

Child Protection Policy **Mainland China**

Scope:

This policy applies to the community of each Yew Chung International School (YCIS), Yew Wah International Education School (YWIES) and Yew Wah International Education Kindergarten (YWIEK) in Mainland China. The community includes but is not limited to all staff, outsourced staff, service providers, volunteers, parents and students, who come into any contact with students. This policy will be shared with the entire community at each YCIS, YWIES and YWIEK in Mainland China.

Overview:

We believe that all students have a right to be protected from neglect as well as physical, sexual and emotional abuse. Accordingly, this policy outlines the principles, processes and procedures for dealing with potential child neglect and abuse.

Principles:

Yew Chung and Yew Wah Schools and Kindergartens recognise their responsibilities regarding child protection. We aim to create a safe, secure and supportive learning environment for our students, free from any form of harm. The welfare of all students is of paramount importance to each YCIS, YWIES and YWIEK school community. Members of each school community are required, ethically and legally, to act promptly and professionally to ensure the protection of our students in instances of suspected child abuse. All suspected cases of child abuse should be reported to the child protection officer immediately.

This child protection policy and accompanying procedures are based on local, national and international law, including:

- ***Minors Protection Law of the People's Republic of China***, 2012, Article 5
- ***Anti-Domestic Violence Law of the People's Republic of China***, 2015, Articles 14 and 35
- ***UN Convention on the Rights of the Child***, 1989, of which China is a signatory. The two key articles are: ***Article 19 – Protection from abuse and neglect***, and ***Article 34 – Protection from sexual exploitation***

Responsibilities of each YCIS, YWIES and YWIEK School Community:

- Members of each school community are responsible at all times for the implementation of this policy and associated procedures.
- The designated child protection officer, co-principals and response team must consider and attend to all child protection forms that are submitted.
- In the event of the child protection officer being unavailable, the child protection deputy will be responsible for the duties of the child protection officer.

Expectations of YCWIS, YWIES and YWIEK relating to child protection:

In order to implement the child protection policy, **YCWIS, YWIES and YWIEK** will be expected to:

- Establish procedures for reporting and investigating allegations of abuse;
- Designate a child protection officer and child protection deputy and ensure they are made known to staff, parents and students each school year;
- Establish a process for providing support to students who are victims of abuse;
- Make the child protection policies and procedures well known to the entire school/kindergarten community (to be made available on the school's website, blogs, and shared with potential teacher candidates and new families, etc.);
- Provide mandatory ongoing professional development to support all staff in understanding and implementing the child protection policy, guidelines and procedures, and provide training and information, as appropriate, to the entire school community;
- Develop processes for screening new and existing employees, contracted staff, outside contractors, and volunteers who have direct, unsupervised access to students in the school/kindergarten environment;
- Create and implement safe recruitment practices for the employment of all teaching and non-teaching staff;
- Ensure that the school community members are presented with the *Child Protection Policy and Procedures* document, and that they clearly understand their responsibilities;
- Ensure staff and outsourced staff who work at the school sign a copy of the *Adult Code of Conduct for Working with Students*
- Ensure community partners who are not directly hired by the school but provide services such as therapists, parent paid support assistants, overnight trips and student activities, sign a copy of the *Adult Code of Conduct for Working with Students (Community Partners)*
- Ensure visitors who work with children are aware of the school's expectations regarding child protection, and are presented with the school's child protection policy and associated procedures prior to visiting the school;
- Raise awareness about abuse through education of the school/kindergarten community.

Appendix: Laws and Conventions Guiding the Child Protection Policy

The child protection policy and accompanying procedures are based on local, national and international law, including:

The PRC Minors Protection Law, 2012:

Article 5:

In the protection of minors, the following principles shall be followed:

- (1) respecting the personal dignity of minors;
- (2) following the laws which govern the minors' physical and mental development and the characteristics of such development; and
- (3) combining education with protection.

Standing Committee of the National People's Congress, *Law of the People's Republic of China on the Protection of Minors (2012 Revision)* Order of the President No.65 PRC.

Anti-domestic Violence Law of the People’s Republic of China, 2015:

In 2015, a new law was passed (effective March 1st 2016) that protects foreigners and Chinese citizens within China’s borders from domestic violence. Two articles of this law have specific implications for children and schools:

Article 14: Schools, kindergartens, medical institutions, residents' committees, villagers' committees, social service agencies, aid management agencies, welfare agencies and their staff members shall promptly report cases to public security organs if they find, during the course of their work, that persons with no civil capacity or persons with limited civil capacity have suffered or are suspected of suffering domestic violence. Public security organs shall keep confidential the identity of case reporters.

Article 35: Where a school, kindergarten, medical institution, residents' committee, villagers' committee, social service agency, aid management agency, welfare agency and its staff members fail to report a case to a public security organ in accordance with Article 14 herein, resulting in serious consequences, the person directly in charge and other persons subject to direct liabilities shall be given disciplinary sanctions pursuant to the law by the relevant superior competent department or their own employer.

Standing Committee of the National People’s Congress, (2015) *Anti-domestic Violence Law of the People’s Republic of China*. Order No.37 of the President, PRC.

UN Convention on the Rights of The Child:

This policy is also based on the United Nations Convention on the Rights of the Child of which China is a signatory. The two key articles are:

Article 19 – Protection from abuse and neglect

1. States parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 34 – Protection from sexual exploitation

States parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, states parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

United Nations International Children’s Emergency Fund (UNICEF), (1989) *The United Nations Convention on the Rights of the Child*. London: Author

This policy has been reviewed and commented on by FuJae Partners, a PRC law firm with Chinese and International legal experiences.

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