



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

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

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

Strategy: FT 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 FT 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.

FT NAPP expects all FT NAPP personnel, the organizations of small producers and workers, our Board of Directors and its committees and any other person contracted temporarily by FT 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.

FT 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:

Definition of Fairtrade FT NAPP & Staff. - Fairtrade FT NAPP & staff refers to staff members, Board members, producer and worker organizations, volunteers, communities, consultants, and any other person engaged with FT NAPP for any assigned work.

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:

- a. is mentally, physically, socially or morally dangerous, exploitative and harmful to children; and
- b. interferes with children's schooling by:
 - i. Depriving them of the opportunity to attend school;
 - ii. Obliging them to leave school prematurely; or
 - iii. 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 FT 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 in need of protection: It is one who has suffered significant harm, is suffering significant harm or is at unacceptable risk of suffering significant harm; or does not have a parent, guardian, or care giver able and willing to protect the child from harm.

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:

1. A 'child' is any person under the age of 18; 'children' are to be construed accordingly. Particular care shall be afforded to a child under the age of 16.
2. A 'vulnerable adult' is a person aged 18 or over whose ability to protect him- or herself from neglect, abuse, or violence, is significantly impaired on account of disability, illness, or otherwise.

Definition of Abuse here are different legal and operational definitions of child abuse across all countries. All definitions refer to the physical or psychological damage caused to another person by the abusive behaviour of others, or the failure of others to protect from such damage. Most commonly, the categories of abuse cover sexual, physical and emotional abuse, neglect, and exploitation.

Child abuse as defined by UN Convention on Right of the Child refers to circumstances where a child's basic needs are not being met in a manner that is appropriate to his/her individual needs and stage of development and the child is, or will be, at risk through avoidable acts of commission or omission (neglect, emotional abuse, physical abuse and sexual abuse).

Abuse of vulnerable adults can constitute the physical, psychological, emotional, financial, or sexual maltreatment (including pornography) or neglect of a vulnerable adult by another person. The abuse may be a single act or repeated over a period of time, it may take one form or a multiple of forms (neglect, emotional abuse, physical abuse and sexual abuse). The lack of appropriate action can be a form of abuse.

Physical abuse is the use of physical force that may result in bodily injury, pain, or impairment.

Psychological abuse is a pattern of non-physical behaviour which can seriously interfere with a child's cognitive, emotional, psychological, or social development sometimes causing more lasting harm to a young child's development than overt physical abuse.

Abuse of power is defined as the wrongful application of power by someone in dominant position. Whether abuse occurs in institutions or in the home, it involves the elements of a power imbalance, exploitation and the absence of full consent. It also involves acts of omission and commission.

Definition of Sexual Abuse & Sexual Exploitation

Sexual Abuse is actual or threatened physical intrusion of a sexual nature, including inappropriate touching, by force or under unequal or coercive conditions. For a child under 18, consent is not a defence. Sexual abuse includes sexual behaviour involving two or more people in the following circumstances:

- 1 or more persons bribe, coerce, exploit, threaten or is violent toward the affected person;
- the affected person has less power than the other person(s);
- there is a significant disparity between the affected person and the other person(s) in intellectual capacity or maturity.

Sexual Exploitation is sexual coercion and manipulation (all types of sexual acts including pornography) by a person in a position of power providing any type of assistance in exchange for sexual acts. In these situations, the survivor believes that she or he has no other choice than to comply; this is not consent and it is exploitation. Exploitation happens when a person misuses his or her power to profit sexually or otherwise from someone who needs something from the exploiter. Children in sexually exploitative situations and relationships may receive something such as gifts, money or affection as a result of performing sexual activities or others performing sexual activities upon them. The same applies to vulnerable adults.

Definition of Exploitation: Exploitation is the intentional ill-treatment, manipulation or abuse of power and control over a child or adult; to take selfish or unfair advantage of a child or adult, for personal gain. It may manifest itself in many forms such as child or adult labour, slavery, servitude, engagement in criminal activity, begging, benefit/financial fraud or child trafficking. It extends to the recruitment, transportation, transfer, harbouring or receipt of children for the purpose of exploitation.

Definition of Youth: Youth is best understood as a period of transition from the dependence of childhood to adulthood's independence. That's why, as a category, youth is more fluid than other fixed age-groups. Yet, age is the easiest way to define this group, particularly in relation to education and employment, because 'youth' is

often referred to a person between the ages of leaving compulsory education, and finding their first job. As per FT NAPP the age group of youth members are from 18 years to 30 years.

C: POLICY SCOPE:

This policy is applicable to all FT NAPP personnel, and to the FT 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 FT NAPP.

Furthermore, FT 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 FT NAPP general policy.

D. CONFIDENTIALITY: Every aspect of a Case Management should be kept confidential. Maintaining confidentiality is critical to the integrity of a process. There can be serious consequences for failing to ensure that confidentiality is maintained. These consequences include

- Damage to someone's reputation if others learn that the allegations were made.
- The success of the case management can be undermined if others know of the process.
- The subject of the particular case could try to cover-up any misconduct if they learn they are being discussed.
- The producer network may face liability or negative publicity.
- The producer network ability to defend any legal action associated with the matter could be compromised.
- The disclosure of the information could cause retaliatory action

E. Preventing Retaliation: Those who report possible or actual misconduct and those who cooperate in a case management must be protected from retaliation. It can occur at any time, not only after an incident is reported or at the time of case processing.

F. Timeliness: Each case is unique in some way. There are varying levels of complexity and time requirements. But each case needs to be done promptly. Timeliness is certainly, part of professionalism, but it is important for other reasons:

- Vulnerable people should be cleared as soon as possible.
- Corrective action is generally more effective when taken sooner.
- Minimum of 15 days will be taken for case processing
- a minimum of one year will be the remediation and mitigation process

G. PROCEDURES:

The purpose of the following procedures is to assure that FT NAPP personnel as well as the FT NAPP Board of Directors and its committees 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 FT NAPP's Code of Conduct, as described in **Annex A**.
- Understand and defend FT 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, members can be confident to report the incident or allegation or trigger to the protection focal point.

Protection Focal Person:

1. FT NAPP Executive Director

Name: Mr. Sanjeet Singh Khurana

Email: sanjeet.khurana@fairtradenapp.org

Country: APAC

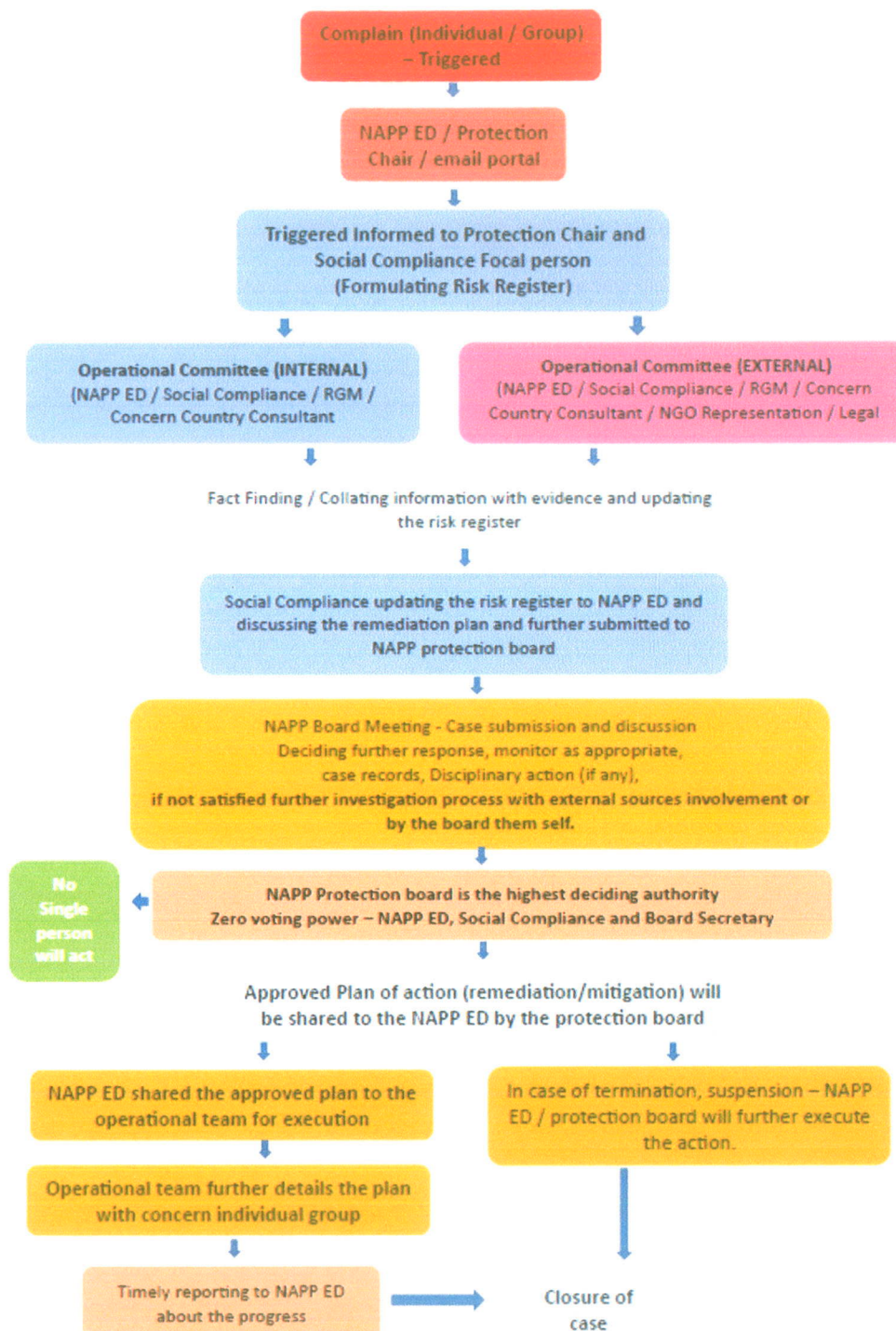
2. FT NAPP Senior Manager – Social Compliance at Risk

Name : L.Sonia Dominica

Email : sonia.dominica@fairtradenapp.org

Country: APAC

H. FT NAPP Reporting and case management



I. Key requirements for the case management

1. When requested by FT NAPP Executive Director or her/his designees, this process will be confidential, cooperation during the investigation of the abuse and

exploitation of children and vulnerable adult becomes critical.

2. No individual (employee, hired worker, or FT NAPP representative) may conduct an investigation or generate additional information unless the FT NAPP Executive Director or her/his designees specifically request it.
3. It is critical for any individual within the organization to be able to report suspected inappropriate behavior without fear of retaliation.
4. It is also critical that individuals outside the organization are able to report suspected wrongdoing by another organization's employees
5. Every allegation of wrongdoing should be considered and evaluated for a potential investigation.
6. Internal audit should consider a periodic review to ensure all of the above and provide assurance to top management and the FT NAPP protection board that the allegation and investigation processes are appropriate.
7. If the case is related to individual then permission from Child (Parents or Guardians to sign the authorization) .

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.

8. 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.

9. An case process protects the interests of the Company and its producers' organization or Staff by

- (i) preventing and detecting misconduct and violations;
- (ii) ensuring that corporate activities comply with applicable laws and regulations pertaining to the country; and
- (iii) identifying areas of improvement for internal business operations.

Therefore, an case management is not conducted simply to uncover sufficient facts to justify a result or to just record somewhere that the incident occurred.

J. COMMUNICATION PROCEDURES:

- All information associated with the topic of protection for children and vulnerable adults is FT 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 FT 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 INTEREST OF CHILDREN** or vulnerable adult will be achieved or maintained.

- Access to the policy: Fairtrade FT NAPP will ensure that a hard copy of this policy will be available in all its offices and farmer producer organization in their operational areas. The policy will be translated into local language where possible.
- Sensitization: All children and vulnerable adults will be made aware of their rights, what constitutes abuse, exploitation and neglect against them and the message should be communicated to them regarding whom they should report to, or seek advice from, if they feel they have been violated or offended in any way.
- General Awareness: Focal person of fairtrade FT NAPP will ensure that visual friendly notices are displayed about the existence of this policy in appropriate language in all offices and where ever possible. The policy will also be circulated to other stakeholders and opportunities will be taken to promote the policy and provide awareness for everyone on this policy or related matters during meetings, other trainings and via regular communications.
- Online information: All organizational policies related to Fairtrade FT NAPP are available online to the public on Fairtrade website and social media platforms.
- 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 FT NAPP's Executive Director or her/his designees. This also applies to FT NAPP's Executive Director and Chairman.
- When FT NAPP's Executive Director 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.

K. DECLARATION:

FT 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, FT NAPP seeks to actively protect children, adolescents / Youth 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 FT 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.
- The code of conduct to be strictly followed.
- 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.

L. Appeals: There may be times when an individual, Subject disagrees with a decision made by protection committee, which results in the receiving a disciplinary action or in a decision affecting the individual's or group action, in that situation, the scope of appealing to the protection team directly can be done.

Appeal can be done on grounds of:

1. If the matter cannot be resolved informally, or if the individual chooses to appeal without discussing the issue with his/her manager, then the appeal procedure may be initiated.
2. To initiate an appeal, the individual or producer member must be given written notice to the FT NAPP Executive Director and Chair of the Protection committee.
3. The Executive Director will be completely incharge to take the appeal without involvement of any other person along with chair of protection committee.

4. The decision will be informed over email.

M. Documentation:

1. All records and documents pertaining to the case will be kept with FT NAPP executive director and a copy with the social compliance.
2. In case any of the subject or other members within the system need further information about a case, then letter of permission to FT NAPP executive director needs to send via email.

N. Review of this Policy and Procedures

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

Approved:

Date: 05.04.2023

Chair of FT NAPP Board: Mr. Pravakar Meher



FT NAPP Executive Director: Mr. Sanjeet Singh Khurana



Members Declaration

I _____ acknowledge that I have read and understand FT NAPP's Protection of Children and Vulnerable Adults, and agree that in the course of my association with FT NAPP.