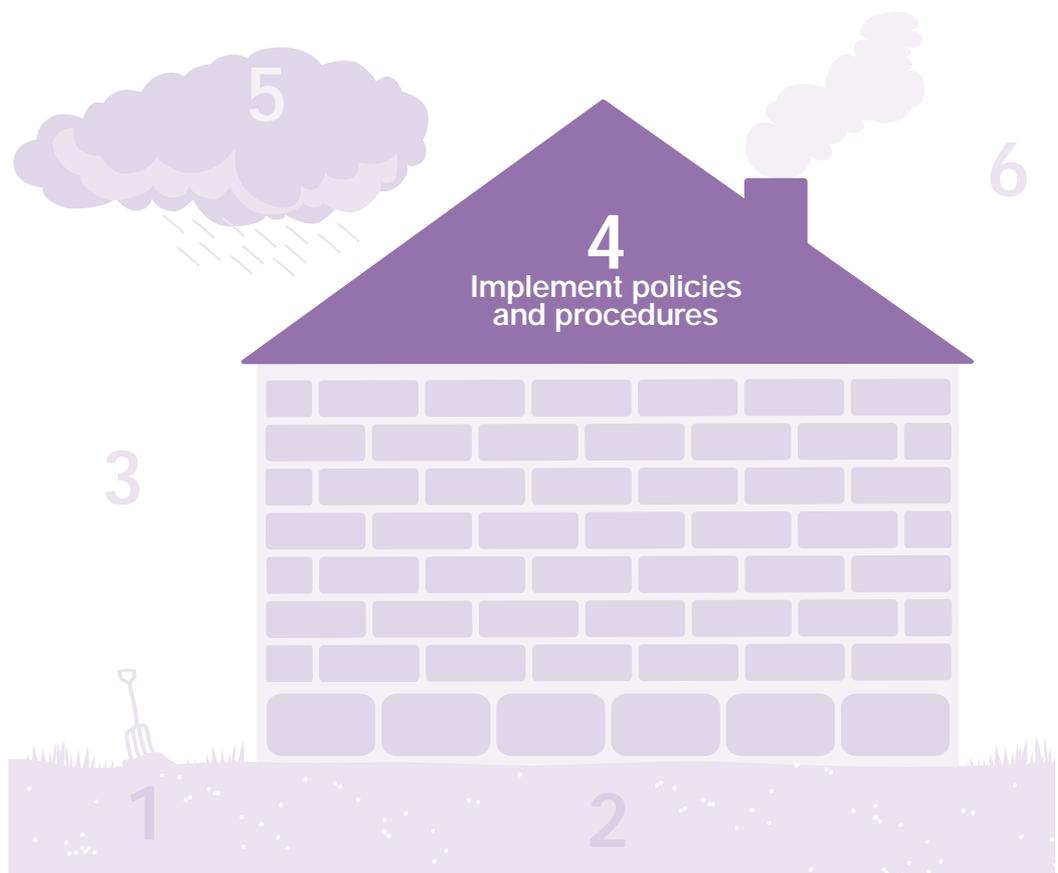


STAGE 4 IMPLEMENTING CHILD PROTECTION POLICIES AND PROCEDURES

Overview

Stage 4 introduces the process for implementing child protection policies and procedures. Now that you have an idea of what your policy and procedures will consist of, you are in a position to take forward the implementation process. At the end of this Module you will have the opportunity to focus on practical responses to situations which might take place in your organisation. This gives participants a chance to practice the procedures that they have learned about through examining a case study from Malawi and introducing a range of role plays.



Stage 4 - Implementing Child Protection Policies and Procedures

This module is divided into the following 2 sections:

- 4.1) Putting policies and procedures into action
- 4.2) Child protection in practice - responding to situations

Objectives

Upon completion of this module you will be able to:

- 1) Possess the skills to develop an organisational action plan for implementing your organisation's child protection policy and procedures
- 2) Discuss a case study relating to an organisation's response to child abuse within the organisation in terms of what went well, what did not go well and relevant lessons learned
- 3) Practice role plays in responding to alleged incidences of abuse or concerns about children in your organisation using the following support materials:

Additional material

Additional materials are available to support the information provided in the main text which can be used as extra handouts if required:

APPENDICES

- Guidelines on recruitment - **Appendix 9**
- Recognising signs of abuse - **Appendix 1**
- Allegations from a child - listening to a child's disclosure of abuse - **Appendix 11**
- Reporting and reaction protocol: recommended guidelines - **Appendix 12**
- Sample report form for suspected abuse - **Appendix 13**
- Ramifications of misconduct - **Appendix 14**
- Sample guidelines for child sponsorship - **Appendix 22**

POWERPOINTS

- For facilitators (on CD-Rom) if the toolkit is to be used in a training context



4.1 Putting policies and procedures into action

Section objectives

Upon completion of this section you will be able to:

- 1) Identify key tasks in the different stages of developing and implementing child protection policies and procedures
- 2) Possess the skills to develop an action plan for implementation of your organisation's child protection policies and procedures

INTRODUCTION - RE-CAP

In Stage 3, we looked at facilitation skills and identified ways of involving different members of the organisation and children in discussions around developing the 7 elements of a child protection policy and the corresponding procedures. All stakeholders, including children should also be involved throughout the development of organisational action plans and in agreeing priorities for implementation.

So far, we have covered Stages 1-3 in the table below. The checklist provided for each stage below will help guide you through implementing each stage. This module focuses on Stage 4 which covers the implementation of your child protection policy and procedures. The remaining stages 5 and 6, which will be covered in later modules, are also included in the table.

	IMPLEMENTATION CHECKLIST SO FAR
STAGE 1 INTRODUCING CHILD PROTECTION	<ol style="list-style-type: none"> 1. Issue of child protection is raised and discussed in the organisation. 2. All stakeholders understand the importance of implementing a child protection policy and procedures. 3. Organisation makes a commitment / decides to develop a policy and procedures.
STAGE 2 LAYING THE FOUNDATION STONES	<ol style="list-style-type: none"> 1. One or more people in the organisation is/are given the responsibility to coordinate / take a lead on child protection work. 2. This person / these people are oriented on the 6 foundation stones of: a child rights-based approach, consultation, ownership, confidentiality, transparency and sensitivity.
STAGE 3 DEVELOPING A POLICY & PROCEDURES	<ol style="list-style-type: none"> 1. Policy is drafted in consultation with all relevant stakeholders taking the 6 foundation stones into account. 2. Policy is formally adopted at a management committee meeting or equivalent. 3. A written copy of the policy is distributed to all personnel involved with the organisation including staff, interns, volunteers, trustees and other officers, contractors and consultants (and - when occasion arises - other individuals on project visits such as donors, researchers, sponsors and media). 4. Key elements of the policy are written in child friendly language / pictures and distributed / made clearly visible to children in the organisation. Such key elements might include behaviour guidelines (for adults to children and children to children), guidelines on communication relating to children and guidelines on how to report a concern relating to child protection. 5. All personnel involved with the organisation read the policy, have an opportunity to ask questions to the child protection representative in the organisation. They then sign a Statement of Commitment to the policy which is held on file in the organisation until such time as that person ceases to have a relationship with the organisation.
STAGE 4 IMPLEMENTING THE POLICY AND PROCEDURES	
STAGE 5 DEALING WITH OBSTACLES	
STAGE 6 MONITORING OF IMPLEMENTATION	



We are now in a position to focus on implementing child protection policies and procedures. The guide provided below suggests priorities for implementation of a child protection policy and procedures according to the following categories:

1. PERSONNEL AND CHILDREN - PAPERWORK
2. PERSONNEL AND CHILDREN - TRAINING / ORIENTATION
3. PERSONNEL - MANAGEMENT
4. RECRUITMENT OF NEW PERSONNEL
5. DISPLAYING INFORMATION.

SUGGESTED GUIDANCE LIST FOR PUTTING CHILD PROTECTION POLICIES AND PROCEDURES INTO PRACTICE¹⁷

Please note that this list is intended for guidance only and should be adapted as appropriate according to the circumstances of individual organisations and interpreted in a spirit of common sense.

IMPLEMENTING THE POLICY AND PROCEDURES

Based on the requirements laid out in the organisation's policy, the designated Child Protection Officer / representative takes responsibility for ensuring that the procedures outlined in the policy are implemented. For example:

1. PERSONNEL AND CHILDREN - PAPERWORK

- a) The Child Protection Officer establishes a filing system for child protection issues. This must include a locked filing cabinet for storing confidential information to which only they / the absolute minimum number of essential personnel have access.
- b) All personnel sign a Statement of Commitment to the organisation's policy which is held on file.
- c) Police record disclosures are obtained for all relevant personnel as outlined in the organisation's policy.
- d) All relevant personnel sign a personal declaration stating any criminal convictions, including those considered 'spent'. See **Appendix 9**. This information is to be kept strictly confidential. If any criminal convictions are stated, it is the responsibility of the Child Protection Officer to determine whether or not they pose a threat to child protection issues.
- e) All relevant personnel provide the Child Protection Officer with 2 contacts for character referees which the Child protection officer takes up, preferably by telephone in order to confirm the existence of the referee, and stores confidentially. See **Appendix 9**.
- f) When someone leaves an organisation, all confidential paperwork relating to them is destroyed (i.e. police records, statement of criminal convictions etc.). It is not adequate just to throw away confidential paperwork. This information must be shredded or burnt.
- g) A secure filing system is established for all children's case histories and personal information, accessible to the minimum number of personnel who need to refer to such information.

2. PERSONNEL AND CHILDREN - TRAINING / ORIENTATION:

- a) Conduct a training needs assessment for personnel associated with the organisation which identifies who needs to be trained, what type of information they need to know, who will conduct the training, by when, and the materials needed to conduct the training. See **Appendix 10**.
- b) In consultation with stakeholders, establish a timetable for the training of personnel.
- c) There are likely to be different types of training / orientation needed. For example:
 - I. Initial / basic awareness raising and training on the organisation's child protection policy for existing staff and associated personnel;
 - II. Initial / basic awareness raising and training on the organisation's child protection policy for new staff and associated personnel as and when they join the organisation;
 - III. General refresher training for personnel (perhaps once/twice a year) to remind personnel of procedures in place and to update on any new developments;

¹⁷ Adapted from CSC - Stages of Implementation of Child Protection Policies and Procedures for UK member organizations, October 2004

- IV. Specialised briefings / training designed for particular audiences such as for those working in direct contact with children on all aspects of child protection; communications, media and fundraising staff who are not in contact with children, on the use of images and case studies etc.
- d) Ensure that participants have plenty of opportunity to ask questions and discuss issues of concern as part of the training. The trainer should know where they can go for advice if they need additional help in answering these questions (e.g. leading local child rights organisations and networks or other institutions practising child protection; see also the list of international resources at the end of this toolkit).
 - e) Where possible, get feedback from the participants on how the briefing / session went with suggestions for future improvement.
 - f) Conduct appropriate orientation for children on the organisation's child protection policies and procedures. Involving children in developing the training/orientation session will ensure that it is more likely to be appropriate and useful to other children.



3. PERSONNEL - MANAGEMENT:

- a) Have a written procedure on what to do if a member of personnel is concerned about witnessed, reported or potential child abuse. The procedure should include the contact details of the relevant person to contact (especially a phone number) and an alternate contact, and it must be kept up to date and clearly displayed in the organisation for easy reference.
- b) Use annual staff reviews/appraisals as an opportunity to discuss child protection issues with staff: i.e. are they happy with the level of training they have received? Would they know what to do if they witnessed an incident of abuse? Are they comfortable with the organisation's guidelines on the use of images and case studies of children? If they had any queries regarding child protection during the year, were they dealt with satisfactorily? Do they have any suggestions to make for improvements to the organisation's policy and procedures? Does their manager have recommendations that the staff member improve their understanding / practice on particular issues? etc.
- c) Information management: have a clear procedure on information storage and sharing. Ask yourself:
 - Who has access to files (hard copy or electronic) which contain confidential or sensitive information about particular individuals in the organisation or particular children in the organisation's projects?
 - Do all of these people really need access to these files?
 - Can you reduce the number of people who have access to such information?
 - For those who do need access / who are authorised, are they aware about what constitutes proper and improper use of personal information, case studies etc.?
 - Are you keeping sensitive information for longer than is necessary?
 - Is sensitive and confidential information kept in a locked filing cabinet?
 - Who has access to the information on your computer(s)? Do you have a shared drive in the organisation? If so, is this open access and if so, does it contain sensitive information?
 - Where would you store information regarding an alleged incident of child abuse? With whom would you share this information?

4. RECRUITMENT OF NEW PERSONNEL:

- a) Ensure that the designated child protection officer is informed when a position becomes vacant in the organisation so that they are able to input child protection advice from an early stage.
- b) Advertisements for jobs should make it clear that the organisation has a child protection policy in place. See **Appendix 9**.
- c) Application packs should include a copy of the organisation's child protection policy and should state that employment with the organisation is contingent on commitment to the policy and may / will include police reference and character reference checks. Applicants should be required to sign a statement of commitment to the policy, sign a personal declaration of criminal convictions and provide contact details of 2 character referees which should be returned with the application form. See **Appendix 9**. The declaration of criminal convictions should be assessed by the designated child protection officer who will then make recommendations to the interview panel if there is any concern. This information must be kept confidential and destroyed immediately when the candidate has not been shortlisted / selected for the job.

- d) Candidates who do not conform with the child protection aspects of the application process should not be shortlisted for interview.
- e) The designated child protection officer should advise the interview panel of the child protection implications of the interview process, making them aware of possible questions that could be asked and warning signs to watch out for during the interview. See separate guidelines on the interview process in **Appendix 9**.
- f) Job offers should be made subject to satisfactory reference checks which include information relating to child protection (See **Appendix 9**) and, where applicable, a police check should be applied for as soon as possible after the candidate has accepted the job offer. -The organisation should reserve the right to terminate the employment contract should the police check reveal issues of concern in relation to child protection.

5. DISPLAYING INFORMATION:

- a) The organisation's Behaviour / Code of Conduct and Communication Guidelines are clearly displayed in the organisation for easy reference by personnel.
- b) Emergency and advice telephone numbers are clearly displayed in the organisation for easy reference by personnel. These numbers should include the emergency services and others as appropriate.
- c) The organisation's Management Flowchart for Reporting Suspected Abuse - with named contacts and telephone numbers - is clearly displayed in the organisation for easy reference by personnel. See **Appendix 12** for an example of a Management Flowchart.
- d) Child-friendly / illustrated versions of key elements of the child protection policy are clearly displayed and accessible to children themselves. Such key elements might include behaviour and communication guidelines and reporting and reaction procedures.

DEVELOPING AN ORGANISATIONAL ACTION PLAN

Introduction

The action plan which is shown overleaf in the form of a table is designed to include the actions you will take in the introduction, development, implementation of an organisational child protection policy and procedures and also to describe how you will monitor whether these actions have been implemented and ultimately to monitor the effectiveness of your policy. In this part of the toolkit we will only be referring to the first 5 columns of the action plan shown which will enable you to do the following:

- List the different actions to be taken
- Suggest who should take responsibility for these actions
- List who else should be involved in the process
- Assign a date/deadline by which the action must be completed
- Note any materials, methodology needed in order to implement each action.

In the Stage 6 module on Monitoring and Evaluation we will return to this action plan to complete the remaining columns.



See Exercise 13, p91 - Developing an Organisational Action Plan in order to practice developing an action plan.

PRACTICAL EXERCISES: STAGE 4, SECTION 4.1

Exercise 13: Developing an Organisational Action Plan

Aim	To complete the first 5 columns of the Organisational Action Plan
Duration	25 mins
Task	Refer to the Suggested Guidance List, page 86, for Stages 1-3 of Introducing, Developing and Implementing Child Protection Policies and Procedures and include any actions from this list and any others you may have identified in the action plan table.

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FACILITATORS' TIPS FOR STAGE 4, SECTION 4.1

Present Section 4.1, in the form of a powerpoint or using other methods (see powerpoint 11 on the CD-Rom). Introduce Exercise 13 as part of the presentation.

The following pages can be photocopied as handouts for participants to take away with them:

- Handout of Section 4.1

Facilitators' Tips for Exercise 13

- If each participant represents a different organisation, it will be more useful for them to develop action plans in relation to their individual organisations.
- It does not matter if participants do not have time to finish their action plans: the main aim of the exercise is to familiarise participants with the process and they can finish off their action plans in their own time / in consultation with others in their organisation.

4.2 Child protection in practice - responding to situations

Section Objectives

Upon completion of this section you will be able to:

- 1) Identify the steps and appropriate behaviour and actions required in responding to alleged incidences of abuse or concerns about children in your organisation.
- 2) Identify the challenges and lessons learned from a case study describing an incidence of abuse which took place in an organisation in Malawi.

INTRODUCTION

In earlier parts of this toolkit we have examined the different elements of a child protection policy and procedures and highlighted the need for reporting procedures to be developed for your organisation. You will also need to introduce and adapt other materials into your organisation - if you do not already have these in place - to help guide you in terms of taking appropriate actions in response to allegations or concerns relating to child abuse in your organisation. You may be faced with situations in which you are unsure of how to act or where you require further guidance - in addition to that detailed in your child protection policy and procedures.

RESPONDING TO SPECIFIC SITUATIONS

You need to think through what you will do if the following situations arise:

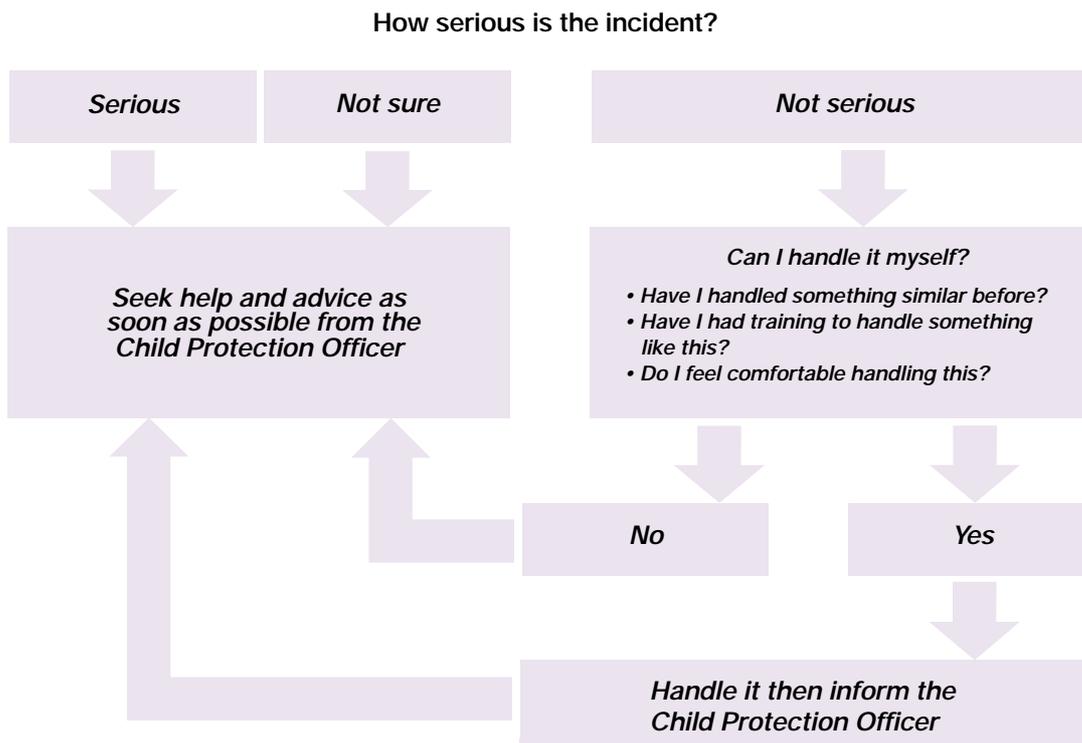
- 1) A child or a member of staff comes to you with an allegation or report of harm coming to a child - what would you do?
- 2) You yourself witness an incident of abuse - what would you do?

Useful tips to guide your response:

- 1) Use your common sense, backed up by good child protection practice.
- 2) Always be guided by the best interests of the child - ensure the immediate physical and psychological safety of the child.
- 3) If in doubt, ask the organisation's Child Protection Officer for advice.

Refer to the response flowchart below for further guidance.

RESPONSE FLOWCHART





See Exercise 14, p95 - 'Possible situations: responding to allegations or concerns.' This exercise will help you become familiar with how to respond to and report an allegation or concern in your organisation.



See Exercise 15, p97 - 'Case study of an incidence of child abuse in an organisation in Malawi.' This case study is useful in terms of reflecting on the response taken by the organisation concerned and the lessons learnt from their experience.

TAKING IT FURTHER - REPORTING OUTSIDE THE ORGANISATION¹⁸

STEP 1 - Conduct a mapping exercise

Organisations need to consider the local context in which they are working in terms of reacting to possible criminal breaches and reporting incidents externally. This could be done by undertaking a mapping exercise to find out the following basic information:

- domestic legislation in relation to child abuse and neglect
- age of consent (sexual consent and criminal consent - treatment of peer abusers)
- support systems which exist (e.g. medical, social and legal services)

This mapping should be more than theoretical. It should take into consideration how systems work in practice, and should include actual engagement with external authorities such as visits to senior police officers to examine their attitudes towards serious offences by adults and children, to understand what their response would be to a particular case.

STEP 2 - Analyse pros and cons / conduct a risk assessment

Analysing the pros and cons / conducting a risk assessment (see section 1.3 for guidance) will give you a basis on which to make informed decisions about the options available to proceed further and will enable you to analyse the consequences of failing to respond. It is important to consider the pros and cons of external reporting. For example, the need to secure criminal convictions of adults who abuse children needs to be weighed against involving a child in a long and traumatic court case: this is another incidence of the best interests of many children being weighed up against the best interests of an individual child. Difficult decisions may have to be made when the abuser is under 18 themselves. You may find it useful to conduct a risk assessment in relation to any proposed plan of action.

STEP 3 - Consider a longer term child protection strategy

A child rights-based approach emphasises the need to strengthen institutional mechanisms for the longer term benefit of children in general. Therefore, your organisation might want to consider an advocacy strategy as part of a more holistic programme response to child protection e.g. to improve police and judiciary responses to reported abuse and sensitive treatment of survivors, and media campaigns to raise awareness of the need to challenge cultures of impunity which perpetuate taboos and child abuse.



Stage 4 - Key Learning Review

You should now be familiar with the following topics:

- 1) Developing an organisational action plan for implementation of your organisation's child protection policy and procedures
- 2) How to respond to alleged incidences of abuse or concerns about children in your organisation
- 3) An actual case study and the lessons learned from it

¹⁸ Adapted from information from Save the Children UK.

PRACTICAL EXERCISES: STAGE 4, SECTION 4.2

Exercise 14: Possible Situations: responding to allegations or concerns

Aim	So that people feel confident that if something happened tomorrow, they would know what to do. [For guidance on responding to a child's disclosure, refer to Appendix 11]
Duration	Approx. 20 minutes
Task	This role play can be acted out by the facilitators with input from the participants about what actions they should take at each step. Further examples of possible situations are given following the step-by-step example. These can be discussed or acted out in small groups depending on what approach the participants feel comfortable with.

Detailed example

1. ALLEGATION FROM A CHILD

Sunita and the Paint Brush

Situation: 10-yr-old Sunita (f) comes to see Mahua (f), one of the project teachers. She is very upset and crying. You are Mahua. What should you do?

[Guidance on immediate response even prior to further information being available]

- If you are alone in the room, make sure the door is left open and/or that you are visible through a window.
- Feel free to physically comfort her.

[Process of finding out what happened]

- Ask her what the matter is. Be gentle and reassuring. Tell her that she can tell you anything. That if she wants to tell you, then you can help her to solve the problem.
- You coax her with questions such as 'what happened next?'
- Do not repeat the same question.

Sunita says that she has just been in the art room with Radikha, the art teacher (f). She says that she spilled some blue paint and that Radhika got very angry, shouted at her that she was stupid and useless. Radikha then threw a paintbrush at her head. Sunita started crying. Radikha told her to stop making such a fuss and to clear up the paint. Sunita cleared up the paint and was then told by Radikha to 'get out'.

Sunita then came straight to you, Mahua.

[Your response]

- Tell her that she was right to tell you. That she is very brave.
- Ask her if she is in pain / if her head still hurts [it does].
- Check the seriousness of the injury. [Slight bump but no blood].
- Ask her if she wants to see the nurse / if she wants to go and lie down / if she wants one of her friends to accompany her. [She wants to lie down and she wants her friend to be with her].
- Tell her what you will do next: that you will report the incident to Anjana (the Child Protection Officer) because Anjana knows what to do and that she is the person that everybody reports these things to / that she is very good at solving problems. Tell Sunita that you will let her know what happens next.
- Take her to find her friend and get the friend to sit with her. Inform the relevant members of care staff (e.g. housemother / duty social worker) that Sunita is not feeling very well (do not give the reason why and ask them not to press her for information). [N.B. do not leave Sunita alone and take particular care that she avoid contact with Radikha].
- Go immediately to Anjana (the Child Protection Officer). [You may want to fill out an incident

report sheet first to make sure that you remember the facts as accurately as possible or you might wait until after you have spoken to Anjana].

- Repeat what Sunita told you as accurately as possible. Do not embellish the facts or make assumptions about what happened. Report exactly what actions you took - i.e. that you gave her a hug and stroked her hair to comfort her etc. and that you told Sunita that you would let her know what happens next.
- Anjana thanks you for reporting the incident, satisfies herself that Sunita is safe and being looked after and that she doesn't need to ask Sunita any further questions. She asks you to keep the information confidential. [If you haven't yet completed the report form, she asks you to do so straight away]. She explains that she will talk to Radikha as soon as possible - not mentioning your (Mahua's) name - and will let you know the outcome. She explains that if you happen to meet Radhika, not to mention the incident.
- Anjana finds Radhika, makes sure that she is separated from contact with children, speaks to her in private, gets her side of the story, including any mitigating circumstances / background, talks through the consequences with Radhika, then recommends a course of action to the Director. Possible courses of action might include: being suspended / given time off for the rest of the week; Radikha promises to see a counsellor about anger management; she is allowed back under supervision for a specified period of time; a written warning is placed in her personnel file; she makes an apology to Sunita (with Sunita's consent).

Other possible situations for group discussion or pair work:

1. A 13-year-old boy is in the sick bay with suspected malaria and you (one of the nurses (m)) see another nurse (m) touching the child in the genital area under his clothing. **What do you do?**
2. You are supervising a recreational activity outdoors and you see a tall girl pushing and being very rough with a small boy. **What do you do?**
3. You are running a session on self-esteem and you are asking the children (a group of girls aged 12-15) to draw pictures representing their self-image. You have noticed for a couple of weeks that one of the girls (aged 13) has been much quieter than usual. She will not take part in discussions and does not make eye contact with you or the other girls. You are concerned about the picture that she draws of herself. The picture shows a football game going on and she is standing to one side of the game, crying whilst one of the football players is coming towards her in a menacing fashion. **What do you do?**
4. You are the Child Protection Officer for the organisation. One of the staff members comes to you upset and concerned. She says that one of the boys from the project has complained to his house mother that he didn't like the way an overseas project consultant took him to one side last week, was asking him very personal questions and took photos of him even though he was not comfortable with this. **What do you do?**
5. A 10-year-old girl in your literacy class has recently been in more trouble than usual. Although she has always been a bit difficult and attention-seeking, she has started bullying some of the other girls which she never used to do. One day she comes up to you after class and eventually asks you if it is good to keep secrets. She looks confused and unhappy. It seems as if she wants to tell you more but she becomes very shy when you start asking her questions and she runs out of the room. **What do you do?**
6. You are the Director of your organisation. The Child Protection Officer (CPO) comes to you one day to report an incident that has occurred earlier that day: one of the teachers allegedly threw a paintbrush at a 10-year-old girl, hurting her on the head and shouting at her, calling her useless etc. The CPO explains the action taken so far and recommends that the teacher be suspended for one week, that she undertakes counselling on anger management and that (with the permission of the girl herself), she apologises to the girl. The CPO asks for your advice on what action should be taken. **What do you do?**
7. You are the Director of your organisation. You receive an anonymous email claiming that you have been abusing young girls in your project. You ignore it, knowing it not to be true. However, the following day, you receive a very concerned email from your UK-based partner saying that they have received similar claims and demanding a response. **What do you do?**

PRACTICAL EXERCISES: STAGE 4, SECTION 4.2

Exercise 15: CASE STUDY: (Chisomo, Malawi) The Truth at any Cost¹⁹

Task

Read and discuss the following case study in groups and respond to the following questions:

- 1) What went well?
- 2) What did not go well?
- 3) Lessons learned?
- 4) What if anything would you do differently next time?

[It should be noted that this case study involves a situation of abuse by a foreign paedophile. However, the majority of cases of child abuse are at the hands of local staff and peers. We recommend supplementing or substituting this case study with others which are more locally relevant.]²⁰

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¹⁹ Courtesy of Cathy James, Chisomo, Malawi

²⁰ In spite of extensive research and consultation with organisations from around the world, it was not possible to find documented examples of local case studies of child abuse within organisations. However, cases involving international paedophiles often result in high profile media coverage. Further similar cases are included in Appendix 21.

(Chisomo, Malawi) THE TRUTH AT ANY COST

On January 22nd 2002, Blantyre Magistrates Court in Malawi, Southern Africa, convicted a British teacher, Richard Hayles, on three charges of indecent practices and sodomy against vulnerable boys, some of whom had been on the street. It sentenced him to 5 years imprisonment with hard labour. Chisomo Children's Club, an organisation working to bring long-term change in the lives of children on the streets of Malawi, persuaded Police to intervene and to arrest Hayles at the airport as he was making a hurried exit from the country. In a dramatic case involving allegations of bribery, Chisomo worked tirelessly with the Police to uncover the truth, secure justice for the abused and send a clear message to the nation that vulnerable children need our protection. As one national paper editorial proclaimed at the time:

"The case, brought to the attention of the Police by Chisomo Children's Club....should serve to put other social workers on the alert, to watch out for people ready to take advantage of vulnerable youngsters....All too often society tends to be indifferent"

Hayles, a 53 year old teacher working at an international school in Blantyre, first drew Chisomo's attention when he took Chiku²¹, a 12 year-old boy with no father and a sick mother, to live with him. Chisomo had met Chiku on the streets in 1999 and helped him back to school where he was very successful, always achieving first or second place in class. Chisomo also helped him and his mother to start a small income generating activity to provide for their basic needs. Chiku did so well that Chisomo chose him to fly to Algeria with UNICEF in 2000 to represent Malawi in the Day of the African child.

When Hayles took Chiku, Chisomo rang Hayles to arrange a visit. Hayles refused to allow staff to visit him, but eventually agreed to come to the office. He claimed that he was just a 'Good Samaritan'. He had up to 9 boys living with him at any one time. Chisomo reported the case to Social Welfare but no action was taken.

Chiku started to fail at school and then dropped out. His family also suffered without him. When Chisomo staff met him again in 2001, they were shocked by the change in the once sunny, articulate and confident child. His shoulders drooped, he no longer smiled and he showed no interest in school or in his future. The reason for this only became clear when another child living in Hayles' house

came forward to speak about the abuse he had witnessed. As Chisomo started to make enquiries, rumours reached Hayles' school, and Chisomo heard that Hayles was making a sudden and unscheduled departure for England. They alerted the Police who arrested him as he was about to board the plane. The next day, he was released on bail.

Police investigating the case asked Chisomo to help them find some of the other boys living in the house, a few of whom Chisomo had worked with before. Following advice from the lawyer on Chisomo's board, staff worked alongside the Police, providing transport when needed and tracing the boys. They contacted a British doctor in Malawi with experience in sexual abuse cases, to examine the most recently abused boy. Hayles was charged with 4 cases of sodomy and 2 of indecent practices against the boys, one as young as 8 years old. When the case came to court, 2 young para-legals (secondary-school graduates trained for basic legal work in the community) represented the prosecution. They were up against one of the most experienced defence lawyers in the country. Amidst alleged bribery by the defendant, 2 of the boys changed their stories. The defence rested on counter-accusations that Chisomo had bribed the boys to testify, even bringing a witness to claim that she had seen a Chisomo official threatening one of the boys at his home in the middle of the night. The court dropped 3 charges for lack of evidence but convicted Hayles on the other 3, sentencing him to 5 years, 5 years and 2 years imprisonment to run concurrently. Hayles appealed first to the High Court and then the Supreme Court of Malawi. Both courts upheld every detail of the original judgment and sentence. When Hayles went to prison, Chiku said:

"Chisomo came to rescue us from that hell. I have discovered that we were blinded by money. I am ready to speak the truth at any cost and I will fight for other young men"

The case concluded, however, with an unexpected twist. In 2003, Hayles' cousin from Canada, who had not seen him for 15 years, heard about his imprisonment, cashed in her life insurance and came to Malawi to investigate what she assumed must be a wrong conviction. While she was in the country, Malawi President Muluzi declared a pardon for Hayles without giving any reasons. Hayles was deported to England after serving just over a year of his sentence amidst outcry from the media and

21. The names of the children in this case have been changed to ensure confidentiality

non-government sector. Front-page headlines screamed **“NGOs query Muluzi’s pardon”** and accused Muluzi of sending wrong signals and giving the impression that the law favoured foreigners. They called on British and Malawian governments to do something for the victims. The boys involved felt immense pain and anger to add to the abuse they had already suffered. Chisomo helped them raise their cry. To the media, Chiku said:

“It’s like the sodomite never offended anyone and it’s us who offended society. We feel rejected...”

Chisomo also contacted the British Embassy, who promised a response that never came; and liaised with child protection agencies and other partners in the UK to find out how Hayles could be prevented from getting another job in a school. No one found a way.

The case was the second sexual abuse case that Chisomo was involved with, but it caused uproar because of Hayles’ British nationality. To date, Chisomo has helped to secure convictions in 5 cases involving sexual abuse to street children. Before that, no one had ever brought a case of abuse in Malawi involving children on the street. They were a forgotten and marginalized group.

The case helped Chisomo to expose the vulnerability of children, especially those without the proper protection of their families. It also brought belief in the Public and in the children themselves that there could be justice for them - a belief later undermined by the President’s action. For the children involved, however, there were and are no quick solutions. Chisomo helped those who were willing to access professional counselling, and supported them in schooling and apprenticeships. Chiku is still struggling. His friend, Dalitso, who testified with him, has taken some major steps

forward, completing his Primary schooling and running a successful shoe-shining business. Chiku has completed his chosen apprenticeship in hair-cutting, has not really settled to work or school. Chisomo does not give up on them, knowing the multiple effects of the abuse they suffered continue to affect them but encouraging them to go on.

For Chisomo this key case also brought learning:

- Fighting for justice is tough and involves commitment, perseverance and maturity
- It is important to take legal advice both to help further the case, but also to make sure you provide as much protection for your own organisation and staff
- The media can be a powerful tool for spreading key protection messages at the time of a court case. It is helpful if the children themselves can be given a voice
- Networking with other civil society organisations and children’s groups can provide support both in terms of advocacy messages, but also for your organisation
- When unauthorised people are caring for vulnerable children, we need to be more aggressive in persuading relevant authorities to follow up and take action
- Abuse results in long-term damage to the children. It calls for very experienced staff to work with them and much shared experience and learning from other organisations. We need to keep developing more approaches for counselling, supporting and protecting abused children
- Chisomo’s success in this and other cases was, in part, because it had already established good relationships with the Police and other government and non-government organisations, and was clear that justice and helping children access their rights was a key part of its mission and mandate.

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FACILITATORS' TIPS FOR STAGE 4, SECTION 4.1

Present Section 4.2, in the form of a powerpoint or using other methods (see powerpoint 12 on the CD-Rom). Introduce Exercise 14 as part of the presentation.

The following pages can be photocopied as handouts for participants to take away with them:

- Handout of Section 4.2

Facilitators' Tips for Exercise 14

- The first detailed situation can be presented as a "drama" demonstration/ participatory "talk through" by the facilitators, or if only one facilitator is available, with different participants playing different roles in a case study situation. The aim is to identify appropriate actions and the correct sequence of actions.



Facilitators need to be sensitive to the wishes of the group. There may be occasions where participants are uncomfortable with the idea of role plays, in particular for some of the possible situations described in the exercise. In this case, the situations can be discussed in small groups to identify the appropriate sequence of actions to take in response. If participants are comfortable with role plays, volunteers from among the participants could be asked to perform some of the scenarios as role plays with others commenting on whether they have made the right decisions, prioritised actions appropriately etc.

Facilitators' Tips for Exercise 15

- If you decide to use this case study rather than a local example, please note that we have deliberately left a lot of detail in this case study in order to give context to the issue. However facilitators could cut this down if they feel it is too long or alternatively, participants could be asked to undertake this exercise in their own time.