

Scouting Netherlands code of conduct



Scouting Netherlands considers a safe physical and social environment for its youth members and volunteers important. One of the tools for this is the use of a code of conduct. This states what is and is not desirable in dealings between volunteers and youth members.

Many boundaries in the contact between volunteers and youth members in Scouting are not unambiguous. One child may want to sit on your lap for a while if he or she is looking for comfort, another child may need a pat on the head and yet another may not like to be touched. So, no precise boundaries can ever be agreed on this that apply to all children and in all situations. This is just as well, because for many children closeness and physical contact is a prerequisite for growth. But there is one very clear boundary and that is the boundary that sexual acts and contacts between volunteers and youth members who come to us are absolutely inadmissible!

Therefore, as an association, we have drawn up a code of conduct for all our volunteers. It is included in the Internal Regulations and therefore applies to all members. The code of conduct complements the Penal Code, which sets out the legal limits for dealing with minors.

1. The volunteer provides an environment and atmosphere in which the youth member feels safe and respected
2. The volunteer deals with a youth member in such a way that his/her dignity is not impaired
3. The volunteer will not intrude further into the youth member's private life than is functionally necessary.
4. The volunteer shall refrain from any form of sexual approach and abuse towards the youth member. All sexual acts, contacts and relationships between volunteer and youth member up to 18 years of age are not permissible under any circumstances and are considered sexual abuse.
5. The volunteer shall not touch the youth member in such a way that this touch is reasonably expected to be perceived as sexual or erotic in nature.
6. During camps and activities, the volunteer treats youth members and the spaces they are in, such as dormitories, tents, changing rooms, showers, etc., with respect.
7. The volunteer shall protect the youth member to the best of his/her ability from forms of unequal treatment and sexual abuse and actively ensure that the code of conduct is observed by everyone involved with the youth member.
8. If the volunteer identifies behaviour that is not in line with this code of conduct and in case of suspicions of sexual abuse, he is obliged to report it to the persons designated for this purpose by the board.
9. The volunteer does not receive or give any (im)material compensation that is not reasonable.
10. In those cases not (directly) covered by the code of conduct, or when in doubt about the permissibility of certain behaviour, the volunteer will act in the spirit of the code of conduct and, if necessary, contact a person designated by the board about it.

Explanation of code of conduct

Many boundaries in the contact between volunteers and youth members in Scouting are not unambiguous. One child may want to sit on your lap for a while if he or she is looking for comfort, another child may need a pat on the head and yet another may not like to be touched. So, no precise boundaries can ever be agreed on this that apply to all children and in all situations. This is just as well, because for many children closeness and physical contact is a prerequisite for growth. But there is one very clear boundary and that is the boundary that sexual acts and contacts between volunteers and youth members who come to us are absolutely inadmissible!

Article 249 of the Penal Code states: He who commits fornication with his minor child, stepchild or foster child, his pupil, a minor entrusted to his care, education or vigilance, or his minor servant or subordinate, shall be punished with *imprisonment of* not more than six years or a fine of the fourth category). In addition, any form of sexual approach with juveniles under 16 years of age is prohibited (Penal Code: Articles 244, 245, 247, 248a, 249). And making images of sexual behaviour of someone under 18 is also prohibited (Penal Code: section 240b).

Therefore, as an association, we have drawn up a code of conduct for all our volunteers. This is included in the Internal Regulations and therefore applies to all members.

This code of conduct refers to volunteers and youth members. In the code of conduct, volunteer means anyone who has the function of a cadre member within Scouting Nederland according to the internal regulations. Youth members are the youth members as defined in the internal regulations.

1. The volunteer provides an environment and atmosphere in which the youth member feels safe and respected. The child must be respected. There must be no discrimination or emphasis on religion, belief, political affiliation, race, gender, nationality, sexual orientation, cultural background, age or physical characteristics. This means that the child must feel safe both during the activities of the association, but also outside them, and feel that he can - literally - move freely.

2. The volunteer deals with a youth member in such a way that his/her dignity is not impaired. This means that you never treat a child/young person in a way that affects his/her dignity. You refrain from discriminatory, belittling or (sexually) intimidating remarks and behaviour. This applies during activities, but also outside, during all activities organised by or on behalf of the association.

3. The volunteer does not intrude further into the private life of the youth member than is functionally necessary. In volunteering, it is common to know children also from social contacts. But the volunteer is always the responsible person within the association. Within the association, it is not about friendship or other social relationship, but about the volunteer - youth member relationship. It is important that the volunteer is aware of his position, which can also play on outside the association. It is about the volunteer keeping an appropriate distance and not intruding further into the private life of the youth member than is necessary for the jointly set goal (activity) of the association. For example: asking unnecessary questions about the private life, making personal dates, contacting the child outside the activities of the association, inviting youth members home (in a one-to-one situation), and so on. Within Scouting, there are often connections between members that are separate from the contacts within the association, such as board members or leaders with children in the group, leaders where youth members are also neighbours etc. This article does not focus on the contacts that come from these connections. However, it is important for the volunteer to keep the lines between the two connections as clear as possible. Where his role as a group volunteer comes into play, he acts in the spirit of this code of conduct.

4. The volunteer shall refrain from any form of sexual approach and abuse towards the youth member. All sexual acts, contacts and relationships between volunteer and youth member up to 18 years are not permissible under any circumstances and are considered sexual abuse.

The volunteer must never use his position and relationship for purposes for his own benefit that conflict with his responsibility, or that exceed the limits of the relationship. This could include:

- create a sexually / erotically charged atmosphere;
- sexual remarks and innuendos, such as foul language or slanted jokes;
- asking questions about sex, for example about masturbation, frequency and forms of intercourse;
- looking at and touching the youth member in a non-functional way where the eyes or hands are focused on the sexual characteristics;
- satisfaction of one's own sexual desires.
- all sexual acts and relationships between volunteers and youth members up to 18 years of age, or with someone with a developmental disability, are inadmissible and punishable under section 249 of the Penal Code.

Between adults and children/young people, there is a natural preponderance and thus a power difference. This makes it more difficult for a child to refuse things, or to oversee what is involved. It is up to the adult to guard the boundaries. This also applies to people with a developmental delay / intellectual disability. For them, calendar age is not a criterion, but the fact that they are behind in intellectual and/or emotional and social development.

This means that the volunteer:

- never makes sexual advances towards children/young people and/or creates a sexually or erotically charged atmosphere (e.g. by showing pornography, or one's own genitals);
- never use a child/young person for gratification of their own sexual and/or aggressive desires;
- never respond (with sexual behaviour) to the love feelings, sexual desires or fantasies of the youth member even if he/she seems to invite you to do so, or invites you outright;
- if an erotic/sexually charged atmosphere should arise, or could arise, between the volunteer and the youth member, the volunteer distances himself or herself and discusses the situation with co-management, the board or the confidential advisor;
- if the volunteer develops feelings of infatuation, aversion or aggression towards the child/young person, the volunteer distances him/herself and discusses the situation with the co-counsellor, the board or the confidential advisor.

5. The volunteer does not touch the youth member in such a way that this touch can reasonably be expected to be perceived as sexual or erotic in nature. The starting point is that the youth member experiences it as sexual in nature. For example: holding a hand for too long when greeting or saying goodbye, pulling someone towards you, pressing against the child/young person, giving a French kiss, touching buttocks and breasts, and so on. Functional touching is sometimes necessary (helping a young or disabled youth member go to the toilet) or desirable (comforting a youth member) and provided it is not abused, permitted. The volunteer must ensure that where physical contact is necessary and functional, this contact or touch cannot be misinterpreted - in the sense of being sexual or intimidating. When making physical contact, the volunteer takes into account boundaries indicated by the youth member, age, developmental level, backgrounds, the specific situation and what is considered socially and/or culturally acceptable.

6. During camps and activities, the volunteer treats youth members and the spaces they are in, such as dormitories, changing rooms, showers, etc., with respect. For example, with respect in this order means:

- the volunteer and youth member should preferably not travel in pairs, but with, for example, an additional volunteer or several youth members;
- the volunteer and the youth member in a one-to-one situation do not sleep in the same room; there are at least two volunteers on a group of children;
- treating the spaces where the children are with respect means that the youth member should feel safe there, their privacy is guaranteed and social control is not excluded. This could include:
- do not enter the dormitory or tent without notice and preferably in the company of another adult;
- leaving the door or tent open after entering, unless it is clear that both need some privacy;

- conversations with the child are held in a neutral space (not in changing room, bedroom or tent).

7. The volunteer shall protect the youth member to the best of his/her ability from forms of unequal treatment and sexual abuse and actively ensure that the code of conduct is observed by everyone involved with the youth member. The volunteer has the responsibility for the safety and well-being of the youth member within his/her capabilities. If the volunteer signals transgressive behaviour, he is responsible for stopping the undesirable behaviour (or having it stopped) and ensuring the safety of the child. The volunteer is alert to signs that may indicate sexual abuse/violation of the code of conduct.

8. If the volunteer identifies behaviour that is not in line with this code of conduct and in case of suspicions of sexual abuse, he is obliged to report it to the persons designated for this purpose by the board. All suspicions or observations of sexual abuse must be reported. A youth member may confide in a volunteer and tell him/her that someone is abusing him/her. The volunteer does not promise confidentiality in such a case. Facts of a confidential nature, entrusted to you, should be respected at all times. But when the interests of the youth member are at stake, the volunteer should report this or at least consult a third party. If at all possible, this is done in consultation with the youth member.

9. The volunteer does not receive or give (im)material allowances that are not reasonable. Reimbursements risk compromising the objectivity of the action and the independent position of the volunteer and that of the youth member. This may create a breeding ground for (sexual) abuse of power.

10. In those cases where the code of conduct does not (directly) provide, or in case of doubt about the permissibility of certain behaviour, the volunteer will act in the spirit of the code of conduct and, if necessary, contact a person designated by the board about this. This means that the volunteer will also be alert to behaviours that cannot be directly labelled as sexual abuse or harassment, but are perceived as transgressive. In this case, too, it is important to take appropriate action, such as addressing the person in question. If required, the volunteer can consult the persons mentioned in the protocol.