



Ministry of Youth and Sports

POLICY ON YOUTH PROTECTION IN MYS PROGRAMS

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1.0 POLICY OBJECTIVE

The policy has been established and provides a guideline to:

- 1.1 Help assure a safe and secure environment for children and youth between the ages 15 – 35 years. (Children in this case are those between the ages 15 – 18 years).
- 1.2 Serve as a parameter for the prevention of and protection of children and youth from sexual and other abuse by establishing norms for and enforcing ethical behaviour.
- 1.3 Ensure Ministry of Youth and Sports (hereinafter referred to as 'MYS'), children, youth, staff, responsible adults and other partners involved in youth activities are aware of and implement this policy.

2.0 POLICY

2.1 ESTABLISHING A SAFE ENVIRONMENT AND BARRIERS TO ABUSE, HARASSMENT, BULLYING OR DISCRIMINATION

It is the duty of staff of MYS and its partners to safeguard the welfare of and to prevent any physical, sexual, emotional (psychological) abuse or discrimination and bullying of children and youths thus establishing a conducive environment for and barriers to potential abuse in all MYS programs.

2.2 RESPONDING TO ALLEGATIONS OF ABUSE, HARASSMENT, BULLYING OR DISCRIMINATION TOWARDS CHILDREN AND YOUTHS

- 2.2.1 Abuse in all forms, harassment, bullying or any form of discrimination is prohibited and shall be treated with due consideration to ensure that the matter is referred to the appropriate authority for action which may include the Fiji Police Force.
- 2.2.2 The victim will be assisted with measures for resolution, or if required, for counselling and/or further action.
- 2.2.3 All allegations of abuse, harassment, bullying or any form of discrimination or serious physical neglect shall be treated seriously and in strict confidence while the allegation is investigated and possible action taken.

2.3 CONTACT WITH CHILDREN AND YOUTHS

MYS staff and partners will develop positive relationships with children and youth while involved in a MYS organised programs and training.

2.4 PROTECTION FROM ABUSE, HARASSMENT, BULLYING OR DISCRIMINATION

If a child or youth feels threatened, he/she should report the matter as soon as possible to a person he/she trusts. This report may not be immediate due to the immediate situation but could alert any person nearby to assist and act as a witness. Depending on the situation, resistance may help discourage the occurrence or continuation of the potential abuse.

3.0 BACKGROUND

- 3.1 This policy stems from the awareness that abuse, harassment, bullying and discrimination have been, and continue to be, a major problem for vulnerable groups.
- 3.2 The MYS currently defines youth in Fiji as a person between the ages of 15 – 35 years. This age category overlaps with the definition for children under the United Nations Convention on the Rights of the Child which defines a *child* as "a human being below the age of 18 years." According to the United Nations, youth is defined as a person between the ages of 15 – 24 years.
- 3.3 Abuse is classified into different forms and according to the Fiji study by UNICEF in 2006, 22% of students and 29% of school leavers surveyed in Suva stated that they personally knew of someone (a friend or relative) who had been a victim of abuse.
- 3.4 In response, MYS intends to provide and ensure all children and youth involved in their activities and programs are provided safe and nurturing environment which is conducive to barrier-free learning.

- 3.5 The formulation of the Youth Protection Policy (hereinafter referred to as YPP) demonstrates MYS' commitment to creating and maintaining a learning and work environment that is safe from abuse, harassment, bullying and discrimination; protective of its staff and nurtures youth positively.
- 3.6 YPP has been developed to set clear direction for dealing with allegations of abuse, harassment, bullying and discrimination.
- 3.7 MYS shall implement prudent operational procedures in all MYS sanctioned programs and will employ clearly defined procedures for reporting an allegation or suspected incident of abuse, harassment, bullying and discrimination to ensure conformity with the law of Fiji.
- 3.8 The YPP may also be viewed as a code of ethics/conduct which all MYS staff and responsible adults are expected to observe. In addition to providing safe and appropriate environment, adherence to the YPP will ensure that MYS staff and partners present themselves as positive role models as they communicate and work with young people. It will also guide MYS staff and partners in disciplinary issues, problem solving and sensitivity required when dealing with the needs of children and youth particularly from vulnerable groups.

4.0 DEFINITIONS

- 4.1 **Abuse**
Is any action or lack of action that endangers or harms a young person's physical, psychological or emotional, health and development. It may be verbal, physical, emotional, or sexual.
- 4.2 **Emotional Abuse (*Psychological abuse*)**
Attempting to control a person through the use of derogatory language, threats, or intimidation. This may be spoken and/or unspoken cruelty. Example includes being shamed or told he/she is bad, ignoring or not including someone on purpose in a specific situation, threatening to do such things in order to control someone's behaviour.
- 4.3 **Neglect**
Endangering a person's health, welfare, or safety through negligence or failure to meet their needs. Examples are: inadequate food, shelter, clothing, medical care, affection and education.
- 4.4 **Physical Abuse**
Deliberately or intentionally causing bodily harm to another person. Examples include, violence with or without weapon, burning, choking and other non-accidental injuries.
- 4.5 **Sexual Abuse**
When any person who has less maturity or power is tricked, persuaded, enticed, or coerced in to any sexual contact or interaction for the sexual stimulation of the abuser, or another person.
- 4.6 **Sexual Harassment**
It consists of inappropriate verbal or physical conduct of a sexual nature that has the purpose or effect or unreasonably interfering with an individual sense of well-being by creating an intimidating, hostile, or offensive environment from the viewpoint of the affected individual.
- 4.7 **Bullying**
Forcing someone to do something by using superior strength or influence.
- 4.8 **Allegation**
A claim that someone has done something wrong, typically one made without proof.
- 4.9 **Partners**

Refers to youth leaders, youth workers, youth coordinators and youth volunteers who are formally engaged by the MYS or Divisions to liaise and work with youth in Ministry led programs and activities.

4.10 MYS Staff

Refers to Coordinators, Youth Administrators and Volunteers engaged or employed by the MYS.

4.11 Youth Protection Officer

Appointed MYS staff from the leadership of various youth establishments and institutions.

4.12 Youth

Defined as a young person between 15 – 35 years of age or as decided by the MYS from time to time.

4.13 Children

Any person under the age of 18.

5.0 RELEVANT LAWS AND AUTHORITIES

5.1 Child Welfare Amendment Decree, 2013.

5.2 Convention on the rights of the Child (CRC), 1989.

5.3 Family Law Amendment Decree, 2012.

5.4 National Youth Policy, 2012.

5.5 The Republic of Fiji Constitution, 2013.

5.6 Universal Periodic Review (UPR) – National Report Submitted in Accordance with Paragraph 15 (A) of the Annex to Human Rights Council Resolution.

5.7 Ministry of Education, Heritage and Arts - Child Protection Policy in Schools, 2015.

6.0 PROCEDURES

6.1 ESTABLISHING A SAFE ENVIRONMENT AND BARRIERS TO ABUSE

6.1.1 MYS staff and partners need to be alert to the physical and emotional well-being of young people under their supervision. Signs of injury, suspected abuse, harassment, bullying, discrimination or neglect must be reported to the Permanent Secretary (PS) or nominee immediately.

6.1.2 MYS staff and partners must ensure that they work with young people in reasonably open places and be mindful that while spending time with a young person, they can be positive and helpful but that the attention may also create reasons for concern.

6.1.3 There shall be a minimum of one responsible adult for every 8 to 10 youths for any youth related activities involving an overnight stay.

6.1.4 MYS staff and partners need to respect the privacy of youth, protect their own privacy and will intrude only to the extent where health and safety requires.

6.1.5 MYS staff and partners will not under any circumstances, discipline young people by use of physical punishment or by failing to provide the necessities of care, such as food and shelter.

6.2 RESPONDING TO ALLEGATIONS OF ABUSE, HARASSMENT, BULLYING OR DISCRIMINATION TOWARDS YOUTH

For use by the Youth Protection Officer (YPO) or other person to whom a young person reports an allegation of abuse or harassment

6.2.1 The MYS must ensure that YPOs are trained and be competent in handling cases of abuse.

6.2.2 All allegations of abuse, bullying or harassment or any negative behavior associated with any form of discrimination shall be reported to the YPO who will ensure proper collation of the essential information of the allegation.

- 6.2.3 The YPO shall make certain that all reporting steps taken are documented, including a log of phone calls, personal visits, written reports and statements.
- 6.2.4 All communications regarding the report of youth abuse shall protect the dignity and privacy of those affected by the report including the alleged victim and the person suspected of alleged abuse while at the same time ensures that persons in responsible positions and law enforcement remain fully informed.
- 6.2.5 If supported by the alleged victim, the YPO shall inform the PS or nominee and the law enforcement officers of the allegation within 24 hours and provide report of the incident (Appendix 1) to ensure thorough investigation into the claims of abuse or harassment.
- 6.2.6 Should the law enforcement personnel not be available, the YPO shall coordinate with the next most appropriate agency.
- 6.2.7 In all cases, confidentiality must be maintained and a decision by the alleged victim to refuse reporting crime shall be considered supreme.
- 6.2.8 All persons involved in MYS training and programs must report to local authorities any good faith suspicion or belief that any young person is or has been abused, bullied or harassed or any negative behavior associated with any form of discrimination.
- 6.2.9 MYS will provide support, if required, to the alleged victim, i.e. psychological, medical, legal, and any relevant assistance to ensure recovery of the alleged victim.
- 6.2.10 MYS will also ensure that the rights of the alleged perpetrator are protected and he/she is given the opportunity to legal counsel, is presumed innocent until proven otherwise.
- 6.2.11 *Roles of the YPO*
 - 6.2.11.1 The designated officer is responsible for documenting the facts as reported, and collating of initial information and evidence.
 - 6.2.11.2 The YPO shall assist the victim get support and protection needed and liaise with law enforcement and other relevant agencies.
 - 6.2.11.3 In a youth organised activity, any suspicions or allegation of abuse shall be reported promptly to the MYS officer in charge of the organized activity or YPO.
 - 6.2.11.4 In youth training institutions the institution heads shall be responsible for investigating any reported case of abuse. In cases where the institution head is absent, then the assistant shall take responsibility. In the event that the institution head is the accused then the Director will conduct investigation.
 - 6.2.11.5 In the case of a minor, the YPO will assist on behalf of the MYS unless the alleged victim's parent or legal guardian requests otherwise.

6.3 CONTACTS WITH YOUTH

- 6.3.1 MYS staff and partners will not initiate contact with or accept supervisory responsibility for youths outside of approved youth programs and training.
- 6.3.2 MYS staff and partners will conduct themselves in a manner that is consistent with the Public Service Code of Conduct and Values.
- 6.3.3 MYS shall ensure that all involved in training and contact with young people are screened for previous convictions or disciplinary offences prior to engagement. Should such an offence be found, the person will be asked to explain before a recommendation is made on his/her engagement in the program or training.

6.4 PROMOTING YOUTH PROTECTION FROM ABUSE

The Three 'Rs' of Youth Protection from Abuse

- 6.4.1 Youth need to **RECOGNIZE** situations that place them at risk of being sexually or otherwise abused.
- 6.4.2 Youth need to know that if they **RESIST**, in most instances it will discourage the attacker but ultimately safety must come first.
- 6.4.3 If youth **REPORT** an attempted or actual incidence of abuse, this will help protect themselves as well as other young people from further abuse.

7.0 GUIDELINES FOR RESPONDING TO AN ALLEGATION OF ABUSE

- 7.1 When addressing an allegation of abuse or harassment, the most important concern is the safety and well-being of the victim. The alleged abuser or harasser shall be removed immediately from the environment and all possible contact with the victim shall be prohibited.
- 7.2 It is essential to listen and be encouraging. It is also important to note and acknowledge that it takes a lot of courage to report abuse.
- 7.3 The youth shall be informed of the definitions and seriousness of the activities they are describing and what options they have.
- 7.4 The reporting youth shall be assured privacy and the implications of maintaining confidentiality. MYS staff and partners will explain that the matter should be reported to the appropriate authority to ensure that it does not happen to others.
- 7.5 Objectively gather all facts prior to submitting a formal report unless the situation is so serious, the report shall be presented to the authorities on the matters being investigated.
- 7.6 MYS staff and partners shall not judge but will reassure the youth that the situation was not their fault and that they were brave and mature to report the case.
- 7.7 MYS staff and partners shall keep a written record of the conversation with the youth, including the date and time of the report.

8.0 EFFECTIVE DATE.....

9.0 REVIEW DATE

10.0 KEY SEARCH WORDS

Abuse, Youth Protection Officer, youth, Youth Protection, emotional abuse physical abuse, sexual abuse, sexual harassment, Discrimination

11.0 RECOMMENDED BY THE PERMANENT SECRETARY YOUTH AND SPORTS, MS. ALISON BURCHELL


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SIGNATURE


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DATE

12.0 ENDORSED BY THE MINISTER FOR YOUTH AND SPORTS, HON. LAISENIA TUITUBOU


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SIGNATURE


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DATE