

Charter for the Protection of Children and Vulnerable Adults

1. Introduction

The overall purpose of the Charter for the Protection of Children and Vulnerable Adults (hereafter referred to as the Charter) is to promote and protect the rights of children and vulnerable adults by setting out procedures to be followed in order to reduce the risks of any form of abuse in the completion of our activities.

1.1 Legal citation

A.S.P.Em.'s action in this field refers to the **UN Convention on the Rights of the Child**, approved by the UN General Assembly on 20 November 1989 and ratified by Italy with Law no. 176 of 27 May 1991.

Article 1 of this Convention defines children as any human being below the age of eighteen years, unless they have reached maturity earlier under the applicable law.

The content of this document also applies to vulnerable adults. In the absence of an agreed definition of a vulnerable adult, reference is made to the **Hague Convention of 13 January 2000 on the International Protection of Adults** signed by Italy and taken from the European Parliament working document on the Protection of Vulnerable Adults of 24.11.2015.

Article 2 of the Convention defines a vulnerable adult as a person in need of protection who has reached the age of eighteen years (Article 2(1)) and, by reason of an impairment or insufficiency of their personal faculties, is not in a position to protect their interests, whether personal or financial (Article 1(1)).

This definition must be contextualised to the variety of cultural and regulatory contexts in which A.S.P.Em. operates.

1.2 Our commitments

A.S.P.Em. undertakes the following commitments towards children and vulnerable adults:

Awareness-raising: we are committed to ensuring that A.S.P.Em. staff, volunteers and

partners are aware of the issues related to sexual exploitation and abuse and the risks for children and vulnerable adults associated with these. Children and vulnerable adults and their families will be made aware, in the most appropriate manner, of the code of conduct they can expect from A.S.P.Em. staff and how they can possibly report suspected abuse.

Prevention: we are committed to ensuring that A.S.P.Em. staff, volunteers and partners minimise risks in order to prevent harm to children and vulnerable adults. An environment should be created in which the rights of children and vulnerable adults are always protected and possible abuse prevented.

Reporting: we are committed to ensuring that A.S.P.Em. staff, volunteers and partners are clear about when to report suspected abuse and what action to take.

Response: we are committed to ensuring effective intervention in response to every report of abuse by supporting, safeguarding and protecting the child and vulnerable adult involved.

2. Scope of application

This Charter includes mandatory requirements that apply to all aspects and areas of A.S.P.Em.'s work: fundraising, awareness-raising, campaigns, communication activities, projects, development of humanitarian and emergency interventions.

This Charter **applies:**

- to the members of the Board of Directors and the Board of Auditors;
- to the Secretary and the Presidency (President and Vice-President);
- to A.S.P.Em. staff, employees and non-employees, hired under any kind of contract, and to volunteers (internship/apprenticeship/informal volunteering);
- to donors, journalists, testimonials and all those who come into direct contact with A.S.P.Em. projects and activities;
- to staff and representatives of partners and any other individual, group or organisation that has formal/contractual relations with A.S.P.Em. involving direct contact with children or vulnerable adults in Italy and/or abroad.

The staff of A.S.P.Em., the staff of partner organisations and their representatives must act in accordance with this Charter, both in their professional and private lives. A.S.P.Em. staff and volunteers, when signing a contract of employment of any kind or defining their voluntary assignment, must receive and fully understand this Charter, which includes the Code of Conduct and the Organisation, containing any contact details for reporting suspected abuse of children and vulnerable adults.

All partners or other organisations that have a formal contractual relationship with A.S.P.Em. that involves direct contact with children and vulnerable adults, must have included in their contracts and agreements the obligation to comply with this Charter in all its forms and to be aware of how to proceed in the event of the need to report alleged abuse of children and vulnerable adults, as well as the Code of Conduct, included in the Charter.

2.1 Definitions

The main definitions are as follows:

- **Child**: the Charter covers the protection of all children up to the age of 18.
- **Vulnerable adult**: a natural person of legal age who is temporarily or permanently unable to manage his/her own person and/or assets.
- **Abuse**: any act that is physically or psychologically harmful to a child or vulnerable adult, directly or indirectly causing harm or precluding the prospects of a healthy and safe development into adulthood. The main categories of abuse are defined by the O.M.S. as physical violence, psychological violence, neglectfulness and negligent treatment, sexual exploitation and abuse.
- **Sexual Exploitation**: any actual or attempted abuse of a position of vulnerability, differential power, or trust, against a child or vulnerable adult for sexual purposes, including for economic, social or political gain.

A.S.P.Em. believes that:

- any sexual activity without consent is to be considered an abuse and a crime;
- any sexual activity with a child under the age of 18, regardless of the child's

presumed consent and the laws of the country in question, is considered abuse;

- any sexual activity with an adult who is incapable of understanding and/or giving consent is considered a violation of this Charter and the Code of Conduct.

2.2 Applications

1 - A.S.P.Em. ensures wide dissemination of the Charter, its Organisation and the Code of Conduct. Dissemination must necessarily include A.S.P.Em. staff, volunteers and partner staff, and in particular children, vulnerable adults and their carers.

Dissemination is managed in such a way as to ensure that the Charter and Code of Conduct are fully understood; this may include the use of language translations and the production of child- and vulnerable adult-friendly materials.

2 - Recruitment and selection of staff must reflect A.S.P.Em.'s commitment to the protection of children and vulnerable adults, ensuring that communications, controls and procedures are in place to exclude anyone unsuitable to work with children and vulnerable adults.

Successful applicants are advised of the binding nature of this Charter, its Organisation and Code of Conduct and that they apply to both their professional and private lives and must declare, under their own responsibility, that they have no current criminal proceedings or charges pending in relation to offences against children and vulnerable adults.

3 - The Charter must be included in every existing or future A.S.P.Em. system and process that has an impact on the protection of children and vulnerable adults, in order to create an environment in which the rights of children and vulnerable adults are respected.

The Charter must therefore be reflected both in the work of human resources and in the general management practices to guide staff in the conduct of their work.

Failure to comply with the aspects of the Charter set out in each of these provisions should be considered a disciplinary offence, sanctioned in accordance with applicable labour law.

4 - All A.S.P.Em. activities involving children or vulnerable adults must be assessed in advance, to ensure that any risks to the protection of children and vulnerable adults are identified and appropriate control systems are developed.

5 - A.S.P.Em. staff and staff of partner organisations should be supported in developing skills, knowledge and experience on the protection of children and vulnerable adults, appropriate to their role in the organisation. Staff who are responsible for making reports of sexual exploitation and abuse are provided with specialised training to enable them to receive and respond to such reports. Basic information from the Policy, the Code of Conduct and the Organisation shall be included in initial and ongoing staff training.

6 - All agreements between A.S.P.Em. and partners must include clauses on the Charter. Partners working with children and vulnerable adults should develop procedures with similar standards or adopt this Charter as appropriate. Agreements with partners whose activities affect children and vulnerable adults should clearly highlight agreed procedures for reporting and investigating cases of Charter violations. A.S.P.Em. has clear planning in place to build the capacity of partners in this area to develop the necessary policies and procedures.

7 - When using information and communication technologies, such as the Internet, websites, social networking sites and digital photography, A.S.P.Em. takes the utmost care to ensure that children and vulnerable adults are not exposed to any possible risk.

3. Code of conduct

A.S.P.Em. staff must never:

- 1) strike, physically assault or physically or psychologically abuse a child or vulnerable adult;
- 2) adopt attitudes towards minors or vulnerable adults that may negatively affect their harmonious and socio-relational development;
- 3) act in a way that sets a negative example for the child or vulnerable adult;

- 4) engage in sexual activity or have a sexual relationship with individuals under the age of 18, regardless of the definition legal age or the methods of consent legally recognised in different countries. Misconceptions about the age of a minor are not an acceptable defence;
- 5) have a relationship with a child or vulnerable adult that could in any way be considered as exploitation, mistreatment or abuse;
- 6) act in ways that may be abusive or that may place the child or vulnerable adult at risk of exploitation, maltreatment or abuse;
- 7) use inappropriate, offensive or abusive language or give inappropriate, offensive or abusive suggestions or advice;
- 8) behave in an inappropriate or sexually provocative manner;
- 9) establish or maintain “ongoing” contact with a child or vulnerable adult who is the beneficiary of the activities, using personal communication tools (e-mail, chat, social networks, etc.). Where possible, only professional tools and environments known to the organisation should be used and, where available, a landline and service mobile phone for telephone contacts;

- 10) allow a minor or vulnerable adult with whom they work to sleep in their home without supervision and prior authorisation from their direct supervisor, except in exceptional circumstances, in which case they must inform their direct supervisor immediately;
- 11) sleep in the same room or in the same bed with a child or vulnerable adult with whom they work;
- 12) do for the child or vulnerable adult things of a personal nature that they can do themselves;
- 13) give money or goods or other benefits to a minor or vulnerable adult outside the parameters and purposes established by the project activities or without the knowledge of their supervisor;
- 14) tolerate or participate in child or vulnerable adult behaviour that is unlawful, or abusive, or which endangers their safety;
- 15) act in such a way as to shame, humiliate, belittle or despise a child or vulnerable

- adult, or perpetrate any other form of emotional abuse;
- 16) discriminate against, treat differently or favour one child or vulnerable adult to the exclusion of others.

This list is not exhaustive or exclusive. The basic principle is that actions or behaviour that may be inappropriate or potentially abusive towards children and vulnerable adults should be avoided.

4. Organisation

A.S.P.Em. defines the organisation for **appointing a supervisor** and for **reporting and managing** suspected maltreatment, **abuse** or exploitation of children or vulnerable adults. In particular, it states that:

- The Board of Directors appoints within the Italian structure of the organisation the supervisor for the protection of children and vulnerable adults.
- On 23 June 2021 the Board of Directors appointed Martina Marelli, educator and member of the employee staff of A.S.P.Em., as the new person in charge of the protection of minors and vulnerable adults.
- The person in charge has the duty to report the warning to the President, initiate the investigation procedure to establish that the alleged abuse has taken place and take any appropriate measures. The Board of Directors will be duly informed if abuse is confirmed.
- Abroad, the person in charge is the Country Representative of A.S.P.Em., and if he/she is not present, he/she will be replaced by the Contact Person of the Local Partner.
- The person in charge identified together with the Board of Directors has the duty to review and update this Charter every 2 years.

Any alleged breach of the Charter must be reported and investigated in accordance with the Charter itself and the related Organisation.

Any breach of the Charter constitutes a disciplinary offence which may be sanctioned, in the most serious cases, by termination of the employment contract in accordance with

the applicable labour legislation.

4.1 Reporting

Reporting must be clear and must ensure that the best interests of the child and vulnerable adult are respected.

At this stage, it is essential that two key values are ensured:

- confidentiality: the identities of the persons who made the report, the subject of the report and the identity of the person accused will not be made public, unless the case goes to court and witnesses are required to be heard.
- loyalty: the accused person being a member of the A.S.P.Em. staff will be supported by the organisation to the best of its abilities and possibilities and, by virtue of the legal principle of presumption of innocence, will be presumed innocent until proven guilty.

All A.S.P.Em. staff should:

- promote an environment of openness to listening, in connection with matters concerning the protection of children and vulnerable adults, to facilitate the exposure of issues and/or reports about alleged abuse;
- ensure the sharing and diffusion of a sense of common responsibility among staff members, including volunteers, for the protection of children and vulnerable adults;
- encourage children and vulnerable adults with whom they come into contact to raise issues and concerns;
- make parents or legal guardians of children and vulnerable adults aware of their rights, of what is acceptable or unacceptable;
- be clear to parents and guardians about the professional attitude they can expect from A.S.P.Em. staff and clarify in detail what can be done in case of abuse-related issues;
- be watchful in identifying situations that may pose risks to minors and vulnerable adults and be able to handle them;

- report any concern, suspicion or certainty about possible abuse towards a child or vulnerable adult;
- organise work and the workplace for activities where contact with minors and vulnerable adults is expected in such a way as to minimise risks.

4.2 Management arrangements

In cases where a report of alleged abuse is submitted, A.S.P.Em. provides for the following management steps: reporting, documentation, investigation and action to be taken following confirmed abuse.

Regardless by whom it is reported, the allegation will be noticed directly to the person in charge providing information about what happened, date, place and name of the witness. Once a complaint has been reported, the Supervisor must follow established procedures and ensure that a confidential, in-depth, immediate and impartial investigation is carried out.

- 1) Collect information and documentation about the incident;
- 2) Carry out an internal investigation (including witness interviews);
- 3) Temporarily suspend the defendant from their activities, if related to projects including children and vulnerable adults, during the course of the investigation;
- 4) Inform the person concerned of the charges against them;
- 5) Give the suspect the opportunity to present their version of the events in question, before any determination of guilt or innocence is reached;
- 6) Ensure that the victim receives protection, psychological and socio-economic support (if needed);
- 7) Ensure that the person making the report is informed about the progress of the procedure initiated;
- 8) Where an offence has been committed, report it to the competent Authority.

All persons to whom this Charter applies have an obligation to report abuse and no form of coercion, intimidation, retaliation or reprisal against them will be tolerated.

4.3 Modalities of reporting

The person who witnesses the abuse can report it by a written document, a phone call, an e-mail, an interview, a letter and any other valid way.

Modalities are facilitated so that also minors and vulnerable adults are able to report.

If the child or vulnerable adult reports the abuse directly, the Supervisor will complete the report form and initiate the response procedure.