



Child Safeguarding Policy
JOS – Yayasan Cinta Kasih Anak

ACKNOWLEDGEMENTS

This policy is written by and for JOS – Yayasan Cinta Kasih Anak by child protection experts and is approved by the board of Yayasan Cinta Kasih Anak on 22-12-2020. The policy is based on the provisions in the Indonesian Law (Child Protection Law No. 23 Of 2002 and the decree of the Minister of Social Affairs of the Republic of Indonesia on National Standard of Care for Child Welfare Institutions No.30/HUK/2011), the UN convention of the Rights of The Child and publications by leading organisations focusing on Child Welfare worldwide and specifically on Bali, such as UNICEF, Safe the Children, Better Care Network and Westerlaken foundation.

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WHAT IS CHILD SAFEGUARDING?

As a Child Welfare Institution JOS – Yayasan Cinta Kasih Anak has the moral and legal duty to take all actions to keep children safe and prevent physical, sexual, emotional neglect and maltreatment of children by employees, partners, visitors, interns and volunteers.

UNICEF (2018) refers to child safeguarding in the following wording 'all children, wherever they live and whatever their circumstances, have the right to be protected, nurtured and to be free from all forms of violence, abuse, neglect, maltreatment and exploitation as set out in the Convention on the Rights of the Child. Respecting and supporting this right is the essence of child safeguarding'. The Decree of the Minister of Social Affairs of Indonesia explains: 'The Child Welfare Institution has rules formulated, which are considered important for their mutual lives, such as the rules to respect others and develop anti-violence culture among the children and the rules to safeguard the children' (2011).

As Child Welfare Institution JOS – Yayasan Cinta Kasih Anak must do anything to protect children from any kind of abuse. This Child Safeguarding Policy will help to protect the children in the care and trust of the foundation. Based on the research by Westerlaken (2020) there is not enough compliance with the current Decree of the Minister of Social Affairs of the Republic of Indonesia on National Standard of Care for Child Welfare Institutions. JOS – Yayasan Cinta Kasih Anak comprehends the importance of implementation of these standards. This Child Safeguarding Policy is one of the steps towards full compliance.

Child safeguarding focuses not only on direct contact, but also on indirect contact. Direct contact refers to face to face contact with children, such as working directly with children or attend events where children are present. Indirect contact refers to contact with children online, through data (including images of children) and text posted by a child, for example on social media. Indirect contact includes contact via a third party. This has impact on the way sponsors can interact with children in the care of JOS – Yayasan Cinta Kasih Anak.

WHY DO CHILDREN NEED SAFEGUARDING?

The impacts of abuse on a child's physical, mental and emotional health can be severe and long lasting. Global studies suggest child abuse remains rampant:

More than 1 billion children aged 2–17, or one in two of the world's children, have suffered physical, sexual or emotional violence or neglect in the past year. One in five women and one in thirteen men report being sexually abused as children, and every five minutes a child dies as a result of violence. Violence and abuse against children often remain hidden because of the reluctance of victims to disclose their abuse, seek help to cope with the experience or take action to protect themselves from further victimization. For example, nearly half of all adolescent girls aged 15–19 who reported ever having experienced physical and/or sexual violence said they never told anyone about it (UNICEF 2018). Bali is no exception in cases related to physical, sexual or emotional violence. The earlier mentioned research published in 2020 by Westerlaken foundation on orphanages in Denpasar identifies several cases of physical, sexual and emotional violence within the period 2015-2020 alone (Westerlaken foundation 2020).

In most circumstances, children are not as powerful as adults and this makes them fundamentally more vulnerable. Therefore, it is the responsibility and duty of adults to protect children from harm and respond in situations where children are at risk (UNICEF 2018).

UNICEF (2018) identifies six forms of abuse:

- Physical abuse
- Sexual abuse
- Commercial exploitation
- Online abuse
- Emotional abuse or ill-treatment
- Neglect

The Decree of the Minister of Social Affairs of Indonesia (2011) identifies child abuse as 'Anything which individuals, institutions or processes do or fail to do which directly harms children or damages their prospect of safe and healthy development into adulthood'.

Child abuse includes all forms of physical and emotional ill treatment, sexual abuse, neglect or negligent treatment and commercial or other exploitation resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power (UNICEF 2018).

SHOULD CHILDREN BE INSTITUTIONALIZED?

The decree of the Minister of Social Affairs (2011) is clear on the key principles of alternative care.

CHILDREN'S RIGHT TO A FAMILY

1. The child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding (Preamble of the Convention on the Right of the Child)

2. Every child shall be entitled to be brought up by his/her own parents save where there is a valid reason and/or legal provision that requires the separation of the child from his/her parents in the interest of the child. Such separation shall only be used as a last resort (Child Protection Law No. 23/2003 Article 14).

RESPONSIBILITY AND ROLE OF PARENTS AND FAMILY

1. Parents shall be responsible and accountable for:

- a. Caring for, maintaining, educating, and protecting children;
- b. Ensuring the growth and development of the child in accordance with his/her capabilities, talents and interests; and
- c. Preventing underage marriage

2. Should the parents be absent, or their whereabouts unknown, or for some other reason be unable to fulfil their obligations and responsibilities, then the obligations and responsibilities as referred to above may be assigned to another family in accordance with the provisions of the laws and regulations in effect. (Child Protection Law No. 23/2002 Article 26)

PREVENTION OF FAMILY SEPARATION

1. Prevention of family separation should always be the main objective in the implementation of services for the child, unless there is a valid reason and/or legal decision that determines that separation is in the best interest of the child and is the final consideration.

2. In the context of care, the main objective of social services for children is to improve the capacity of parents and families to carry out their responsibilities towards their children and to prevent separation from family.

SUPPORT FOR FAMILY TO CARE FOR THEIR CHILDREN

1. Economic reasons and poverty should not be the main reason for the separation of the child from his/her family and the placement of children in the care of a Child Welfare Institutions.

2. All organizations that carry out social services for vulnerable children, including Child Welfare Institutions, should facilitate assistance towards children's care needs in their families, including financial and psychosocial aid so that the children are not placed in the care of Child Welfare Institutions due to economic reasons.

RESPONDING TO EDUCATIONAL NEEDS

- a. If the primary issue faced by the family is access to education, Child Welfare Institutions should facilitate access to education through providing support for tuition costs, school supplies, and transportation.
- b. Child Welfare Institutions must prevent the placement of children in their Institutions for the purpose of accessing education.

Since 2019 a new management is installed at JOS – Yayasan Cinta Kasih Anak. The management procedures towards the Indonesian standards for Child Welfare Institutions could be improved. The current management is implementing the standards and are evaluating every child's circumstances and background.

The objective of the current management is to return as many as possible children to their families, as per the National Standards above.

The process of returning children back to their families is not taken lightly. The children are assessed psychologically, families are assessed on willingness to have their children returned, the family's possibilities are evaluated and assessed and the children are mentally prepared thoroughly.

JOS - Yayasan Cinta Kasih Anak stays involved with the children's life, continues doing evaluations and assessments and facilitates access to education through providing support for tuition costs, school supplies, and transportation.

In the future JOS – Yayasan Cinta Kasih Anak will likely transform into a short term care centre provide temporary or short-term care (1 to 18 months) for children in need of alternative care, while preparing for the child's long-term care within the family or in a substitute family (foster parents).

WHAT DOES THIS MEAN FOR VISITORS?

Visitors are welcome to JOS – Yayasan Cinta Kasih Anak under certain conditions. Access to the facility is only given on the discretion of the management. During the COVID-19 pandemic no visitors are allowed. Visitors have to comply with the following set of rules:

CONDITIONS OF ENTRY

- 1/ Visitors are permitted only by prior appointment. Visitors showing up without prior appointment cannot be permitted.
- 2/ When visiting every visitor needs to present a current photo ID i.e. Passport
- 3/ The visitor will not hold JOS – Yayasan Cinta Kasih Anak liable in the event of any injury or death when on the Foundation's premises.
- 4/ When visiting the visitor accept the presence of a foundation staff member at all times and will remain within the designated meeting place assigned by the centre. Visiting any other rooms, including but not limited to offices, bedrooms, sanitary facilities is not allowed.
- 5/ Any visitor is not allowed to remove any child from the centre. All children must be protected against any possible harm. By removing a child from the centre, even with the best intentions, the foundation cannot guarantee the safeguarding of the child.
- 6/ Photographs are only permitted for personal use. Indonesia has strict laws against the use of photos without consent and relating to social media content.
- 7/ The visitor will not give a child or the centre any religious, political or other inappropriate material. All donations will be given to a staff member. It is not allowed to give goods, food or money to one child only. All donations will be used equally.
- 8/ Visual media such as DVD's, VCD' etc. will not be given directly to any child.
- 9/ The visitor will not provide a child access to a mobile phone or similar device.
- 10/ The visitor will not provide a child with an email address or social media contact. Any form of contact with a child must be through JOS management and will be forwarded to the child.
- 11/ The visitor promises that any future assistance or donation to the Foundation will follow through on this promise. The visitor will not make any direct promises to the children.
- 12/ If the visitor does not follow the conditions of this agreement, he/she accepts that JOS – Yayasan Cinta Kasih Anak has the right to pursue legal action.

WHAT DOES THIS MEAN FOR VOLUNTEERS/INTERNS?

In principal JOS – Yayasan Cinta Kasih Anak does not accept any volunteers or interns. The welfare of children is always considered first priority at JOS – Yayasan Kasih Cinta Anak. More and more leading child welfare organisations, as well as educational institutions and universities consider orphanage tourism, orphanage volunteerism and orphanage internships as not appropriate. Children commit and bind to interns and volunteers, but are abandoned after a certain period of time, which is not good for the mental development of the child. Interns and volunteers generally do not have the experience and knowledge (after all, interns are still learning) that a professional in a Child Welfare Institution needs. Children in JOS - Yayasan Cinta Kasih Anak will not be exposed to interns and volunteers for the sole reason of safe guarding.

Highly qualified volunteers can be considered to do volunteer work on project basis, outside of the Child Welfare Institution. Commitment is always desired in the long term.

I SPONSOR A CHILD IN JOS – YAYASAN CINTA KASIH ANAK, WHAT DOES THIS MEAN FOR ME?

First of all, we want to thank you for your commitment. JOS – Yayasan Cinta Kasih Anak solely operates on donations. Without your help we cannot do our work and create a better future for many children.

Many sponsors have created a bond with the child they sponsor. Within this Child Welfare Policy it is important to note that we sincerely appreciate the help you are giving to the child involved. You are a life changer! Though, decisions about the welfare of the child, including health, education, worldview, religion till the books to read and toys to play with are at the discretion of the trained management. Many directions about this are given in the Decree of the Minister of Social Affairs of the Republic of Indonesia, if not the management of JOS – Yayasan Cinta Kasih Anak is trained and certified to make the right decision for the child with respect to his/her background, religion and capabilities.

If you sponsor a child there are two possibilities:

- 1) The child you sponsor lives at JOS – Yayasan Cinta Kasih Anak has nowhere to go or the direct family is currently unable to look after their children. In some cases, the whereabouts of the family are unknown. Once family is located, the familial situation is assessed and both the child and the family are content and ready to be unified, there is a possibility for the children to be reunified.
- 2) The child you sponsor has returned / is going to return to his/her family (in line with the National Standards on Child Welfare Institutions)

In the first case the JOS – Yayasan Cinta Kasih Anak has close contact with the child you sponsor. JOS – Yayasan Cinta Kasih Anak continuously carries out assessments and evaluations on the child's well-being at home. We will keep you updated on the child's progress through email. Any wishes, cards or letters you would like to send to the child can be posted to JOS – Yayasan Cinta Kasih Anak address. Please refrain from sending gifts from

overseas, as import taxes are high. If you are in Bali, please drop any gift at our centre and we will make sure it will arrive at the child's home. Due to privacy reasons and to safeguard the child's wellbeing we cannot disclose the child's home address or let sponsor have direct contact with the child.

In the second case you are welcome to visit JOS – Yayasan Cinta Kasih Anak taking into account the regulations as stipulated above (what does this mean for visitors).

FREQUENTLY ASKED QUESTIONS

1. I'm a sponsor and I used to be able to take the children to go out for day trips and spend a night in our accommodation, does this mean I can't do it anymore? Why?

The current management is aware of these possibilities and practices prior to the moment that the current management was installed. We believe that every sponsor has the right intentions for the children in the care of JOS – Yayasan Cinta Kasih Anak. Though, taking children out of the institution where they live goes without supervision of trained and certified staff goes against all child safeguard policies. To ensure the safety of the children in our care we cannot longer permit children being taken out of the institution.

In JOS – Yayasan Cinta Kasih Anak we strive for equality for all children in our care. Some children do not have a sponsor. When children are being favoured over others by a sponsor this creates inequality and this can have immense effects on a child psychology.

Instead, if you want to organize something for the children in care of JOS – Yayasan Cinta Kasih Anak, we suggest to organize an activity for all children instead.

2. I used to be able to buy birthday gifts, Christmas gifts, and send whatever my sponsored child needs when he/she ask for it, will I still be able to do this?

Reasonable gifts are still allowed to be given. As above we suggest to also take care of children without a sponsor, to strive for equality.

We cannot accept gifts being sent from overseas due to high import taxes. Based on new important laws in Indonesia everything sent from overseas with a value more than \$3,- is being taxed. As foundation we do not have budget to pay for these taxes. Please buy gifts within Indonesia.

3. How often will I get an update on my sponsored child?

We strive to give you, as sponsor, an update from the child you sponsor at least every 3 months.

4. I used to be able to call my sponsor child anytime I want and he/she can call me anytime too, does this mean I can't call him/her anytime I want now?

The first priority of the carers at JOS – Yayasan Cinta Kasih Anak is to take care of the children entrusted to us. Phone calls can be made, but need to be scheduled. The children have their own schedules for school, extracurricular activities, activities and tasks within JOS – Yayasan Cinta Kasih Anak. We prefer not to interrupt these schedules to have rest and regularity. Therefore please schedule your phone call at least 24 hours upfront with our staff.

5. Can I send cash for my sponsored child?

When you want to send cash for your sponsored child, we kindly ask you to specify what the cash is meant for. We try to teach every child responsibility in dealing with money.

6. Why does the policy seem to be making the relationship between me and my sponsored child worse?

We understand that the updated policies in JOS – Yayasan Cinta Kasih Anak seem to distance the relationship between sponsor and child. This is not the objective of the Child Safeguarding Policy. Indonesia has strong National Standards of Care in Child Welfare Institutions (the Decree of the Minister of Social Affairs of Indonesia 2011). This decree goes further and beyond the Rights of the Child of the United Nations. The implementation of this decree is still low, but as JOS – Yayasan Cinta Kasih Anak we need to take any standard seriously, to be compliant and professional. We must make sure that any child entrusted to us is safe.

We can only ask for your understanding and appreciation in our strive to be compliant with national and international standards of care.

USED SOURCES

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