

DON BOSCO FOUNDATION OF CAMBODIA

POLICY ON THE PROTECTION OF MINORS AND YOUNG ADULTS

Policy revised on December 2016, last updated on August 4, 2018 and approved on August 11, 2018 by CMY FMA Provincial Council and on October 27, 2018 by the Salesian Delegation Council of Cambodia.

1. Introduction

- 1.1. Commitment: We, the Salesian Fathers, Brothers and Sisters of Don Bosco, working in Cambodia as members of the Don Bosco Foundation, together with all the other members of the Educative Community (which includes teaching and non-teaching staff, volunteers, other young people, collaborators, parents and any others who may participate in the Educative Community from time to time) consider it to be our privilege and responsibility to support the lives and dignity of each and every person we serve, especially the poor children and young adults we educate.

Educative experience: The foundation of our commitment is for the good of the poor children and young adults that we serve; to assure them of an educative experience that is healthy, promotes positive and transparent processes and enables their integral development. In accordance with our educative approach, which is based on the Preventive System of Don Bosco, we will establish relationships that are built on respect and trust with the children and young adults in our care. Any member of the DBFC or any person operating within the context of the DBFC's programs and activities who violates this trust will be in breach of this policy. His/Her behavior will be considered morally unacceptable and an abuse of the trust and respect mentioned above. Serious breaches of Section 1.2 of this policy will be referred to the appropriate legal authorities.

- 1.2. A special Commission, appointed by the DBFC Delegation, will take appropriate measures for the prevention of abuse of any kind (psychological, physical, sexual or any other) and will responsibly intervene in situations of alleged misconduct by the members of the Educative Community.

Children, young adults and members of the Educative Community have a right to file an allegation to the Delegate in relation to a breach of this policy without fear of recrimination or intimidation in any form.

The follow-up process – which will be carried out by an independent appointee of the DBFC Delegation and in close collaboration with the Delegate will - ensure that to the best of the DBFC's ability, no such recrimination takes place and that a thorough and appropriate investigation is carried out.

- 1.3. Pastoral and Professional Approaches: We intend to protect the dignity and personal rights of all concerned parties while providing support and care for the victim. The Commission will comply with all applicable laws and international ethics.

- 1.4 Responsibilities of the Commission: The Commission is committed to a compassionate response when any alleged incident of abuse occurs.

The Commission will seek:

- 1.4.1. To treat each involved person with respect and without prejudice;
- 1.4.2. To promptly and completely comply with the requirements of the law; and
- 1.4.3. To protect the reputation and well-being of the FMA community, the Salesian Community and the members of the Educative Community.

2. Guiding Principles:

- 2.1. The Salesian Educative Community is committed to the physical, psychological and spiritual well-being of all of the children and young adults under our educative care in Cambodia. We oppose all forms of exploitation and abuse of minors and young adults. We safeguard and defend the interests of minors and young adults and guarantee their security and protection in our institutions.
- 2.2. The Salesian Educative Community believes that all children and young adults have the right to protection from abuse regardless of race, social background, age, gender, sexual orientation / LGBTI status, skin color, disability, religion, or beliefs.
- 2.3. The Salesian Educative Community believes that remaining silent is wrong when it is known that a child or a young adult is being abused or exploited.

2.4. The Salesian Educative Community is committed to complying with the laws and regulations of the Kingdom of Cambodia and international conventions on children's rights and welfare, including the UN Convention on the Rights of the Child (adopted by the Royal Government of the Kingdom of Cambodia in 2002) and the Convention on the Minimum Age of Working Children (adopted in 1999).

2.5. The Salesian Educative Community is committed to the protection of children and young adults in its care and also to the protection of the reputation and integrity of the members of the Educative Community.

2.6. The Salesian Educative Community believes that children and young adults have needs and rights:

- The need for physical care and attention to their person
 - The need to be intellectually stimulated
 - The need to be loved and to feel safe
 - The need for social contacts and relationships
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- The right to have their needs acknowledged and met
 - The right to be protected from abandonment, abuse and exploitation
 - The right to be protected from discrimination
 - The right to be treated with dignity

We believe that children and young adults have the right to speak about their situations and to be listened to. The opinions and statements of children or young adults will be taken seriously and, where possible, children or young adults' input will be sought in the planning, implementation, and evaluation of our Educative action.

2.7 All members of the Educative Community are at all times responsible for their behavior towards children and young adults.

3. Explanation of Terms

In this Policy, the following terms and expressions shall have the following meaning and definition:

3.1. "child": refers to children and young people up to the age of 18 in the care of the Salesian Educative Community.

- 3.2. “Commission”: refers to trained and qualified persons who assist the Head of the Commission (a Salesian Father or Sister designated by the FMA Provincial and Delegate of the SDB with authority at Country level) in the management of cases of abuse.

It is composed of:

- The Head of the Commission – Fr. Ceferino Ledesma, SDB
- A Salesian Father or Sister – Sr. Lakana Yawasang, FMA
- A lawyer – Sok Siphana and Associates
- A doctor – Dra. Marissa Regino & Dr. Sok Aun
- A psychologist/psychiatrist – Mrs. Chea Samnang & Dr. Lor Vann Thary

- 3.3. “Delegate”: refers to the head of the Don Bosco Foundation of Cambodia.

- 3.4. “Director of the Community” refers to the Salesian Father or Sister who is responsible for all the activities of the Institution or House where specific educative experiences take place (e.g. Sihanoukville, Kep, Poipet, Battambang, Phnom Penh).

- 3.5. “emotional abuse”: means the persistent emotional ill treatment of a child or a young adult in such a way as to cause any adverse effects on his/her emotional development. This may happen by conveying the message that the child or the young adult is of no worth or, as a result of neglect (the failure to pay proper attention to the needs of the child or young adult) the child comes to feel that they are unloved or that he/she is inadequate or that he/she has value only to the extent that he/she can fulfill the needs of another person. It also consists in having expectations beyond the age of the child or exacting interactions disproportionate to the developmental level of the child. It includes excessive protection and limitation of the possibility for the young person to discover and learn during a crucial period of childhood development. It includes preventing the child or the young adult from freely participating in normal and accepted social interactions.

Emotional abuse includes hearing and witnessing the ill treatment of other minors/young adults or other forms of bullying that cause minors/young adults to be frightened or feel endangered. It includes any form of exploitation or corruption of any kind of minors/young adults. Emotional abuse is present in any form of ill treatment of minors/young adults, even in one-off or isolated cases.

- 3.6. “International conventions”: refers to international conventions and related instruments pertinent to the rights and welfare of children, including the UN Convention on the Rights of the Child (adopted by the Royal Government of the Kingdom of Cambodia in 2002) and the Convention on the Minimum Age of Working Children (adopted in 1999).
- 3.7. “neglect”: means persistent incapacity to meet the basic physical and psychological needs of the child or young adult, with the risk of creating serious harm to his/her health and development. Neglect involves a lack of support for and attention to the essential rights of children set out by UNICEF as the right to life, survival and development; and the right to participate.

This policy favors an understanding that it is a gross neglect to fail to protect a child from harm, from physical and emotional danger, or to fail to provide adequate and timely assistance. This understanding includes entrusting the child to unsuitable people to care for him/her, or the failure to provide adequate medical care and treatment.

- 3.8. “Physical abuse”: means any physical mistreatment or punishment of children or young adults such as beating (including with a stick or other implements), poisoning, numbing, shaking, throwing, smothering, burning or scalding, drowning or any other methods of causing physical injury to a child or a young adult. Physical damage may also be caused by forcing a child or young adult to work in an unsafe way or hazardous environment, or by giving the child or young adult alcohol or illicit drugs. It also includes incidents where a parent or a care-giver deliberately causes the minor to become ill by administering unnecessary medications or drugs, or confining a child or young adult to a poorly ventilated room etc.
- 3.9. “Preventive System”: is the educative method of Don Bosco based on reason, religion and loving-kindness. A copy of this Preventive System has been placed in the Annex to this Policy and a more detailed explanation is available upon request.

- 3.10. “Salesian Educative Community” (hereinafter referred to as “SEC”): refers to the Salesian Fathers, Brothers, Sisters, parents, any long-term or short-term foreign and Cambodian staff, foreign and Cambodian collaborators, volunteers and young people.
- 3.11. “SDB”: is the acronym for Salesians of Don Bosco
- 3.12. “Sexual abuse”: means to compel or induce a child or young adult to participate in sexual activities including prostitution with or without the knowledge of what is happening. Such activities may involve physical contact including penetration (for example violation, sodomy and oral sex) or non-penetrative acts (such as fondling, caresses, kisses, etc.) The abuse can also include activities without physical contact such as letting the child or the young adult be involved in watching and/or in the production of pornographic images or to assist in sexual activities or encourage them to behave in inappropriate sexual behaviors.
- 3.13. “Touch” refers to any form of physical contact as deliberated in Clause 9 below;
- 3.14. “Young adults”: refers to students ranging from 18 to 25 in the care of the Salesian Educative Community.
- 3.15. Unless explicitly stated in any clause within this Policy, any mention of "laws" and/or "regulations" refers to the laws and regulations of the Kingdom of Cambodia.

4. Expected Behaviors

- 4.1. The Salesian Educative Community members are expected to treat all children and young adults with respect and dignity. Favoritism is not acceptable.
- 4.2. The Salesian Educative Community members shall sign a statement that they have read this Policy, will respect and adhere to it, and understand that appropriate action will be taken against them in any cases of inappropriate behavior or failure to report inappropriate behavior as set out in this Policy.

- 4.3. The reasonable disciplinary action taken against children or young adults, if required, shall be administered in a non-violent manner, and especially with a view to protecting and maintaining the dignity of the child or young person. Only appropriately empowered members of the Salesian Educative Community may carry out disciplinary actions and if such action must be taken, they must at all times keep in mind Don Bosco's educative method. Hitting, beating, slapping, pinching, and pulling hair or any behavior that could be considered similar to these is not permitted under any circumstances. Verbal discipline should be administered in a kind and caring manner (*please refer to the Preventive System of Don Bosco on corrections*).
- 4.4. The Salesian Educative Community members shall not invite minors/young adults to their homes when they are alone and are not permitted to enter the home of minors/young adult if the minors/young adults are alone there.
- 4.5. The Salesian Educative Community members shall not tell jokes of a sexual nature or allude to sexual behavior in the presence of children or young adults. In cases where it is necessary to engage in conversations dealing with sexual topics, a member of the SEC must show good judgment in their approach to such a discussion and display maturity, sensitivity and tact. All discussions in relation to sexuality or that include sexual topics shall be conducted in a respectful manner which affirms the principle that healthy sexuality is based on positive human relationships.
- 4.6. The Salesian Educative Community members shall not condone sexualized teasing or joking which children or young adults initiate with one another nor allow children or young adults to interact with one another in a manner that causes arousal or creates sexual stimulation.
- 4.7. Children or young adults rarely exhibit inappropriate sexual behaviors towards adults unless they have previously been traumatized sexually by an adult. Any obvious sexual behavior on the part of children or young adults shall be seen as a cry for help. The children/young adults may be *acting out* what happened as they do not know how to speak about it or even to understand what was perpetrated against them. By their actions, sexually traumatized children/young adults may be testing an adult to see if he or she is going to abuse them or if this adult can be trusted.

If children or young adults *act out* sexually towards any Salesian Educative Community member, it is the responsibility of the SEC member to exercise self-control and respond in a non-sexual, calm and neutral manner and divert the child or young adult's attention to a different and more appropriate activity. The SEC member must then immediately report the incident to the person in charge of their sector/division or if this is not possible another more senior member of the SEC in order that an appropriate response or intervention (if appropriate) shall be devised to address the child or young person's issues.

- 4.8. Salesian Educative Community Members shall report all inappropriate sexual behaviors of any children or young adult to the person in charge of each sector/divisions that the child or the young adult may receive appropriate guidance or professional counseling, if needed. These discussions shall be given the appropriate attention and treated with the seriousness that they deserve by the person in charge. If the reporting SEC member is unsatisfied with the inappropriate and insensitive handling of the matter by their superior, he/she shall be encouraged to utilize his/her best judgment and take the matter to the Delegate.
- 4.9. The Salesian Educative Community Members shall not enter into any type of sexual, romantic or conjugal relationship with the minors or young adults under their care. Any such relationship, if proven, shall result in the immediate termination of the Member concerned and appropriate disciplinary action and intervention would be taken on the minors or young adults without affecting their privacy and dignity.
- 4.10. Under no circumstance shall any member of the Salesian Educative Community hand out alcohol, tobacco or drugs to a child or the young adult in their care. Members involved in supervision/assistance or any other work with minors and young adults shall refrain from the use of alcohol, tobacco or drugs. SEC members shall not consume alcohol prior to carrying out any duty that could be considered a duty under the auspice of the DBFC.

- 4.11. Appropriate language shall be used when working with children and young adults. Media devices (such as mobile phones, laptops & tablets) and the media that is available for viewing/listening through them, most often via the Internet (such as videos & podcasts) and any other proposed activities that utilize media shall always be pre-viewed and used only according to the appropriate developmental age of the child or young person. While good judgment is expected of any SEC member who feels that their students would benefit from the consumption in class or the otherwise miscellaneous sharing of media, this Policy is very clear that any sexually explicit, pornographic or gratuitously violent materials are unacceptable and under no circumstances can be shown or shared with any children or young adults.
- 4.12. Children or young adults shall not be allowed to remain alone in any room or location unless there are at least two adults present, except if they are sick and are to be kept in the infirmary. Even there, the children shall be supervised frequently by the concerned staff.

Respect for physical integrity

- 4.13. The physical integrity of the children and the young adults shall be respected at all times.
- 4.14. Members of the Salesian Educative Community shall not engage in any inappropriate physical contact, including unduly rough games (combative games etc.), strong reprimands, jokes or stories that involve physical contact (rough tickling etc.); however, this should not prevent appropriately caring contact when a member of the SEC needs to assure a child or young adult of her/his safety and well-being (for example when a child is in trouble or feeling emotionally overwhelmed).

- 4.15. Any act/behavior that could be misinterpreted as negative touch must be avoided (e.g.: fondling, caresses, stroking, etc.).

Respect for privacy

- 4.16. The right to privacy of minors and young adults shall be respected at all times.
- 4.17. Special care for privacy shall be given when children or young adults are in the dressing room, showers, toilets and bedroom.
- 4.18. Photos are not be taken when children or young adults are in the dressing room or bathroom.
- 4.19. Certain tasks of a personal nature (such as going to the bathroom, washing or changing clothes) shall not involve any other person if the children themselves can do these actions without assistance. In the event that a child requires assistance, there shall be two adults present for the duration of the period that the assistance is provided.

Meetings with children/young adults

- 4.20. Salesian Educative Community members shall not be alone with children/young adult who are not their own offspring, in a room or location where other responsible adults cannot observe them. When meeting with an individual child/young adult, another adult should be able to observe them.
- The meeting will never take place in an obscured or isolated place. The timing and location of meetings between SEC members and children and young adult must ensure transparency, accountability and facilitate behavior of the highest order from the SEC member. For example, such meetings can be held in rooms with clear glass windows, in places where other people are present, or in places with open doors so that the SEC member's behavior can always be verified as being beyond reproach.

- 4.21. Where individual counseling of a child/young adult is appropriate, the adult shall inform another adult/supervisor in advance about the counselling session and where it will happen, in order to protect the child/young adult from abuse and the adult from false allegations.
- 4.22. Both the duration and the frequency of the meetings should be limited.
- 4.23. Parents or guardians shall be informed of any such meetings.

General trips and field trips

- 4.24. No member of the Salesian Educative Community shall invite or take just one child/young adult on a trip or excursion. Children/young adults shall always be in groups for outings. If it should happen that only one adult is available, international best practice demands that there shall be no less than 9 other children for the entire trip or excursion (a minimum of 10 students in total on the outing). SEC members shall ensure that Clause 4.23 is followed unless otherwise permitted by their supervisor. This permission shall be provided in writing to the SEC member and reported by the supervisor in writing to the Director of the Community.
- 4.25. In case of an emergency, when there is a need for an SEC member to make a trip with one child (to a hospital due to an injury or medical complication etc.), the parents or the guardian of the child shall be informed. If this is not immediately possible, another responsible adult shall be informed of the situation. It shall be clearly communicated to them that it is now their responsibility to continue to try to reach the parents to inform them of the situation. In this way, the child's emergency needs can be met by the original SEC member on the scene in a timely fashion so as not to compromise their survival.
- 4.26. All trips, outings, excursions or out of town sojourns, as well as parties shall be programmed in advance and adequate care shall be taken regarding transportation, security, facilities and equipment, venues, activities and emergencies.
- 4.27. Written consent from the parents or guardians of children/young adult shall be obtained no less than one week prior to the time of each trip and related activities.

- 4.28. Whenever possible, the parent representative of the class (or any other parents of the children participating) shall participate by going along on the trip.
- 4.29. The parents shall be strictly provided with a copy of the travel itinerary and a list of contact numbers.
- 4.30. Prior to the trip, all policies and procedures shall be made clear and publicized to all participants on the trip, and care must be taken that they are actually put into practice.
- 4.31. Particular attention shall be given to ensure that the children's privacy is respected during the trip.
- 4.32. Overnight stays shall be planned in adherence to the principles of child protection enunciated in this Policy.
- 4.33. Boys and girls shall be given separate assistance. Separate accommodation for boys and girls shall be provided. Adults of the same sex shall assist children with any activities involving the need to change or remove clothing or use the bathroom and shall always have another adult of that sex present.
- 4.34. Under no circumstances shall an adult sleep alone in a bedroom with a minor or a young adult. Under no circumstances shall an adult sleep alone with any group of children or young people.
- 4.35. Many Cambodians cannot swim so extra care shall be taken with supervision on outings to beaches, lakes, streams or rivers, or water parks. The safety of any location where children might be fully immersed in water shall be thoroughly checked by the supervising adult beforehand.

5. Knowledge of real or probable case of abuse and Response to Allegations.

- 5.1. The first responsibility of a Salesian Educative Community member who suspects or has been informed of an abuse shall be to report it to the most senior ranking Salesian or SEC member on site. They shall also make all reasonable efforts to follow up to make sure that the matter is taken seriously.

- 5.2. When an allegation has been made that a Salesian Educative Community member has abused a child or a young adult, the Commission shall take appropriate action to deal with the situation.

A child or young adult's allegation of sexual abuse shall be taken seriously and fully investigated. The Commission shall not dismiss that allegation of abuse without appropriate investigation. The child or young adult shall be listened to and notes of the conversation recorded.

He or she shall be made to acknowledge that the information provided by him or her may be disclosed if necessary to certain persons as what is alleged may need to be disclosed to other members of the Salesian Educative Community.

- 5.3. Both the child or young adult and the accused shall be treated with respect throughout the course of any investigation of abuse.

6. Response to Allegations.

- 6.1. Salesian Educating Community members shall inform the Person in charge of the Sector of any allegation or suspicion of abuse. The Person in charge of the Sector shall inform the Director of the Community and the Director of the Community shall bring the case to the Commission.

Disciplinary action shall be taken against anyone from the Salesian Educative Community who violates confidentiality in these matters.

The Commission shall propose an appropriate course of action for investigating and resolving any allegation of abuse. Referral to, or discussion with, a human rights organization or other outside agency may be appropriate.

- 6.2. In order to ensure the integrity of the investigation, there shall be no intimidation or attempt to influence the outcome of the investigation in any way. To avoid even the appearance of this, there shall be no communication or contact of any kind between, or on behalf of, the accused and the child/young adult, the child/young adult's family, or potential witnesses. In the event that there is an attempt by the accused to influence the outcome of the investigation in any way, the accused's employment shall be terminated.

- 6.3. In the case of a serious allegation against a Salesian Educative Community member, the SEC member shall be on leave during the course of the investigation. The salary of the individual shall continue to be paid during the course of the investigation.
- 6.4. Records shall be kept of all facts related to the investigation and these shall be carefully and confidentially filed in a secure location. Disclosure of information about past or present abuse of children or young adults and any of the persons involved shall be limited to the people who need to know. Those that need to know shall be decided at the discretion of the investigating official.
- 6.5. All relevant civil and criminal laws of the Kingdom of Cambodia shall be strictly adhered to. In the case of serious offenses committed in contravention of any law or regulation, the Commission shall inform the legal authorities of the incident. Pastoral care shall be given to the accused, but not in opposition to the law.
- 6.6. If allegations of abuse or criminal offense are substantiated, the individual in question shall not be permitted to continue working within any of the Salesian Institutions.
- 6.7. In the case of an accused expatriate, where allegations are substantiated, the Commission shall inform the organization that has taken on the person who has had the accusations substantiated against him/her to ensure that appropriate legal, disciplinary and psychological follow-up is undertaken with that individual.

Any of the following, or other, actions may be taken as the situation requires:

- Contacting embassies or consulates
 - Contacting appropriate local and/or international legal officials
 - Returning expatriate staff to their home countries
- 6.8. If any Salesian Educative Community member is concerned that an expatriate accused of abuse is not being dealt with appropriately, the concerned person shall speak directly to the Commission.

7. Procedures to be taken when there is an Allegation of Abuse

7.1. Response Procedures: in implementing the following procedures there shall always be more than one individual involved in the process acting on behalf of the Salesian Educating Community. The Person in Charge of the Sector shall take the following steps when he or she learns of an allegation of abuse by a Salesian Educative Community member.

7.2. Immediate Response

7.2.1. The Director of the Community shall interview the person reporting the alleged incident and shall inform the child/young adult's guardian.

7.2.2. The Director of the Community or someone delegated by him/her shall contact the person against whom the allegation has been made to investigate the facts of the case. They shall extend respect and at the same time retain the objectivity required to find out the facts during the investigation.

7.2.3. The Person in Charge of the Sector, the Director of the community or someone designated by them shall ensure that there is no contact between the child/young adult making the allegation of abuse and the accused person. There shall be no intimidation of persons involved and no discussion of the allegations with those who may be potential witnesses.

7.2.4. The Director of the Community shall suspend the accused person from his or her work position until the allegations of abuse have been resolved.

7.2.5. The Director of the Community shall see that adequate pastoral care is provided for all parties concerned.

7.2.6. The Director of the Community shall gather statements from the child/young adult, the accused, and potential witnesses in a timely fashion, the same day if possible.

7.2.7. All child witnesses shall be questioned using child-friendly techniques, with someone the child trusts in the room, if possible.

7.2.8. Competent language interpretation shall be provided as needed while interviewing the persons during the process of fact-finding and throughout the course of the investigation.

7.3. Investigation and Resolution

- 7.3.1. The Director of the Community shall gather all the information necessary to resolve the allegations of abuse. The file of confidential records kept by the Commission shall be checked for information about prior allegations. The Commission shall have the freedom to consult professionals or experts in investigating or evaluating an allegation. They shall also request a psychological evaluation of the child/young adult making the allegation, if required.
- 7.3.2. In each case, the Commission, in consultation with professional advisors and those delegated by him or her during the investigation, shall decide whether an allegation against the accused is “SUBSTANTIATED,” “UNFOUNDED,” or “UNSUBSTANTIATED”.
- 7.3.3. In a “SUBSTANTIATED” case, the Commission shall conclude that the allegation is proven and/or that the accused poses a risk to others. A Salesian Educative Community member found to have engaged in abuse of a child/young adult shall be terminated in accordance with this Policy. In a substantiated case, pastoral outreach to the child/young adult about whom the allegations were made, the person making the allegations and/or the accused shall continue as is feasible and as needed or requested by them or their families or as advised by a professional.
- 7.3.4. In an “UNFOUNDED” case, the Commission shall conclude that the allegations made were without substance; the accused did not engage in misconduct and does not pose a danger to others. The accused shall be returned to his or her position and any restriction shall be lifted. The child/young adult about whom the allegations were made or the person making the accusation and the accused will be informed of the decision in a sensitive/pastoral way; and pastoral assistance, including professional counseling, will be offered to the child/young adult and the accused for as long as is necessary and is feasible. An evaluation of the investigation should be done in all cases.
- 7.3.5. In an “UNSUBSTANTIATED” case, the Commission shall conclude that it is not possible to determine whether the accused engaged in abusive misconduct or not. The Commission is further unable to conclude that the accused poses any danger to others. In unsubstantiated cases, the Commission shall take care to respect the rights and feelings of all sides and will try to reach a prudent conclusion as the facts and circumstances may dictate.

In unsubstantiated cases, the Commission, if required, shall request that the accused undergo a psychological evaluation to determine whether he or she poses a risk to minors or others. Likewise, the Commission, if required, shall impose certain restrictions on the accused, such as limiting contact with children or young adults. If circumstances warrant it, the Provincial Vicar/SDB Delegate may provide pastoral assistance to the child/young adult and/or to the accused or the person making the allegation as is necessary and feasible.

An unsubstantiated case shall be reopened if additional facts are discovered which warrant such reopening.

7.4.Documentation

- 7.4.1. The Provincial Vicar/ SEC's Commission Head shall retain the complete file with all documentation pertaining to the incident regardless of the outcome of the investigation. These records shall be kept confidential at a secure location. These records are important even in an unsubstantiated case because there may be a problem in the future.

8. Peer to Peer Abuse

- 8.1. A child may be abused by another child as well as by an adult. When an allegation has been made by a child that he or she has been abused by another child, the Salesian Educative Community shall take the allegation seriously and take appropriate action to deal with the situation
- 8.2. A young adult may be abused by another young adult as well as by an adult. When an allegation has been made by a young adult that he or she has been abused by another young adult, the Salesian Educative Community shall take the allegation seriously and take appropriate action to deal with the situation.
- 8.3. If a Salesian Educative Community member sees the abuse of one child by another or one young adult by another he or she shall stop the abuse and report the incident to the Person in-charge of the Sector.

9. Guidelines on Touch

- 9.1. All physical contact with children or young adults should be in the open and observable by others. A hug in the context of a group is very different from a hug behind closed doors.
- 9.2. Touching a child/young adult should be related to the child's/young adult's needs and not the need of the Salesian Educative Community member.
- 9.3. Touch should be age-appropriate and generally initiated by the child/young adult rather than by the Salesian Educative Community member.
- 9.4. Physical activity which is, or could be, construed as sexually stimulating to the adult or the child should be avoided, even if the child initiates it.
- 9.5. It is not uncommon in Cambodia for adults to touch the genitals of children. In this Salesian Educative Community policy, any touching of the genitals of a child of any age or young adult is considered inappropriate and is not to be allowed except for medical or hygiene purposes.
- 9.6. Children and young adults are entitled to determine the degree of physical contact they have with others. If a child/young adult does not want physical contact, his or her wishes must be respected except in exceptional circumstances, e.g. when they need medical attention or are in physical danger.
- 9.7. Salesian Educative Community members shall take responsibility for monitoring one another in the area of physical contact. They shall feel free to constructively challenge a colleague if necessary. Allegations of abuse shall always be reported to the Person in Charge of the Sector unless the Person in Charge of the Sector is alleged to be the one performing the abuse. In this case, allegations shall be reported to the Director of the Community.

10. Boarding House

- 10.1. Control or disciplining of children/young adults shall be done without physical punishment.
- 10.2. As far as possible no Salesian Educative Community members shall be alone with a child (of either sex) where they cannot be seen. When talking with a child alone, the adult shall ensure that the conversation takes place in an open area where others can see.

- 10.3. Salesian Educative Community members shall not encourage or comply with a child/young adult's demands for excessive attention. This shall be achieved by involving another member of staff in the matter and/or by setting firm boundaries on what is acceptable and unacceptable behavior.
- 10.4. Salesian Educative Community members shall not encourage or solicit displays of affection from the children/young adults in their care.
- 10.5. Salesian Educative Community members shall not sleep in the same room with one child or young person of either gender, if there are only the two of them in the room. When dormitory or group accommodation situations occur (this is acceptable in Cambodian culture), there shall always be at least three people of the same sex in the room.

11. Compliance with this Policy

- 11.1. Salesian Educative Community members shall be responsible for compliance with this policy. If the Policy is not observed or complied with appropriate disciplinary action shall be taken.

12. Process of Review

- 12.1. The policy on protection of minors and young adults shall be reviewed annually. The Commission shall be responsible for initiating the reviews.

PREVENTIVE SYSTEM OF DON BOSCO ON CORRECTIONS

Don Bosco's abhorrence of the 'repressive system' of education that controlled children by fear of punishments led him to believe that a type of education without punishments was actually possible. The system of expression was born. It is an educational method that seeks to create an environment that is so conducive to an all-round growth that it puts the child in the 'moral impossibility of doing wrong' – just as a doctor would emphasize the practice of preventive health care measures as a necessary requisite for staying healthy. But if, as a last resort, punishments need to be administered (as indeed sometimes they are inevitable), here are 10 important points for educators to remember.

1. The child has a right to know what is right and wrong, what can be done and what must not be done. Teachers should not punish if they have not communicated the rule to the child or have not stated clearly their disapproval of the child's offending action.
2. Do not administer a punishment without giving at least two *warnings* to the child. This delay will demand greater control on the part of the teachers but it will help them to avoid erratic and injurious punishments which could later cause them remorse and guilt.
3. The punishment must be *proportionate* to the transgression.
4. The *timing* of the punishment must follow at least after two warnings so that the child is made aware of the consequences of the transgressions.
5. The punishment used must be *consistent* so that the child will know that whenever a rule is broken, punishment is inevitable. When consistency is maintained, it is enough to signal the first two warnings and children are sure to stop misbehaving.
6. Whatever form of punishment is used, it should be *impersonal*, that is, the result of violating a rule and not because 'You are bad!' This will ensure that the child will not interpret the punishment as caused by a personal defect that will lower his/her own self-worth.

7. Punishment must be *constructive* so as to motivate good behavior in the future. Physical punishments are not the only type of punishments. Denying the child a favor, or giving an additional amount of work to be completed, can be as effective.
8. Especially when the *reason* for the punishment is unclear, a brief explanation may help the child to recognize it as fair and just.
9. Punishment must lead to *conscience building* to help children develop self-determination and inner control.
10. Punishment must *never humiliate* – neither in words nor in action. It must never be seen as an act of “meanness” or revenge on the part of the teacher. Punishments administered in these ways create in the child deep scars of resentment that take years to heal.

“Be careful not to give anyone reason to think that you act under the impulse of anger. It is difficult to keep calm when administering punishment. But it is very necessary if you are not to give the impression that you are simply asserting your authority or giving vent to your anger. Let us look on those over whom we have a certain authority, as sons. Let us be determined to be at their service, even as Jesus came to obey and not to command. We should be ashamed to give the least impression of domineering. We should only exercise authority in order the better to serve the boys. ...There must be no angry outbursts, no look of contempt, no hurtful words. Instead, like true fathers, really intent on their correction and improvement, show them compassion at the present moment and hold out hope for the future. In serious matters it is better to ask God’s help in humble prayer, than to make a long speech that wounds those who hear it and does no good at all to the guilty ones.” (Letters of John Bosco, 201, 205) The system of education of Don Bosco serves as a wise and time-tested framework for every teacher. It is intensively challenging while at the same time amply rewarding. Indeed, teaching – according to the educational method of Don Bosco – is the delicate art of growing with your students.

APPENDIX

EXCERPTS FROM THE CRIMINAL CODE PROMULGATED ON 30 NOVEMBER 2009

Title 3 Offences Against the Minor And The Family

Chapter 1 Abandonment of Minors

Article 321: Penalty for Abandonment of the Minor

The abandonment of a minor under fifteen years of age by a legal custodian shall be punishable by imprisonment from one to five years and a fine from two million to ten million Riels where the circumstance of the abandonment endangers the health or safety of the minor.

Article 322: Attempt

An attempt to commit the misdemeanour defined in this Chapter shall be punishable by the same penalties.

Article 323: Additional penalties (nature and duration)

With respect to the misdemeanour defined in this Chapter, the following additional penalties may be imposed:

- (1) forfeiture of certain rights for a period not exceeding five years;
- (2) publication of sentencing decision for a period not exceeding two months;
- (3) publication of sentencing decision in the print media;
- (4) broadcasting of sentencing decision by any audio-visual communication for a period not exceeding eight days.

Chapter 5 Endangerment of Minors

Section 1 Threat To Physical And Mental Health

Article 337: Depriving minor under the age of 15 years of food or care

Depriving a minor under the age of 15 years of food or care to the point of endangering his or her health, inflicted by any person having authority over him or her, shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 338: Aggravating circumstances (death of the victim)

The offence defined in Article 337 (Depriving minor under the age of 15 years of food or care) of this Code shall be punishable by imprisonment from seven to fifteen years if it results in the death of the victim.

Article 339: Subjecting minor to working conditions harmful to his or her health

Subjecting a minor to working conditions harmful to his or her health or physical development shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 340: Aggravating circumstances as a consequence of the death of the minor

The offences defined in Article 339 (Subjecting minor to working conditions harmful to his or her health) of this Code shall be punishable by imprisonment from seven to fifteen years if it results in the death of the victim.

Article 341: Indecent assault of minor under 15 years of age

An indecent assault is the act of touching or exposing the sexual organs or other parts of another person's body, or of letting another person to touch the sexual organs or other parts of the perpetrator's body or that of a third person for the purpose of sexual arousal or satisfaction of the perpetrator.

Where an indecent assault is committed upon a minor under fifteen years of age the perpetrator shall be punishable by imprisonment from one year to three years and a fine from two million to six million Riels.

Article 342: Aggravating circumstances

The offence defined in Article 341 (Indecent assault of minor under 15 years of age) of this Code shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels, if:

- (1) it is committed by an ascendant;
- (2) it is committed by a person having authority over the minor;
- (3) it is committed by several persons acting as perpetrators, co-perpetrators, instigators, or accomplices;
- (4) it involves the payment of remunerations

Section 2 Inciting Minors To Commit Unlawful Or Dangerous Acts

Article 343: Inciting minor to consume narcotics

The direct incitement of a minor to unlawfully and regularly consume large quantities of narcotics shall be punishable by imprisonment from six months to two years and a fine from one million to four million Riels.

Article 344: Inciting minor to beg

The direct incitement of a minor to beg shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand Riels to two million Riels.

Article 345: Inciting minor to commit felony or misdemeanour

The direct incitement of a minor to commit a felony or a misdemeanour shall be punishable by imprisonment from two to five years and a fine from four million to ten million Riels.

Article 346: Arrangement by an adult of indecent exposure or sexual relations involving minors

The arrangement, by an adult, of meetings involving indecent exposure or sexual relations at which minors are present or participate shall be punishable by imprisonment from one to five years and a fine from two million to ten million Riels

(See the Preventive System of Don Bosco on corrections)