



ASEEMA CHARITABLE TRUST CHILD PROTECTION POLICY UNDER POCSO

Aseema Charitable Trust

G3 Josephine Apartments, Ground Fl, Chimbai Road, Bandra West, Mumbai 400050



CHILD PROTECTION POLICY

Ownership	Operations
Forum where approved	Board of Trustees
Date of Approval	April 2022

1. Background:

Children constitute principal assets of any country. India is a young nation, with a child population of 444 million approx. Protection of this young population is not only a matter of their human rights but also an investment towards building a robust nation. India has a strong legal framework to protect children.

The Constitution of India recognizes children as equal right holders and grants highest priority for their protection and well-being. India has the largest child population in the World. Children need to be empowered, their rights promoted, by safeguarding them from abuse, violence, discrimination, neglect, injustice, hard labor, and trafficking.

The policy on child protection aims at providing a safe and conducive environment for all children through the prevention and response to child abuse, exploitation and neglect. It provides a framework for the entire organization and it's employees to understand their responsibilities in relation to safeguarding/ protecting children and promoting the welfare of children; individually and collectively.

2. Objective:

Aseema Charitable Trust (hereinafter referred to as Aseema/organization) commits itself in letter and spirit to the objectives laid down in legal and constitutional framework for child protection. The organization will ensure that no child or young person is subject to any form of harm as a result of their association with the organisation. This includes, ensuring that their contact with us and those associated with us and/or their participation in our activities, interventions and operations is safe and where there are concerns over a child welfare or where a child has been subject to violence, appropriate and timely actions are taken to address this and incidents are analysed so as to ensure continued learning and system strengthening.

This policy is based on the premise of Zero tolerance of child abuse and exploitation.

3. Definitions:

Associate - includes non-paid and paid individuals whether on roll or on contract basis who have committed to work with or support Aseema. It includes, among others, trustees, advisory-board/board members, volunteers (including community volunteers), interns, sponsors researchers, consultants and contractors, staff and/or representatives of partner organisations and local governments (when operating under a partnership agreement with Aseema).

Child – As per the United Nations Convention on the Rights of the Child and for the purposes of this policy, is defined as any person – girl, boy, and children of other gender identities - under the age of 18 years (UNCRC Article 1).

Respondent: Any person against whom a complaint of offence/misconduct has been made in writing

Child Abuse: All forms of physical or mental violence, injury or abuse, maltreatment or Exploitation, including sexual abuse.

- Physical abuse including hurting or injuring a child, inflicting pain, poisoning, drowning, or smothering.
- Sexual abuse: including direct or indirect sexual exploitation or corruption of children by involving them (or threatening to involve them) in inappropriate sexual activities.
- Emotional abuse: repeatedly rejecting children, humiliating them or denying their worth and rights as human beings.
- Neglect: the persistent lack of appropriate care of children, including love, stimulation, safety, nourishment, warmth, education, and medical attention.

Corporal Punishment - Any deliberate infliction of physical pain on a child by an adult.

Harm - It is any detrimental effect on a child's physical, psychological, or emotional wellbeing. Harm may be caused by abuse or exploitation whether intended or unintended.

Violence - against a child includes all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, emotional ill-treatment or psychological

violence, sexual abuse and exploitation, harassment, and commercial or other exploitation of a child, Acts of violence can also take place online through, for example, the web, social media or mobile phones. It may be an intentional act involving the use of physical force or power or it may be failing to act to prevent violence against a child person. Violence consists of anything which individuals, groups, institutions or organisations do or fail to do, intentionally or unintentionally, which either results in or has a high likelihood of resulting in actual or potential harm to the child's wellbeing, dignity and survival and development.

Staff - individuals who receive a regular salary for work in Aseema as well as individuals paid by or through Aseema but located in another entity.

Visitor - refers to a range of persons who are visiting Aseema's offices or programmes and may come into contact with children through Aseema, including journalists, media, researchers, visiting sponsors, donors and celebrities.

4. Standards Of Behaviour:

This section includes guidance on appropriate and expected standards of behavior of adults towards children, and also of children towards other children. These have been developed with the best interests of the child as the primary consideration and should be interpreted in a spirit of transparency and common sense.

Individuals (to whom this policy is applicable) should:

- Adhere to the Aseema's Policy on Child Protection and be open and honest in any dealings with children, their families, and communities participating in programmes, projects, processes, events, and activities.
- Treat children in a manner which is respectful of their rights, integrity, and dignity and consider their best interests regardless of age, sex, gender, gender identity, sexual orientation, nationality, ethnic origin, colour, race, language, religious or political beliefs, marital status, disability, physical or mental health, family, socio-economic or cultural background, class, or any history of conflict with the law.
- Create and maintain an environment which prevents the abuse and exploitation of children ensuring that one is aware of potential risks with regards to any conduct and work, and take appropriate action so as to minimise risks to children.
- Contribute to building an environment where children we engage with are:

- respected and empowered to participate in and discuss decision making and interventions for their safeguarding in accordance with their age, maturity and evolving capacities; and
 - well informed on their safeguarding and protection rights and the steps to take if they have a concern.
- Display high standards of professional behavior at all times, providing a positive role model for children.
 - Comply with all relevant international standards and local legislation in relation to child labour, and refrain from using children aged below 18 years for domestic or other labour, if such work is inappropriate, exploitative or harmful given their age or developmental capacity, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury, exploitation, or violence. In addition, it should be ensured that children of any age that we work with are not used for domestic or other labour.
 - Respect the privacy and confidentiality of children and young people associated with Aseema. This means one will:
 - Never ask for or accept personal contact details or invitations to share personal contact details (this includes email, phone numbers, social media contacts, address, webcam, skype, etc.) from any child or family associated or formerly associated with our work or share one's personal contact details with such individuals except where this has been explicitly authorised by Aseema.
 - Never disclose, or support the disclosure of, information that identifies sponsored families or children, through any medium, unless that disclosure is in accordance with Aseema's standard policies and procedures and/or has the explicit consent of Aseema. Media includes paper, photographs, and social media.
 - Never make any contact with a child, or family members associated with Aseema work which is without the knowledge or permission of the supervisor or in absence of Aseema employees. Such contact may include but is not limited to visits and any form of communication via social media, emails, and letters.
 - Always ensure that when on an official visit to Aseema no photographs or videos are taken of the children without the permission of the organization. Ask permission of the child (or in the case of young children, their parent or guardian) informing

them of the specific purpose(s) and intended use (including how and where) and respect their decision to say no making it clear that there will be absolutely no negative repercussions from denying such consent.

- Ensure the images are respectful and do not impact negatively on their dignity and privacy.
 - Ensure that the use of the images does not put the child at risk of being identified or located.
 - Never upload the images of children associated with Aseema on non-Aseema social media pages without the full and explicit consent of Aseema
- Report and respond to any concerns, suspicions, incidents or allegations of actual or potential abuse to a child in accordance with applicable procedures of the organisation.
 - Cooperate fully and confidentially in any Aseema investigation of concerns or allegations of abuse to children.
 - Immediately disclose all charges, convictions, and other outcomes of an offence, which occurred before or occurs during association with Aseema that relate to exploitation and abuse of a child.

Individuals (to whom this policy is applicable) should not: (For the sake of this Policy, the following shall be considered as “Offences/Misconduct”)

- Abuse or exploit a child or behave in any way that places a child at risk of harm, including through harmful traditional practices such as, for example, forced or child marriage.
- Use any corporal punishment on any child.
- Engage in any form of sexual activity or develop physical/sexual relationships with anyone under the age of 18, regardless of the age of consent locally. Mistaken belief in the age of a child is not a defense.
- Use physical punishment/discipline or use of physical force of any kind towards children.
- Engage children in any form of sexual activity which involves the exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behavior. This includes exchange of assistance that is due to beneficiaries.

- Use language or behave towards a child in a way that is inappropriate, offensive, abusive, sexually provocative, demeaning or culturally inappropriate.
- Fondle, hold, kiss, hug or touch children in an inappropriate or culturally insensitive way.
- Have a child /children with whom one is in contact in a work related context, stay overnight at his/her home or any other personal residential location or accommodation.
- Sleep in the same room or bed as a child with whom one is in contact in a work-related context. Where it is necessary to sleep in proximity with unaccompanied children, it should be ensured that another adult is present and it is in line with authorised procedures.
- Do things of a personal nature for children, with whom there is contact in a work-related context, (e.g. taking a child/young person to the toilet/bathroom; helping them get un/dressed etc.) that they can do for themselves.
- Spend time alone away from others with children with whom there is contact in a work-related context; it should be ensured that another adult is present and/or one is with the child in an open public place, where others are around and in plain view of others.
- Hit or otherwise physically assault or physically abuse children.
- Act in ways that shame, humiliate, belittle or degrade children, or otherwise perpetrate any form of emotional abuse.
- Discriminate against, show differential or preferential behavior towards, or favour particular children to the detriment of them or others.
- Develop relationships with, engage in any practice with or develop behavior towards children which could in any way be deemed or interpreted as exploitive or abusive.
- Condone or participate in behavior of children which is illegal, unsafe, or abusive.
- Use computers, mobile phones, video and digital cameras, or any such medium to exploit, harass or bully children.
- Use computers, mobile phones, or video/digital cameras or other electronic devices, to access, view, create, download, or distribute pornography, especially abusive images of children.

The above is not an exhaustive list. Staff, Associates, and Visitors should consider all related actions and behavior which may compromise the rights and safeguarding of children.

Personal Conduct outside Work or Engagement with Aseema

Aseema does not dictate the belief and value systems by which Staff, Associates, and Visitors conduct their personal lives. However, actions taken by them out of working hours that are seen to contradict this policy will be considered a violation of the policy.

Our Staff, Managers, Associates, and Visitors are required to adhere to principles of this Policy on Child protection both at work and outside work.

5. Process in case of offences/misconduct:

Any child or his parent or legal guardian or anyone authorized in this regard (Complainant) may make a complaint in case of any offence with any member of the Committee or with any Staff or Associate of Aseema. The complaint must be made in writing. In case the complaint is made to any person other than a member of the Committee, the person to whom the complaint is made should forward the same to the Committee within 3 working days of receiving the complaint. The members of the Committee shall be :

- ❖ Chairperson of the “Child Protection” Committee
- ❖ Internal Officers- 2 Members from Middle Level Management [One Female and One Male]
- ❖ HR Representative

• Investigation

Once a complaint has been filed, an investigation will be undertaken immediately. In instances where there is an alleged respondent, the respondent will be notified immediately. The complainant and the respondent will both be interviewed along with any individuals who may be able to provide relevant information.

• Mediation

Aseema supports resolving matters through mediation provided that it is consistent with organizational duties, obligations and needs. Mediation can only be undertaken voluntarily. If both parties agree to participate; matters may be resolved through mediation in the following circumstances. Once the matter has been investigated and the organization has determined the facts of the case, it may use mediation to develop appropriate solutions to the complaint; and, in rare instances, where the incident is an isolated event and the parties do not dispute the facts, the organization will act

diligently to ensure that matters are dealt with in a manner that ensures the safety and protection of everyone within the organization.

- **Timelines**

Aseema will investigate all complaints immediately and will work towards the prompt resolution and prevention of discriminatory acts and practices (offences/misconduct). The first round of investigation shall be concluded within 7 working days from the date of receiving of the complaint by the Committee. The decision of the Committee shall be communicated to the child or his parents or his legal guardian and the accused within 2 working days of arriving at the decision. The decision of the Committee shall be communicated in writing.

- **Appeal Process**

Within 7 days from receiving the decision of the Committee in writing, either the complainant or the respondent may make a written request that the investigation be reviewed stating which aspect of the investigation is inadequate. The request must be submitted to Head HR, who will determine if the investigation is to be re-opened in order to address the concerns raised. In case the appeal is taken up, then the investigation shall be completed within 12 working days by the same committee. The decision of the appeal shall be binding on both the parties for all purposes.

- **Fairness**

All complaints will be investigated in the same manner with the aim of promoting, fairness and equality.

- **Confidentiality and the Right to Privacy**

Aseema will preserve the confidentiality of all individuals involved in a discrimination complaint. The preservation of confidentiality may be affected by the employer's duty to prevent discrimination in/at the organisation and by the alleged respondent's right to know the nature of the complaint being made against them and who has made it, so that they can respond. If the investigation fails to find evidence to support the complaint, no documentation concerning the complaint will be placed on the file of the respondent. Aseema will retain all documentation for 12 months for informational purposes in the event that there is an internal appeal or a complaint filed with an outside agency.

- **Outcomes and Remedies**

Aseema will act swiftly to ensure that the discriminatory practice is stopped as soon as possible and may remedy the situation in a number of ways. The main concerns of the employer will be to ensure that no such incident is repeated in future.

The outcomes of the above investigation will decide the future course of action which will depend on the severity of the case and will be according to the applicable rules and regulations.

Applicability:

This policy will be applicable and adhered to by the entire organization, its employees, staff, visitors, associates and all affiliated units.

According to the National Child Protection Policy all employees, staff, contractual workers must sign the declaration for child protection and agree to abide by it (draft declaration is attached as Annexure 1).

6. Review:

The Policy on child protection will be reviewed by the organization on an annual basis or as and when required.

Annexure 1

Declaration by all employees

I,, (name and position of the employee), from.....
(name of the organisation) hereby declare that:

- i. I will always respect all children, regardless of age, disability, gender, racial heritage, religious belief, sexual orientation or identity;
- ii. Support their right to equal protection from all types of harm or abuse;
- iii. I will not employ any child as defined under *Child Labour (Prohibition and Regulation) Amendment Act, 2016*.
- iv. I will always report any case of child abuse, exploitation and neglect which comes to my knowledge to the appropriate authority and will not harm or abuse any child physically, emotionally or sexually.

(Name of the employee)