status;
2. Smiles Africa personnel and volunteers will not use language or behavior towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
3. Smiles Africa personnel and volunteers must not stay alone overnight with one or more children or minors, whether in the personnel's/ volunteers' house, project premises or elsewhere.
4. Smiles Africa personnel and volunteers should not hire minors as "house help" or provide shelter for minors in their homes. Even though providing employment for a minor may be culturally acceptable and provide benefits not otherwise available to the child, the hiring of minors may lead to misunderstandings and is inconsistent with Smiles Africa efforts to prevent exploitative child labor.
5. Smiles Africa personnel and volunteers must not fondle, hold, kiss, hug or touch minors in an inappropriate or culturally insensitive way. To avoid misunderstanding, it is recommended that a child be asked for permission before touching or holding hands.
6. Where possible and practical, the "two-adult" rule, wherein two or more adults supervise all activities where minors or children are involved and are present at all times, should be followed. If this is not possible, Smiles Africa personnel and volunteers are encouraged to look for alternatives such as being accompanied by community members on visits to children.
7. Smiles Africa personnel and volunteers need to be aware that they may work with children who, because of the circumstances and abuses they have experienced, may use a relationship to obtain "special attention". The adult is always considered responsible even if a child behaves seductively. Adults should avoid being placed in a compromising or vulnerable position.

8. Smiles Africa personnel and volunteers must be concerned about perception and appearance in their language, actions and relationships with minors and children.

9. Smiles Africa personnel and volunteers will immediately report concerns or allegations of child abuse in accordance with the procedure outlined below.

### **ALLEGATION /INCIDENT MANAGEMENT PLAN**

#### 1. Reporting and response

Child abusers are not likely to remain in an environment where workers are trained to report suspicious behavior. Child abusers thrive on secrecy and are more likely to commit an abusive act when they are unnoticed, or when they are in an environment in which others are naïve and insensitive to the possibility of child abusive. A preliminary report on the incident must be prepared by the complainant with assistance, as may be required, from the Smiles Africa Child Protection Officer/ Programs coordinator. This initial documentation will be used in an investigation of the incidence as outlined in Appendix B.

The preliminary report must include the following:

(a) An outline of the incident, the individuals involved and the circumstances in which the alleged incident occurred;

(b) Clearly identified statement – as to any knowledge or suspicion that a child has been molested or that inappropriate behavior is occurring;

(c) Procedures for reporting according to locally mandated laws. In some instances, police may carry out an investigation. Any interference could have legal implications for Smiles Africa personnel/ volunteer;

(d) A proposal/plan for conducting an in-house investigation which ensures that a child is not held responsible, unless the facts indicate otherwise. The investigation must be treated with care and concern, particularly as a child may fear retribution and punishment while a staff member accused of child abuse will be concerned for his or her privacy and legal rights;

(e) A proposal/plan for responding to the results of an investigation that includes consideration for the welfare of the child. The corrective action policy of the office concerned should be taken into consideration with regard to the person accused; and

(f) A proposal/plan for dealing with media inquiries that includes a designated spokesperson.

#### 2. Suspected child abuse

In the event of an incident of suspected child abuse, Smiles Africa will put into effect internal reporting steps outlined above, seek instructions from and report to local authorities as required, having due regard to the appropriateness of informing local law and judicial mechanisms where this is not a requirement.

#### 3. Other reporting situations

Any person who has knowledge of a potential child protection issue involving Smiles Africa should immediately contact the Smiles Africa Child Protection Officer/ Programs coordinator or any other relevant authority.

#### 4. Response to findings and concluding an investigation

(a) The welfare of a child is of prime importance. If sexual abuse is proven or suspected, every effort is made to assist the child in coping with any trauma or guilt he or she may be experiencing. This may include psychological counseling or another form of assistance deemed necessary and appropriate;

(b) There should be a review of the facts uncovered during the investigation to determine what actually happened, followed by a consultative decision making process about the future of the perpetrator. If a volunteer of Smiles Africa, the volunteer will have the findings of the investigation shared with him/her and his/her contract/ engagement with Smiles Africa will be immediately terminated and the volunteer will be removed from the program. Provision for suspension of duties is included in the volunteer's terms of engagement with Smiles Africa.

(c) During the period of investigation the volunteer should be informed that charges have been made against him or her and given the opportunity to respond. The volunteer is encouraged to participate in the investigation by providing information and the names of witnesses to be interviewed. At the conclusion of the investigation, the volunteer would be informed of the results of the investigation and what corrective action, if any, will be taken;

(d) In the event that an allegation is proven to be untrue, or even fabricated, appropriate steps are taken for follow-up with the person who has been accused, the child, and the person who did the reporting;

(e) All information concerning the incident and investigation is documented in writing. A copy of the confidential report of the investigation and conclusion is to be retained by Smiles Africa management;

(f) In the event that a volunteer is discharged for suspected sexual abuse, Smiles Africa may disclose such information if requested by a prospective employer.

#### **VISITORS TO SMILES AFRICA PROJECTS**

1. All visitors to Smiles Africa Projects are to be advised of behavior protocols that should reference national and local sensitivities. Visitors should sign an acknowledgment of receipt and understanding of these protocols as part of their orientation process.

2. A Smiles Africa staff or a member of the Partner Organization should accompany all visitors to Smiles Africa Projects.

3. Partner Organizations must be aware that if any visitor makes an unannounced or unescorted visit to a community purporting to be through smiles Africa or through a staff of Smiles Africa or taking advantage of the relationship with Smiles Africa or any of the staff either current or prior, the visit is reported immediately to the Smiles Africa Child Protection Officer/ programs coordinator.

## **COMMUNICATION ABOUT CHILDREN**

1. Communications about children should use pictures that are decent and respectful, not presenting them as victims. Children should be adequately clothed, and poses that could be interpreted as sexually suggestive should be avoided. Language that implies a relationship of power should also be avoided.
2. Individuals or organizations requesting the use of Smiles Africa resources such as videos or photographs should be required to sign an agreement covering the proper use of such materials to prevent reproduction and a statement that any unauthorized use or reproduction could subject the borrower to legal action.

## **PRIVACY AND CONFIDENTIALITY**

1. Personal information collected in regard to the children Smiles Africa works with should not be shared with an unauthorized person(s).
2. Smiles Africa will take every reasonable precaution to protect child information and picture folders from falling into the hands of individuals who do not share Smiles Africa's commitment to the protection of children. Smiles Africa will maintain its picture folders and child information in a secure environment as is practicable and every caution will be exercised to ensure security.
3. Pictures, images or other likenesses of children and/or information related to children that could compromise their care and protection will not be made available through any form of communication media without proper protection and understanding of their use. Moreover, any images of children should not be accompanied by information relating to their place of residence if it is deemed improper.
4. Information about a child protection incident is shared with people on a 'right' and 'need to know' basis as deemed necessary by appropriate management. Names and identities are not to be disclosed outside the designated as 'need-to-know' unless cleared by appropriate management.

## **PARTNER ORGANIZATIONS**

Smiles Africa officers entering into agreements with Partner Organizations which provide services to children should require assurance that child protection policies and procedures are in place, acknowledging that lack of such policies can place children and Smiles Africa at risk. To the best of its ability, Smiles Africa shall apply the same high standards to its Partner Organizations, subcontractors or associates and other third party volunteers.

## **INVOLVING CHILDREN**

Smiles Africa is committed to child and youth participation. Smiles Africa will provide opportunities for children's views to be heard and will incorporate their views into its CPP and programs. They will be consulted in the development and review of the CPP and will be asked to contribute to the child safe code of conduct in regards to what they consider to be appropriate and inappropriate behaviors. Children will

also be informed about Smiles Africa child abuse process and who to contact if they are at risk, have been abused or are concerned about another child.

### **REVIEWING THE CPP**

This CPP will be reviewed and updated every 2 years. However, where there is a need to update the policy before 2 years as a result of the experiences Smiles Africa face in implementing the CPP, Smiles Africa is committed to reviewing the CPP as and when required so that it adapts to the evolving eventualities in all regards.

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### **APPENDIX A**

#### **CODE OF CONDUCT FOR VOLUNTEERS IN RELATION TO THE PROTECTION OF CHILDREN**

All Smiles Africa volunteers, staff members, the management, contractors and Partner Organizations must read, agree to and abide by the following code of conduct while engaged in Smiles Africa work and activities

#### **DO:**

- Conduct yourself in a manner consistent with your position as a positive role model for children and a representative of Smiles Africa.
- Follow Smiles Africa policy regarding the safety of children.
- Treat all people with respect and take notice of their reaction to your tone of voice and manner.
- Respect cultural differences.
- Encourage open communication between all children, young people, parents, staff and volunteers and have children and young people participate in the decisions that affect them.
- Treat the confidentiality of the children in community projects or programs with utmost care.
- Raise all concerns, issues and problems with Smiles Africa staff as soon as possible.
- Make sure all allegations or suspicions of abuse are recorded and acted upon according to Smiles Africa's specified Incident Management Procedure.
- Avoid being alone with a child/children. Where possible have at least two adults present when interacting with children.
- At all times, be transparent in your actions and whereabouts.
- Act professionally in your relationships with children, while at the same time demonstrating love, compassion and caring in both word and action.



## **DO NOT:**

- Copy or take a child's personal details home or to another unauthorized person.
- Be alone with a child.
- Engage in rough physical games except within rules of a sport. In any event be mindful of the limitations of the child's ability and physical attributes.
- Engage in behavior that is intended to shame, humiliate, belittle or degrade children.
- Hold, kiss, cuddle, fondle or touch children in an inappropriate and/or culturally insensitive way.
- Make sexually suggestive comments to a child, even as a joke.
- Smack, hit or physically assault children.
- Develop sexual relationships with children or relationships with children that may be deemed exploitative or abusive.
- Do things of a personal nature that a child can do for themselves, such as going to the toilet or changing clothes.
- Spend time alone with a child. Always ensure that another adult is present.
- Take a child to your home or encourage meetings outside the program activity.
- Hire children as house help or domestic labor.
- Give children alcohol, cigarettes or illegal drugs
- Condone or participate in behavior of children that is illegal, unsafe or abusive.

## **TAKING PHOTOS**

- Be extremely sensitive to a person's vulnerability at times of trauma or grief and always assess how a photo/story will impact on their rights, especially the safety of a child.
- Photos and stories should respect human dignity. Do not portray people as helpless victims. Balance human needs with positive language about what people are doing to help themselves.
- If advisable, consider changing names and locations (and indicating why) to tell the story.
- Photos should not fully identify a sexually abused person of any age, unless the person specifically asks to be named and photographed. To protect the identity of sexually abused persons, publishing conventions include images that are in profile, darkened, from the back or obscured. Photos should not be manipulated except to protect the identity and privacy of the subject.
- In photos, children and adults should be adequately clothed and not in sexually suggestive poses.
- Children should be portrayed as part of their community.
- Images should be an honest representation of the context and the facts.
- When sending images electronically or sharing them on other media, file labels should not reveal identifying information of children especially when doing so compromises the dignity of the child.
- Smiles Africa does not pay or otherwise compensate subjects for telling their stories, taking their pictures or securing their signatures on a consent form.

## **PEOPLE LIVING WITH AIDS**

- Do not use the phrase “AIDS orphans”.
- Do not imply blame or judgment (or that HIV exclusively targets certain groups).
- Do not reveal anyone’s HIV status without informed consent (including from the child’s parent or guardian).

### **STORAGE OF STORY AND PHOTO MATERIAL**

- Stories and photos, whether stored together or apart electronically or in hardcopy, should highlight the sensitivity for those who will use the resources.
- Photos taken on/ during Smiles Africa Projects must not be made available for the use of organizations other than Smiles Africa and or its partners.
- Editors should verify the status of people living with AIDS and others for whom imminent death is likely. If the person has died, photos and stories should indicate so.

### **DISSEMINATION OF STANDARDS**

- All volunteers and members of Partner Agencies should be briefed and given a copy of these standards.
- These standards are to be read in conjunction with the Smiles Africa Child Protection Policy.

### **APPENDIX B**

#### **PROCEDURAL GUIDELINES FOR REPORTING AND INVESTIGATING SUSPECTED INCIDENTS OF ABUSE**

The possibility of staff, donors or members of Partner Agencies abusing children is something that Smiles Africa takes very seriously. We are committed to working to prevent such incidents, and take all steps possible to stop abuse and hold accountable those who abuse children. If a child reports an incident to you, the child must be taken seriously and listened to carefully. At no time should the child be returned to the environment where the abuse occurred.

#### **Reporting Incidents**

There is an ethical, moral and legal obligation that all incidents of physical, sexual or emotional abuse be reported. The incident should be reported by the person with the most information about the allegation. If required, the individual should ask the Smiles Africa Child Protection Officer/ programs coordinator to assist them in the reporting of the allegation. Child abuse concerns should be raised immediately.

Accusation of any form of abuse or accidental death of a child either directly or indirectly involved in a Smiles Africa program, event or trip by any Smiles Africa personnel, volunteer, visitor, staff member or Partner Organization must be reported in the following manner:

#### **IN KENYA**

1. Immediately notify the Smiles Africa Child Protection Officer/ programs coordinator and the head of the Partner Organization in the relevant location. These people will ascertain that the child is in a safe and protected location as the first priority.
2. The Smiles Africa Child Protection Officer/ programs coordinator and the head of the Partner Agency will notify local legal counsel.
3. The local Partner Organization in which the allegation is made is responsible to follow its own legislative or internal procedures to investigate and address the allegations and to liaise with Smiles Africa in doing so.
4. All reports, communication, emails and correspondence relating to the incident must be copied to the Smiles Africa Child Protection Officer/ programs coordinator.

**PROCEDURE:**

1. Distance the alleged perpetrator

The best interests of the child may warrant the standing down of a volunteer or personnel while an investigation commences. This action does not presuppose guilt or innocence. The allegation(s) should not be discussed or communicated to other people until they have been considered and a decision made by management. The decision made should be documented and filed.

2. Investigation Procedure

(a) All allegations of misconduct or abuse of children will immediately result in a formal investigation, which will be conducted with utmost tact and confidentiality.

(b) Smiles Africa will conduct the investigation and will determine and appoint appropriate personnel as members of the investigating team which may include an external investigator.

(c) This team will meet promptly to discuss an appropriate plan of action for the investigation.

(d) The investigation team will promptly collect interview notes, relevant documents, witness statements, hard copy mail messages and audio or video tape, as may be available.

(e) The procedure and information collected will be kept confidential at all times.

(f) The allegations should not be discussed or communicated to other people unless questioning others about the alleged incident or patterns of behavior which may have a bearing on the matter in hand.

(g) The complainant will be treated respectfully and the statements made by the complainant will be kept confidential. Parent(s) or guardian(s) will be included as appropriate.

The complainant will be:

(A) Subject to an internal investigation of all relevant facts;

(B) Given the opportunity to provide relevant facts;

- (C) Given the opportunity to participate in the investigation by providing names/identities of other witnesses and also recommend questions to be asked by the investigators during the investigation;
- (D) Given an opportunity to respond in a written document as may be requested;
- (E) Be provided information on the results of the investigation, as appropriate to their position and involvement and with respect for the other parties;
- (F) Smiles Africa will follow up with the complainant and offer counseling services as appropriate.

### **3. REPORTING**

All allegations of physical or sexual assault will be reported to the police, whether or not the victim has consented to the matter being reported.

### **4. THE FAMILY**

The family of the child will be informed of the allegations and action proposed. They will be consulted where ever possible as to the process to be followed.

## **APPENDIX C**

### **RISK ASSESSMENT MATRIX**

The questions in identifying risks are:

- What are the practical details of the Program?
- What could go wrong? (RISK)
- What is the likelihood of something going wrong (PROBABILITY)
- What would the consequences be (IMPACT)
- High risk features of an activity Indicative risk management strategies

Personnel working directly with:

- Very young children, abandoned or orphaned children, children with disabilities, children who have been abused or sexually exploited, living without a care giver, displaced

train personnel on local risks to children, develop close links between activity team leaders and local law enforcement agencies, educate local community on child abuse indicators and how to report concerns about abuse, do not leave personnel alone or unsupervised with children where possible

Personnel working in risky locations, including:

1. activities located away from community or in isolated, secluded or inaccessible locations, activities involving staff visiting a child's home or children visiting a staff member's home , activities located in shelters, orphanages or schools
- specify clear accountability requirements

- establish regular accountability and reporting relationships
- provide personnel with feedback on their behavior from other personnel or community members
- ensure a high level of staffing
- ensure no personnel works alone or unsupervised where possible

2. Personnel performing high-risk tasks with children, including:

> One-on-one activities

> Personal hygiene tasks

> provide personnel with feedback on their behavior from other personnel or community members

> ensure no personnel works alone or unsupervised where possible

> Swimming, bathing, changing

Personnel working alone unsupervised, or without any formal supervision

> specify clear accountability requirements

> establish regular accountability and reporting mechanisms

> arrange for supervisor to make unannounced site visits