

Network of Asia and Pacific Producers Policy and Procedure for Protection of Children and Vulnerable Adults

December 2017

To implement with: Network of Asia and Pacific Producers (*NAPP*), Fairtrade/*NAPP* organizations of workers and producers, *NAPP* personnel, volunteers working with *NAPP*, *NAPP*'s Board of Directors and various committees, and any other person representing the organization who is in contact with children or vulnerable adults while working or officially travelling for *NAPP*.

Strategy: *NAPP*'s approach is to have a system that promotes the protection of children and vulnerable adults, to take actions aimed at achieving the elimination of child and forced labour, including related abuse and exploitation.

A. PURPOSE:

The United Nations Convention of the Rights of the Child and The Universal Declaration of Human Rights enshrine and promote individual's rights, including children's rights in the World.

At *NAPP* (Network of Asia and Pacific Producers), we support these Rights and we are working to assure recognition for the rights of children and vulnerable adults to protection, development and well-being. We are committed to acting to protect children and vulnerable from any and all threats or harm.

NAPP expects all *NAPP* personnel, the organizations of small producers and workers, our Board of Directors and its Commissions, and any other person contracted temporarily by *NAPP* to factor in the best interests of children and vulnerable adults as reported by them as the basis of their relationship with us.

This Policy for the Protection of children and vulnerable adults is based on our Position that recognizes their rights above all, and we are committed to guaranteeing that our actions are in accordance with the principles of the UN Convention on the Rights of the Child and the UN Declaration of Human Rights, especially pertinent articles for the protection of children and vulnerable adults.

NAPP will actively take steps to assist in guaranteeing we will act to protect the rights of children and vulnerable adults against harm, abuse or exploitation .

B. DEFINITIONS: *child*: Any person under 18 years of age.

Child labour:

There is no universal definition of “child labour” but the primary international and legal instruments defining child labour are the relevant International Labor Organization (ILO) Conventions and the UN Convention on the Rights of the Child (CRC).

According to the ILO, child labour is work that:

- is mentally, physically, socially or morally dangerous, exploitative and harmful to children; and
- interferes with children’s schooling by:
 - Depriving them of the opportunity to attend school;
 - Obliging them to leave school prematurely; or
 - Requiring them to attempt to combine school attendance with excessively long and heavy work.

Work referred to as dangerous work because, whether due to its nature or the conditions in which it is carried out, it endangers the physical, mental or moral well-being of adolescents or children who are above the minimum age for working.

Any of the unquestionably worst forms of child labour, internationally defined as slavery, human trafficking, debt bondage or other forms of forced labor, such as forced recruitment of children to be used in armed conflicts, commercial sexual exploitation and pornography, or illegal activities.

Child protection:

At NAPP we define Child Protection as actions that are taken to protect children from the worst forms of labour, violence, exploitation, abuse and neglect, and that at the same time, support children’s well-being and development.

Child well-being and development:

Children develop, and acquire abilities and knowledge, in preparation for becoming productive adults and active citizens, and they do so in a positive atmosphere of well-being. Acquisition of skills and knowledge occurs through formal/professional education and through work and life experiences, including playing.

Forced labour:

Forced labour includes work or service exacted from a person under threat or penalty or for which the said person has not offered him or herself voluntarily, as well as slavery and abduction, misuse of public and prison works, forced recruitment, debt bondage and domestic workers under forced labor situations, and national or international human trafficking for labor or sex purposes, which includes slavery and practices similar to slavery. ILO definitions of forced labor include the

unconditional worst forms of child labour (as specified in ILO 182).

Vulnerable adult:

A person who is above 18 years of age and is incapable of protecting himself/herself against significant harm or serious exploitation originating primarily from forced labour practices.

C: POLICY SCOPE:

This policy is applicable to all NAPP personnel, and to the NAPP Board of Directors and its Committees. It explains responsibilities and the procedures to be followed by all persons who represent and/or are contracted by the organization, and who are particularly in contact with children as they work or officially travel for NAPP.

Furthermore, NAPP invites the National Networks and the Organizations of small producers and workers to also promote the application of this policy within their own structures and/or the development of their own policies and procedures on the basis of this NAPP general policy.

D. DECLARATION:

NAPP commits to TAKE PREVENTIVE ACTIONS in favor of the well-being of children and vulnerable adults, AND WHEN NECESSARY, PROVIDE SUPPORT LEADING TO PROLONGED PROTECTION in each case of abuse or exploitation, including the worst forms of child labour or forced labour that might present itself in the context of Fair Trade production in this continent (Asia and the Pacific).

With these actions, NAPP seeks to actively protect children, adolescents and vulnerable adults from any harm, and to promote the full exercise of the Rights of children and vulnerable adults to protection. We take seriously our responsibility to promote practices that are safe for children and for vulnerable adults, and to act to protect them from all forms of mistreatment, abuse and exploitation of any kind. In addition, we promise to take actions to protect children and adults who report abuses or exploitation.

These practices will be primarily focused on the following :

- Training for NAPP's personnel, Board of Directors, National Networks, Organizations of producers and workers, communities within the area of influence of Fairtrade production (when possible), volunteers and any other person representing the organization. This training will be focused on the definition of child labour, including the worst forms of child labour and forced labour, and compliance with the part of Fairtrade standards referring to such.
- Assistance to member organizations in the implementation of projects focused on child development, well-being of vulnerable adults and generational replacement.
- Assistance to producer organizations in identifying and responding to child and forced

labour, including gender based violence allegations or incidents,

- Technical assistance to member organizations interested in establishing systems of youth inclusive, community based monitoring and remediation system as developed by Fairtrade International or other experts.
- Creation of alliances with agencies specializing in the protection of children and vulnerable adults, that are also based on the UN Convention on the Rights of the Child and that promote respect for ILO 138 as well as ILO 182, and are based on ILO conventions 29 and 105, including 111 on forced labour and discrimination in order to be able to support and provide us with advice when a case with a clear testimony presents itself, to be reported to the corresponding protection authorities or expert organizations to ensure no further harm occurs to impacted persons suspected in child or forced labour or facing gender based violence.
- We also make a commitment to inform the corresponding national protection entities and authorities, while guaranteeing the highest level of confidentiality, regarding any act of abuse or exploitation of children or vulnerable adults that we become aware of within the area of Fair Trade production or processing. Our decisions and actions will be guided by the principle of “the best interests of children or vulnerable adults,” while always protecting their integrity.

E: PROCEDURES:

The purpose of the following procedures is to assure that NAPP personnel as well as the NAPP Board of Directors, Commissions and persons and/or organizations representing and/or linked to the organization:

- Understand, from a perspective of the human rights the worst forms of child labour, such as slavery, child trafficking, debt bondage and other forms of forced labor, such as forced recruitment of children and vulnerable adults to be used in armed conflicts, commercial sexual exploitation and pornography, and illegal activities.
- Clearly understand the expectations for protection of children and vulnerable adults, and respect NAPP’s Code of Conduct, as described in Annex A.
- Understand and defend NAPP’s Policy and Procedures for Protection of Children and Vulnerable Adults, and confirm such by signing a specific form provided in Annex B.
- Understand where to safely report these cases or allegations of violence, exploitation and abuse, and the steps to follow as an individual, to take safe action to protect children and vulnerable adults.

With these understandings, NAPP’s personnel and Board of Directors and Commissions:

- Report immediately, to the CEO or her/his designees, any case for which credible

knowledge is possessed with respect to the abuse or exploitation of children or vulnerable adults, in accordance with NAPP's applicable procedures and using the report form provided in Annex C. The NAPP Chair will be informed of allegations and cases and work with CEO and her/his designees to take decision on suggested overall actions to protect the impacted child or vulnerable adult. The CEO or her/his designees have the responsibility to execute the decision to take action on the basis of the best interests of the child or vulnerable adult, identified in line with organizations having expertise regarding the rights of children and vulnerable adults. This may signify reporting the case directly or indirectly to an protection agency or agent responsible for national protection of children and vulnerable adults, assuring the long-standing well-being of children and vulnerable adults.

- Respond to credible knowledge of the possible abuse or exploitation of a child or vulnerable adult, in accordance with NAPP's applicable procedures, and proceed to take actions leading to the reporting of the case, while always respecting the best interests of children and vulnerable adults, ensuring that we do not cause them further harm through our actions.
- Cooperate totally and confidentially in any investigation of abuse or exploitation of children or vulnerable adults, when requested by NAPP's CEO or her/his designees. No individual (employee, hired worker or representative of NAPP) may conduct an investigation or generate additional information without having received a specific request from the CEO or her/his designees.
- Contribute to creating an environment in which children in particular are respected and encouraged to talk about their concerns and their rights.
- Always request permission from children (ask parents or guardians to sign an authorization) before taking photographs or video of them or interviewing them. Respect their decision when they say "NO" to any of these possibilities. Stories and images of children should be based on their best interests. No child or vulnerable adult in child or forced labour, including gender based violence will be photographed; their consent to be photograph will considered null and void as their vulnerable situation disallows consent. Protection will take priority over all matters.
- Be aware that if there is information regarding the behaviour of NAPP personnel, NAPP's Board of Directors or Committees, or any other person representing the organization, in relation to the protection of children or vulnerable adults, and/or in the case of non-compliance with this Protection Policy, it will be safely reported to and investigated by NAPP's trained CEO or Designee, and/or through a complaint filed with the corresponding authorities, for investigation in accordance with the law. If an allegation or report is to be made against the CEO or designee conflict of issues will be avoided by reporting to the next in line management and/or Chair of the NAPP board.
- Be familiar with these procedures in the Policy for Protection for Children and Vulnerable Adults, and have clear knowledge of Fairtrade Standards regarding child labour and forced labour, particularly in aspects that may need a response from a child/vulnerable adult protection perspective, as indicated in the present Policy.

F: COMMUNICATION PROCEDURES:

- All information associated with the topic of protection for children and vulnerable adults is NAPP's privileged information, and as such, internal and external communications of this information will follow strict procedures that will require employees and/or persons acting under NAPP to sign additional agreements on confidentiality, as deemed necessary by the organization's legal representative. This will be decided on a case-by-case basis.
- All information on the topic of protection for children and vulnerable adults is sensitive by nature, and it is important that the appropriate precautions are taken when communicating this information. It is the responsibility of both the providers and receivers of information associated with the protection of children to be certain that only designated receivers are those receiving such and having access to such. Therefore, any communication in this regard must be labelled **CONFIDENTIAL** under the "Subject" of an email, as well as in the text of the email message and in attached documents.

At no time may a person decide on their own whether information or action to protect children or vulnerable adults will be disclosed to another entity or individual, or taken, even if the person releasing the information or determining the action to be taken believes by doing so, the best interests of the child or vulnerable adult will be achieved or maintained.

- Any person with privileged information on protection must first discuss his/her wishes to share such information with an entity within or outside the Fairtrade system with NAPP's CEO or her/his designees. This also applies to NAPP's CEO and Chairman.
- When NAPP's CEO or her/his designees receives an allegation or information regarding the worst forms of child labor or forced labor, including gender based violence, he/she has a commitment to take actions to report the case in less than 15 work days.



APPENDIX A

NAPP's Protection for Children and Vulnerable Adults Code of Conduct

I, _____ [insert name], acknowledge that I have read and understand NAPP's Protection Policy, and agree that in the course of my association with NAPP, I must:

- > treat children and/or vulnerable adults with respect regardless of race, colour, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status
- > not use language or behaviour towards children or adults that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate
- > not engage children under the age of 18 in any form of sexual intercourse or sexual activity, including paying for sexual services or acts
- > not engage in any form of sexual harassment or related misconduct with any person above the age of 18 years working at NAPP, producer organizations or partner organizations
- > wherever possible, ensure that another adult is present when working in the proximity of children or vulnerable adults,
- > Not invite unaccompanied children into my home, unless they are at immediate risk of injury or in physical danger in which case must obtain permission from a supervisor and have another adult present.
- > not sleep close to unsupervised children
- > use any computers, mobile phones, video cameras, cameras or social media appropriately, and never to exploit or harass children or vulnerable adults, access exploitative material through any medium
- > not use physical punishment on children
- > not hire 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 local legislation, including labour laws in relation to child and forced labour, including gender based violence.
- > immediately report concerns or allegations of exploitation and abuse and policy non-compliance in accordance with appropriate procedures, as set out in the NAPP Protection Policy
- > immediately disclose all charges, convictions and other outcomes of an offence, which occurred before or occurs during my association with NAPP that relate to exploitation and abuse

I understand that any breaches of this Code of Conduct, must be immediately reported in accordance with appropriate procedures, and may result in suspension or termination of employment with NAPP.

Signed:

Dated: 17th Jan 2020

Chair of Board: Mr. Gnanasekaran Rajaratnam

Chief Operating Officer: Mr. Sanjeet Singh Khurana

appropriate action might include speaking or writing to the person and/or their supervisor about their behaviour or, in very serious cases, banning them from the premises or terminating a contract with them.

40. If the case is a case of sexual harassment, the harasser will be informed and their contract will be immediately terminated. A report to the national protection agency or police will be made. Furthermore, no compensation of any kind would be provided, including reference letters for other jobs.
41. Any person working for or representing NAPP who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to disciplinary action.

Q. Appeals

42. If the complainant or the subject of the complainant if filed on behalf of this person and/or the harasser or bully not satisfied with the outcome of the investigation, they may appeal in writing to the NAPP ICC and the HR Committee of the Board stating the full grounds of appeal, within one week of the date on which the decision was sent to them.
43. The ICC with three members of the NAPP board HR committee will hold an appeal meeting, normally within one week of receiving your written appeal. This will be dealt with impartially by members who have not previously been involved in the case (although they may ask anyone previously involved to be present). Either party can bring a representative for this meeting.
44. The NAPP HR Board Chair and CEO or COO will confirm the final decision in writing, usually within one week of the appeal hearing. This is the end of the procedure and there is no further appeal.

R. Review of this Policy and Procedures

45. This Policy will be reviewed three years after it has been signed and approved by the NAPP board.

Signed:

Dated: 17th Jan 2020

Chair of Board: Mr. Gnanasekaran Rajaratnam

Chief Operating Officer: Mr. Sanjeet Singh Khurana



Appendix C Protection Reporting Form²
Initial Report

**CONFIDENTIAL – THE
FOLLOWING WILL BE SHARED ON
A 'NEED TO KNOW' BASIS ONLY**

Complete form including as much information as possible.

What is being reported?

- Allegation of abuse - general suspicion/concern that abuse may be occurring
- Incident of abuse – witnessed actual abuse
- Protection complaint – disclosure by child and/or adult

Report details:

Time: _____ Date: _____ Place: _____

Reporter's details:

Name: _____ Nationality: _____

Address/ Contact details:

Date of Birth: _____ Age: _____ Gender: Male/Female

Relationship to victim:

Occupation: _____ Employer

Alleged Victim's Details: (complete as much as possible if known)

² This form has been adapted from a child rights organization's child protection reporting documents, specific reference should be made to Plan International 2009