

**CHILD SAFEGUARDING
AND PROTECTION
POLICY AND
OPERATING
GUIDELINES
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Centre for Health and Social Justice

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CENTRE FOR HEALTH & SOCIAL JUSTICE (CHSJ)

CHILD SAFEGUARDING AND PROTECTION POLICY AND OPERATING GUIDELINES

Contents:

I. Introduction

II.PREVENTION

i. Risk Mitigation

ii. Safe Recruitment

iii. Behaviour Protocol

iv. Education and Training

v. Safe Programme Design

vi. Communication and Social Media

vii. Responsibilities

III.PARTNERS

IV. REPORTING AND RESPONDING

V. MONITORING AND EVALUATION

VI. ANNEXURES

I. Introduction

CHSJ's Principles of Child Safeguarding and Protection

Centre for Health and Social Justice (CHSJ) is a national civil society resource organisation working on policy issues related to social justice perspective oriented governance and accountability primarily in the domains of health justice and gender justice. CHSJ focuses on networking, capacity building, research and evidence based advocacy as primary strategies in its work which is grounded in 10 states on different themes. CHSJ seeks to strengthen governance and accountability in public health and gender justice through technical support, research, and policy advocacy. It is registered as a Charitable Trust with headquarters in New Delhi and field interventions in more than 10 states of India. Community action for Health rights, reproductive

and sexual health rights, masculinities and gender form the predominant themes of CHSJ's intervention at present.

Vision: A just society free from violence oppression and discrimination, where the marginalized and socially excluded are empowered to access their rights and the state is accountable for the well-being and dignity of citizens. Such a society would be based on mutual respect, interdependence and social solidarity.

Mission: To strengthen civil society towards an equitable, just and inter-dependent society, and accountable and inclusive governance. Through this, both the state as well as society will be enabled to uphold health rights, gender justice, well-being and dignity of all, especially the marginalized and socially excluded communities.

Concern, care for and safeguarding of Children are the principles of Centre For Health & Social Justice's (CHSJ) activities. CHSJ works with the poor at the grass roots and promotes the well being of all children whose lives are directly impacted through its Projects.

CHSJ strives to reduce the risk to children in all its Programmes. Therefore these Standards for Child Protection are intended to keep children safe from possible abuse and exploitation by staff, volunteers, interns etc. with who they are in contact. This policy also intends to increase the awareness on child protection in the community and in the family. CHSJ is committed to not tolerating any behaviour towards children that discriminates, offends, is violence or in any way impacts negatively upon the children. It will take immediate action to address the issue.

While children are often vulnerable to abuse and exploitation, safeguarding the wellbeing and protection is a right of every child. Thus, CHSJ places the highest importance to protection and safety of children in all its operations. CHSJ's code of conduct commits to child protection to safeguard all children regardless of race, gender, sex, age, sexual orientation, religion and socio cultural background from commercial and other exploitation, neglect and negligence, sexual abuse, physical abuse and emotional abuse.

The United Nations Convention on the Rights of the Child (UNCRC) is the guiding principle for ensuring basic rights for all children below the age of 18 years. Further, the Constitution of India has also placed certain guarantees to ensure the well being of children like elementary education, protection from hazardous occupations, conditions of freedom and dignity etc. Actions that the organisation will take are in line with Indian laws, legal redressal systems and constitutional directives. These have been formulated keeping in mind global guidelines.

Definition of Child Abuse

Physical abuse: actual or potential physical harm perpetrated by another person, adult or child. it may involve hitting, shaking, poisoning, drowning and burning. Physical harm may also be caused when a parent or carer fabricates the symptoms of or deliberately induces illness in a child.

Sexual abuse: forcing or enticing a child to take part in sexual activities that he or she does not fully understand and has little choice in consenting to. This may include, but is not limited to, rape, oral sex, penetration, or non-penetrative acts such as masturbation, kissing, rubbing and touching. It may also include involving children in looking at, or producing sexual images, watching sexual activities and encouraging children to behave in sexually inappropriate ways.

Child sexual exploitation: a form of sexual abuse that involves children being engaged in any sexual activity in exchange for money, gifts, food, accommodation, affection, status, or anything else that they or their family needs. It usually involves a child being manipulated or coerced, which may involve befriending children, gaining their trust, and subjecting them to drugs and alcohol. The abusive relationship between victim and perpetrator involves an imbalance of power where the victim's options are limited. It is a form of abuse that can be misunderstood by children and adults as consensual. Child sexual exploitation manifests in different ways. It can involve an older perpetrator exercising financial, emotional or physical control over a young person. It can involve peers manipulating or forcing victims into sexual activity, sometimes within gangs and in gang-affected neighbourhoods. It may also involve opportunistic or organised networks of perpetrators who profit financially from trafficking young victims between different locations to engage in sexual activity with multiple men.

Neglect and negligent treatment: allowing for context, resources and circumstances, neglect and negligent treatment refers to a persistent failure to meet a child's basic physical and /or psychological needs, which is likely to result in serious impairment of a child's healthy physical, spiritual, moral and mental development. It includes the failure to properly supervise and protect children from harm and provide for nutrition, shelter and safe living/working conditions. It may also involve maternal neglect during pregnancy as a result of drug or alcohol misuse and the neglect and ill treatment of a disabled child.

Emotional abuse: persistent emotional maltreatment that impacts on a child's emotional development. Emotionally abusive acts include restriction of movement, degrading, humiliating, bullying (including cyber bullying), and threatening, scaring, discriminating, ridiculing or other non-physical forms of hostile or rejecting treatment.

Commercial exploitation: exploiting a child in work or other activities for the benefit of others and to the detriment of the child's physical or mental health, education, moral or social-emotional development. It includes, but is not limited to, child labour.

A child is any person under the age of 18 years

Scope of the Child Safeguarding Policy

CHSJ's child policy covers all CHSJ staff; Board of Trustees; Programme Partners; Network and Alliance members; Interns; Investigators, Researchers, Consultants; Volunteers; Visitors; Vendors; any other who comes in contact with CHSJ in any way.

The policy will ensure that at the time of programme design and implementation all aspects of child safeguarding and protection are taken into account. It will map all possible risks to children and design a safety net (refer section on Safe program design) by putting into place protocols, procedures and code of conduct that must be followed if a child rights violation takes place or any concern is brought to notice. It will ensure there is a system of accountability from which no one can deviate. Responsible persons will be designated and risk mitigation measures will be pre designed.

The policy links to other relevant policies in the organisation so that it is part of CHSJ's overall systems (eg HR policy, Vendor Empanelment policy etc) of putting into place a transparent and accountable working environment.

The policy has been formulated from a participatory consultation process with the entire staff and the partners with whom the organisation closely works. The responsibility for implementing this policy in letter and spirit lies with the entire organisation. There is additional responsibility on those who have been designated as the child safeguarding focal point persons from the child protection committee set up within the organisation.

II.PREVENTION

i. Risk Mitigation:

CHSJ will regularly assess risk to children from all its organisational functions and develop strategies to minimise those risks by conducting a risk assessment of all its operations, programmes and project activities particularly when they are being initiated and planned. Risk mitigation strategies will be developed such that minimise the risk to children, and are incorporated into the design, delivery and evaluation of programmes, operations and activities which involve or impact upon children.

CHSJ has a Child Safeguarding and Protection committee comprising members of the staff and external members (**See Annexure 1**) for ongoing review of Policy, its compliance and also as and when incidents are reported. The Director is the Advisor to this group. The present committee is for a period of three years from the date of adoption of this policy; if there is turnover of any member/s of the committee then new member/s will be appointed and Annexure 1 will be suitably amended.

Allegation/Incident Management Plan/Internal Child Safeguarding Procedure

CHSJ will take up –

Any incident of child abuse in CHSJ programmes implemented, directly or indirectly shall be reported and managed in the following manner:

In the event of a staff being involved, the details shall be immediately conveyed to the HR Department and the Child Protection Committee either orally, in written or electronically (by email etc.) and by providing the details mentioned in the Referral form (**refer Annexure 4**);

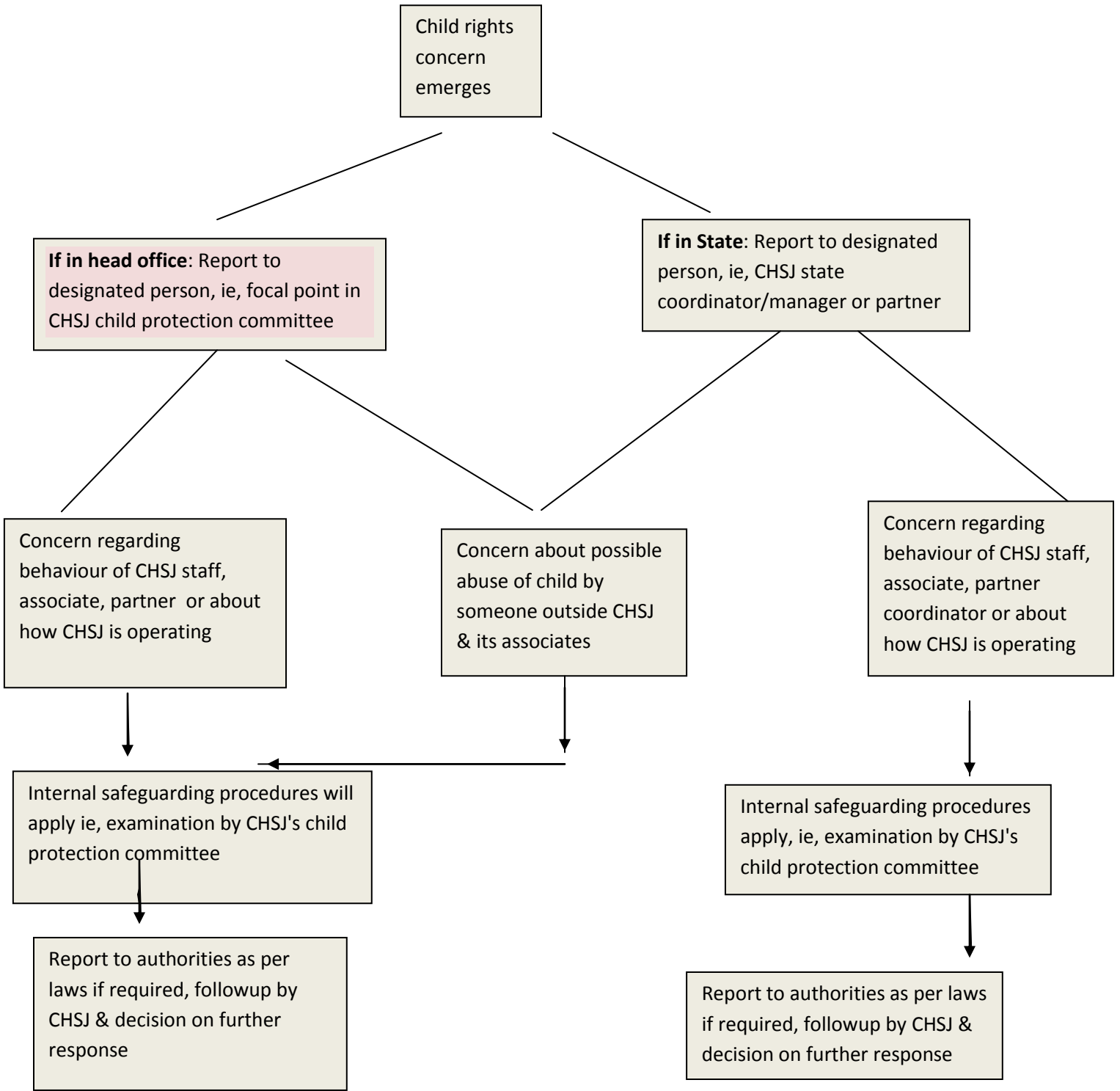
- i. When such a report is received against a staff, irrespective of rank, a due process of enquiry shall be initiated by the Child Protection Committee of CHSJ to ascertain the facts in accordance with the principles of natural justice. Based on the findings of the enquiry, appropriate action based on laws of the country will be taken to bring a closure to the matter;
- ii. Ensure investigation is treated with care, concern and in absolute confidentiality and keeping in view the best interest of the child. In case of a criminal offence, the matter will be referred to the police by guardians of the child and CHSJ will support all due processes;
- iii. The Director/members of the Child Protection Committee should be kept fully updated on all Child Protection incidents irrespective of who is involved (community, volunteers, staff etc.)
- iv. Ensure Projects to protect and safeguard records and documents of abused / at risk children and maintain their confidentiality.
- v. Share Information about a child protection incident with others outside the committee such as organizations providing legal and counseling services only if it is deemed necessary by Child Protection Committee.
- vi. Ensure names and identities of abused / at risk children are not to be disclosed outside or to the media.
- vii. Child abuse incidents to be flagged as confidential and handled with care and concern.

Flowchart of Handling a Complaint

Sources of complaint– Families, children, staff, partners, any external vendors, consultant, Mentor

Case Reported to - State Manager/Facilitator/Partner organisation/ Network partner/Committee member, who will within **24-48 hours (priority depends on the case) give written report in template (Annexure) without investigating**

Focal Point: Child Safeguarding & protection committee



ii. Safe Recruitment - Personnel Screening and Recruiting

CHSJ will –

- i. Recruit staff after obtaining adequate background verification for any history of child exploitation, neglect and abuse;
- ii. Ascertain their aptitude, interest and sensitivity in working with children and their previous work with children;
- iii. Enhance capacities of staff working with children in projects, to effectively deal with issues of Child Rights and advocacy, to promote rights of children and to provide protection from exploitation, neglect and abuse;
- iv. Ensure that all work and activities of staff support the protection of all children in communities from any form of exploitation, neglect and abuse;
- v. Ensure that personnel exercise behaviour protocols consistent with the organization's values in their relationship with children, in context of their language, actions, dress, and behaviour;

iii. Behaviour Protocol

Statement of Purpose: CHSJ will try to ensure a clear and concise guide as to what is acceptable behaviour and what is not acceptable behaviour or practice when engaged or employed by CHSJ; all staff will agree to the code of conduct when they are employed and/or start their job - it is also clearly stated what action CHSJ will take if the code of conduct is violated; staff must follow the code of conduct within and outside the workplace.

Code of Conduct: All CHSJ personnel will establish an atmosphere conducive for the development of children through their word, deed and demeanour. This includes listening to children and showing respect to them;

All staff, interns, consultants, volunteers and visitors will respect the local cultural context and behave appropriately with children in communities as per behaviour protocols; (**Annexure 2- Guidelines for Visitors to CHSJ's programs**)

Personnel including staff, volunteer, interns and consultants will not allow children under a project of CHSJ to visit their homes under any pretext without the prior knowledge and agreement of their supervisors;

Children under a CHSJ project are not permitted to stay overnight in the home of CHSJ personnel at any time;

CHSJ and partner NGO Staff will not employ children as domestic workers in their homes;

All CHSJ personnel are always responsible for their behavior during interaction with a child even when it appears that a child is acting in a provocative manner

The Two Adult Rule (to explain) will always apply in every interaction with children

Code of Conduct Pledge by Staff: Annexure 3

Action taken in case of breach:

The child protection committee will set up an enquiry and the seriousness of the breach of conduct will be evaluated, based on which appropriate action will be taken to either warn the person who has breached the code or then to take more serious action such as dismissal and/or taking police action.

iv) Education and Training

Sensitisation and Awareness Raising

1.1. Promote regular awareness on the Rights of the Child (UNCRC), including their right to well being, safeguarding and protection, among CHSJ Staff. Hold at least one interaction with the staff on the issue every year

1.2. Conduct orientation on child safeguarding policy among interns, consultants, volunteers, partner organisations, vendors and others with whom CHSJ works

1.3. Ensure Project Staff are sensitized about child protection and given required skill training.

New staff should be oriented on the child wellbeing and safeguarding policy within 2 months of joining.

Members of the Child Protection Committee who will be implementing the response system and structure should be further capacitated to handle cases by enhancing their skills on legal knowledge, referral systems and other actions to be taken. Regular interfaces of child protection committee for gaining technical expertise with help of specialist technical support groups/bodies.

Advocacy on child protection and child rights

Centre for Health & Social Justice will –

1.1. Encourage, promote and develop research activities that will support such advocacy efforts to seek structural and systemic changes for child protection and to promote children's participation in securing their rights.

1.2. Collaborate and network with agencies engaged in Child Rights and Child Protection for sharing knowledge and to secure the rights of children.

1.3. Share best practices and lessons learned concerning child rights and child protection and disseminate to like - minded partners to enhance knowledge.

v. Safe Programme Design

Centre for Health and Social Justice will -

- Incorporate into its project design activities that focus on Child protection and rights;
- Plan programs to reduce risks facing vulnerable children and to address the needs of children who are in situations of abuse, neglect or exploitation;
- Design programs addressing the causes of abuse such as threats/vulnerabilities/existing violations and promote responses that promote family and community support for the well being of children and the prevention of child abuse, exploitation and neglect.

Risk Mapping – Protection and Risk Analysis

AREA OF RISK	High, Medium, Low	Risk Mitigation Process			
		Do Nothing	Monitor closely & Review	Change activities/Plans/Procedures to reduce risk	Stop the Activity/hand it over to another orgn
Staff, Volunteers, associates					
Policy and procedures					
Place/physical environment					
Activities and Programmes					
Training and Information					
Organisational culture					
Other					

vi. Communication

Centre for Health & Social Justice will –

Ensure that all communication material on children in the form of pictures/captions are decent, dignified and respectful, and will not present children as victims, nor will exaggerate/glamorize poverty at the cost of the child.

Personal details of children should be maintained with care; inappropriate personal details that compromise the dignity of the child should not be collected from children nor if they are available should they be provided outside.

Ensure that informed consent is taken both from children and their guardians about taking their photo/images/interview/any other information and how it will be stored and used.

Ensure individuals or organizations requesting the use of CHSJ's resources such as videos or photographs should be required to sign an agreement with the appropriate personnel as to the proper use of such materials.

At every step CHSJ will ensure that the best interest of the child is paramount over any advocacy, research, programme or media coverage opportunity

Information/images etc to the media will be given out only under close supervision of designated/authorized staff.

Data related to children (personal information, images, audio, video recordings etc) will be safeguarded with authorized staff only, it will not be openly accessible to all in the organisation.

Designated spokespersons only will have the authority to disseminate information outside - to community, media, government, institutions, civil society etc keeping in mind the standards of child safeguarding which have been established by the organisation. Any communication material like publications/videos/audio/online material etc by the organisation will be vetted by the child safeguarding committee

Staff who particularly deal with information and communications will be sensitised and familiarized with child safeguarding issues and the child protection policy so that they are in synch with the wider efforts to ensure well being of children.

Risk assessments will be regularly conducted within the organisation as well as with partners, network members, consultants, vendors, volunteers and interns and mediapersons prior to any campaign, publicity and advocacy drive including children.

If there are any images/videos/communications material on CHSJ's social media platforms that could be disturbing to children who may be accessing them then this should be flagged.

CHSJ will ensure the same across its social media platforms.

General Confidentiality of child information

CHSJ will –

-Ensure Projects to protect and safeguard records and documents of abused / at risk children and maintain their confidentiality.

-Share Information about a child protection incident shared with people only if it is deemed necessary by Child Protection Committee.

-Ensure names and identities of abused / at risk children are not to be disclosed outside or to the media.

-Child abuse incidents to be flagged as confidential and handled with care and concern.

(Annexure 4 – Communications Policy: Principles and Guidelines)

vi. Responsibilities

The policy has been approved by CHSJ's senior management and the Board; they will ensure the policy is being implemented.

III. Partners

Agreements will be made with all partners and those who do not have a child safeguarding policy will either abide by CHSJ's policy or develop their own as a condition of the partnership.

IV. REPORTING AND RESPONDING

A Child Safeguarding Focal Point/Committee will be designated for receiving reports of concerns as mentioned in the policy.

All staff and associates are obligated to report on all concerns they have about a child.

Referral form (in Annexure 5)

CHSJ will receive disclosures from children with sensitivity and will strive not to re-traumatise children in their handling of complaints. CHSJ's guidelines if a child or young person tells you they are being, or have been, abused:

- Listen to and accept what the child or young person says but do not press for information.
- Let the child or young person know what you are going to do next and that you will let them know what happens.
- Do not investigate and do not inform, question or confront the alleged abuser.
- Take the alleged abuse seriously.
- Record carefully what you have heard on the reporting form.

Any report will be treated seriously and with confidentiality. The priority will always be the safety and best interests of the child.

Identifying information about children will be shared on a 'need to know' basis only. Any staff who raise concerns of serious malpractice will be protected as far as possible from victimisation or any other detrimental treatment if they come forward with serious concerns, provided that concerns are raised in good faith. Deliberate false allegations are a serious disciplinary offence and will be investigated.

The subject of the complaint (alleged perpetrator) and all witnesses must cooperate fully and openly with internal and statutory investigations and hearings. Their confidentiality will be protected and information which could identify them will be shared on a 'need to know' basis only.

Allegations against a staff member would normally result in suspending the staff member from their employment immediately subject to investigation of the issue. If the allegation is a criminal issue, this will be reported to the formal authorities before taking action or informing the alleged perpetrator.

Internal investigations will be conducted by person(s) with the skills to do so. The investigation will involve interviews of all parties involved including witnesses to gather all relevant details of the allegation.

Appropriate disciplinary measures will be taken in the event that the allegation is found to be true. If the allegation is found to be without base, appropriate steps should be taken to minimise damage to the reputation of the individual accused.

Internal investigations related to allegations of criminal behaviour will be discussed with the formal authorities prior to embarking on this course of action to ensure that the organisation does not compromise the formal investigation.

Support and counselling will be made available for those involved in the report and response.

The organisation will put together a list of organisations and professionals that can be contacted quickly to support reporting and responding to concerns.

Annexure 6: Details of the types of organisation, information or resource that will be needed.

V. Monitoring and reviewing the policy:

Regular monitoring of risks, risk mitigation and the effectiveness of the child safeguarding measures will be incorporated into CHSJ's normal monitoring processes and activities. The policy will be reviewed at least every 3 years.

Child safeguarding is incorporated into CHSJ's risk register and quarterly and annual reporting processes. The Child Protection Committee along with senior management will regularly review the risk register and CHSJ's reports to ensure that child safeguarding measures are in place and effective.

This policy will be reviewed at minimum of every 3 years or when it is shown necessary that additional issues need to be identified and addressed through this policy.

ANNEXURES

Annexure 1: CHSJ Child Protection Committee members:

- 1. Shreeti Shakya, programme officer, CHSJ**
- 2. Mahendra Kumar, programme manager, CHSJ**
- 3. Rimjhim Jain, Director, MITRA, CHSJ (Focal point)**
- 4. Kumar Shailab, HAQ**
- 5. Madhubala, member of NGO Jagori**

Annexure 2: Guidelines for Visitors to CHSJ's programs

CHSJ will –

-Encourage visits to projects that are informed in advance and with the consent of the family/community;

-Permit a visit to children in a project only when:

- a) it is announced
- b) the appropriate background checks as per local law are completed
- c) the visitor has agreed in writing to abide by the behaviour protocols and local code of conduct
- d) the visitor is accompanied by a CHSJ staff (Two Adult Rule Principle) and child's parent/guardian or a member of the community

-Permit the visitor to meet the project child in a central location, usually the CHSJ Office/Project office or community, accompanied by a project staff and child's parents/guardian or a member of the community, but the meeting will not be in the sponsor's hotel or a private place or alone in the child's home.

-In the event of actual or suspected cases of child abuse or inappropriate behaviour by a visitor the Program Coordinator or in-charge should immediately report to the Director/members of the Child Protection Committee. Appropriate action will be initiated immediately against the perpetrator, which may include criminal investigation.

Annexure 3

Code of Conduct Pledge by Staff

I, [insert name], acknowledge that I have read and understand CHSJ's Child Protection Policy, and agree that in the course of my association with CHSJ, I must:

- *treat children with respect regardless of race, colour, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status*
- *not use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate*
- *not engage children under the age of 18 in any form of sexual intercourse or sexual activity, including paying for sexual services or acts*
- *wherever possible, ensure that another adult is present when working in the proximity of children*
- *not invite unaccompanied children into my home, unless they are at immediate risk of injury or in physical danger*
- *not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission, and ensure that another adult is present if possible*
- *use any computers, mobile phones, video cameras, cameras or social media appropriately, and never to exploit or harass children or access child exploitation material through any medium*
- *not use physical punishment on children*
- *not hire children for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury*
- *comply with all relevant local legislation, including labour laws in relation to child labour*
- *immediately report concerns or allegations of child exploitation and abuse and policy non-compliance in accordance with appropriate procedures*
- *immediately disclose all charges, convictions and other outcomes of an offence, which occurred before or occurs during my association with [organization] that relate to child exploitation and abuse.*

When photographing or filming a child or using children's images for work-related purposes, I must:

- *assess and endeavour to comply with local traditions or restrictions for reproducing personal images before photographing or filming a child*
- *obtain informed consent from the child and parent or guardian of the child before photographing or filming a child. As part of this I must explain how the photograph or film will be used*
- *ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive*

- *ensure images are honest representations of the context and the facts*
- *ensure file labels, meta data or text descriptions do not reveal identifying information about a child when sending images electronically or publishing images in any form.*

I understand that the onus is on me, as a person associated with [organization], to use common sense and avoid actions or behaviours that could be construed as child exploitation and abuse.

Signed:

Date:

Annexure 4:

Communications policy: Principles and guidelines

Principles

1. We will respect the dignity of the subject.

1. We will always seek permission when taking photographs or video footage of individuals. Consent for taking and using photographs and case studies will be sought from parents and those with parental responsibility, or from the children directly when they are of sufficient age and understanding.
2. Special consideration will be given to photographs depicting children with disabilities, refugees and those in situations of conflict and disasters, to accurately portray context and maintain dignity.
3. Wherever possible, we will explain to the subject the likely use of the images.
4. We will never take pictures of people who say they don't want to be photographed.

2. We will not exploit the subject.

We will not manipulate the subject in a way which distorts the reality of the situation (eg. we will not ask them to cry for the camera).

If necessary to protect confidentiality, the names of children and families will be changed. Never will a child's full name or contact details be published.

3. We aim to provide a balanced portrayal of reality in the developing world.

We will avoid stereotypes (eg. Western aid worker tends helpless victim). We aim to show people helping and working for themselves, not as victims.

4. We will use images truthfully.

Case histories/descriptions will not be fabricated, although they may be adapted or edited to preserve the dignity and confidentiality of the subject.

We will not use an image of one thing and describe it as, or imply it is, an image of another (eg. We do not use an image of one project to illustrate the work of another).

Where possible, we will use a balance of images (eg. positive and negative) to reflect the reality of a situation.

If we use an image in a general way (eg. illustrating a project similar to the one being

described), we will make this clear in the caption.

We will not use an image in a way which deliberately misinterprets the true situation. If an image represents an exceptional situation, we will not use it in a way which suggests it is generally true.

We aim to be confident that, to the best of our knowledge, the subject would regard the image and its use as truthful if s/he saw it.

5. We will maintain standards of taste and decency consistent with our values and those of our supporters.

We will not use images which are erotic, pornographic or obscene. Images of dead or naked bodies will only be used in exceptional circumstances. We will not make gratuitous use of images of extreme suffering.

6. We will respect the views of our overseas staff and partner organisations.

We will be sensitive to the concerns and advice of our staff and partner organisations in our gathering and use of visual material.

7. In disaster situations, we will treat in a positive manner the people whom we are helping.

In any publicity material dealing with disasters, we will follow the policy in the Code of Conduct of the International Committee of the Red Cross information: "In our information, publicity and advertising activities, we shall recognise disaster victims as dignified humans, not hopeless objects". In doing this, we shall portray an objective image of disasters, in which the capacities and aspirations of those affected are highlighted, not just their vulnerabilities and fears

We will not lose respect for those affected, but treat them as equal partners in action.

We will co-operate with the media in order to enhance public response, but we will not allow external or internal demands for publicity to take precedence.

CHSJ's Guidelines for obtaining communication materials

- Discuss the use of communication materials at the beginning of a programme or project with children and communities – do not wait until the material is needed.
- Obtain general consent for the gathering of communication materials at the beginning of a programme or project, and agree with children and communities the general messages and

types of images that would be appropriate.

- Obtain images and any other private information for publication purposes in a safe and confidential manner.
- Children should be prepared for specific interviews prior to being interviewed.
- Pictures of children should always be decent and respectful.
- All children must be appropriately dressed; where children wear few items of clothing be particularly careful about the images you choose.
- Recorded images should focus on an activity, and where possible feature groups of children rather than individuals
- Make sure that photographers and film-makers are not allowed to spend time with or have access to children without supervision.
- Permission for the taking of photographs should be sought prior to events. Children that do not have permission for photographs to be taken should not be included in individual or group photographs. Where possible, event photographs should be taken in group settings at prearranged times.
- Any complaints or concerns about inappropriate or intrusive images should be reported and recorded, as with any other child safeguarding concern.

CHSJ Guidelines for publishing information and putting it out on social media

- Only use the first names of children. Be careful not to reveal too many details about where they live, their school, hobbies etc.
- Ask for children's permission to use their photographs.
- Get their parent/guardian's consent, and ensure everyone understands how and where the images will be used. (See Appendix 3; Example Consent Form.)
- Where the risk of harm and stigma is high, take mitigating steps; for example, by concealing faces, using pseudonyms and vague geographical locations, and by non-disclosure of personal information (eg. HIV status).
- Try to take images that represent a broad range of children – boys and girls of various ages, abilities and ethnic groups.
- On websites and social media, make sure any images you use are not tagged with the location of the child.
- Individuals or organisations requesting the use of resources depicting children, such as personal information, videos or photographs, should sign an agreement concerning the proper use of such materials. Failure to adhere to the terms could result in the termination of permission and the return of information.
- Pictures, materials and personal information regarding children should be held in a secure

area where practicable, and every caution should be exercised to ensure its security.

-Access to these must be by way of permission only.

When children and young people are using CHSJ's services for accessing social media through an ICT project, CHSJ will be particularly careful. It will ensure that the young people are not identifiable, that they do not share their location; do not arrange to meet anyone they have encountered via social media, and that they always report suspicious contacts.

Annexure 5: Referral form - Sample

Child's name:	Case no:
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Referral details:
Time: Date:
Place:
Referrer's details:
Name:
Address:
Contact telephone no:
Occupation:
Relationship to child

Child's details (where available):

Name:

Age:

Date of birth:

Gender:

Address:

Household structure:

School:

Class:

Teacher:

Ethnicity/Tribe:

Language spoken:

Religion:

Any Disability:

Identity no:

Status/whose legal responsibility:

Details of concern: what, who, where, when (*including child's words if possible*):

Alleged Perpetrator’s details (if known):

Name:

Address:

Age: Date of birth:

Employment details: Nature of job:

Identify if Mercy Corps or partner agency is the employer:

Relationship, if any, to child:

Current location of alleged perpetrator:

Current safety of child including location:

Has emergency medical attention been required?

Provided by:

--

Who else knows? Include contact details.	
Agencies:	
Family members or other individuals:	
Actions taken to date e.g. Referral to police, children’s services, social welfare, other. Give contact details and date and time of action.	
Referral taken by (where possible, line manager):	
Name:	
Position and Location:	
Date:	Signature (on hard copy):

<u>Action to be taken</u>	
Decision made by Director for immediate action as agreed in Child Safeguarding Policy? (Please specify who is to do what and when and give names and contact details of people to be contacted.)	
Referral to police (if not, why not?)	Yes/No

Referral to Local Authority for child protection /welfare	Yes/No
Other action required to ensure child not at further risk from alleged perpetrator:	
Referral for medical treatment/ to meet health needs	Yes/No
Signature of person arranging above action:	

Annexure 6

Checklist of organisations, resources and professionals to support reporting and responding to concerns

Legal resources

1	<u>National Institute of Public Cooperation and Child Development</u>
2	<u>National and State Commission for Protection of Child Rights</u>
3	<u>Central and State Adoption Resource Agency (CARA)</u>
4	Child Welfare Committee
5	State and District Child Protection Units and Societies
6	National, State and District Legal Services Authorities

Legislation governing welfare/protection of children

1	Prohibition of Child Marriage Act, 2006
2	The Juvenile Justice (Care And Protection Of Children) Act, 2015
3	Immoral Traffic Prevention Act 1956
4	Protection of Children from Sexual Offences Act, 2012
5	Child Labour (Regulation and Prohibition) Act 2016
6	Abolition of Bonded Labour Act 1976
7	The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979

International conventions to which India is a signatory or has ratified

1	UN Convention on Rights of the Child
2	International Labour Organization (ILO) Conventions 138 regarding admission of age to employment
3	Convention 182 regarding worst forms of child labour
4	Nations Convention against Transnational Organised Crime (UNTOC) and its three protocols

Brief analysis of implementation/enforcement of legislation:

Laws related to children reveal that ever since India achieved independence, the executive, the legislature and the judiciary in India have taken several proactive measures to put in place an exhaustive legal and policy framework for safeguarding the rights of children so as to ensure their survival, development, protection and participation. Several new plans, schemes and programmes have been initiated to address issues concerning children. Yet, the plight of children across the country has not got better and continues to be precarious. The burning issues relating to children are the adverse child sex ratio, persistently high infant and child mortality ratios, wide gender gaps in literacy, escalating violence against children especially against the girl child and the rising incidents of female foeticide, female infanticide and child marriage. This apart, the existent loopholes in the laws concerning the definition of the child as well as those laws that try to protect their vulnerabilities are areas that cannot be ignored if at all the best interests of children are to be protected and promoted. Undoubtedly, there have been reforms and in some the reforms are on the anvil, for instance, reform in legislations related to trafficking, child marriage, child labour and bonded labour. Then, there are certain other issues affecting children, in which the Government along with the civil society is planning to bring about a new legislation. It would not be out of place to mention that our country has plethora of laws, schemes and programmes for children.

The real challenge lies in implementing the provisions of these laws, schemes and programmes.

In India, the judiciary along with the police and various Government agencies, autonomous bodies, public enterprises, PRIs and NGOs are involved in the implementation of different laws, schemes and programmes for children.

The need of the hour for all of them is to ensure that laws, schemes and programmes for protection and promotion of children's rights are implemented by them at the field level in the 'right' perspective. Children being our supreme asset, nothing concerning their survival, development, protection and participation should be ignored or sidelined. However, in a country with a large number of floating population, vast disparities, social conflict and turmoil, the challenge to attend to all their rights is even greater

Criminal investigation/prosecution – police and judiciary:

- Anti-Human Trafficking Units
- Special Juvenile Police Units (SJPU)
- Children's Court established in each district

Local police position on investigation of criminal assault against children and likelihood of prosecution of such offences:

Report and Handling of case of child sexual assault

The reporting system in India is very weak. But mention may be made here of the Protection of Children from Sexual Offences Act 2012 which provides for mandatory reporting but only in case of sexual abuse and not other forms of violence like physical, emotional, or negligence. There is also no such provision under which child welfare officers can visit families to identify cases of child violence inside families. However, any individual (including the child victim) can report such cases either to the police or any of the child protection bodies as mentioned above. If such cases are reported to the child protection/welfare bodies and not police, the child protection/welfare bodies reports it to the police. Once it is registered with the police, the police start's its investigation. It starts with taking statement of the child and on the basis of the statement the police take necessary action.

In any case of other instances of violation of child rights like child labour, trafficking and child marriages case may reported to either concerned authority established under relevant laws or directly to police authority directly. Cases reported to authorities are further reported to police official who investigate.

Legal age of consent in country and legislation covering this:

Case of Age: The Constitution of India and the laws enacted over the years have some unique and far-reaching provisions to protect children. Yet, there are laws in which the age of the child is not in consonance with the CRC, which the Government ratified way back in 1992. Besides, the age of the child has been defined differently in different laws. These different age-specifics under different laws not only create a dilemma, but also set the stage for injustice. This is

because, whether the same human being is or is not a child depends upon the law that is being invoked in a given case. Moreover, when the laws are in conflict with one another due to diverse definitions, it is but natural a difficult task to decide the 'best interests of the child'. It is thus necessary that the definition of the term 'child' be brought in conformity with the CRC, viz. "below 18 years of age", by establishing one standard 'age of majority'.

Age of Consent: India's age of consent for sex is 18 under the Criminal Law (Amendment) Act, 2013. In 1892, the marital rape and subsequent death of a 10-year-old girl caused the age of consent to be raised from 10 to 12. In 1949, it was raised to 15 after agitation from women groups about the adverse effect of early pregnancy. In 1982, it was again raised to 16. Criminal Law (Amendment), 2013 into effect which raised the legal permissible age for sexual consent from 16 to 18. Although, the Criminal Law (Amendment) Act, 2013 initially sought to lower the age to 16, it was set at 18 due to political pressure from conservative parties.

Other agencies – Health Services, NGOs, Interagency Forums

- Victim Compensation Scheme
- Integrated Child Protection Scheme
- National Child Labour Project
- UJJAWALA
- Swadhar Grah
- Rajiv Gandhi Scheme for Empowerment of Adolescent
- Girls (RGSEAG) – SABLA
- Childline Foundation
- National Alliance for Child Rights
- Campaign Against Child Labour

Community

The village Level Child Protection committee is established under ICPS in each villages of state for prevention, reporting, monitoring, protection and responding on the issues of child right and protection. The VLCPC is a community based organisation formed by the participation of community member, children, Government functionaries and elected representatives.