

Policy on Child Protection



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Policy on Child Protection

I. PREFACE

Children have the right to be protected from all exploitative and vulnerable situations. Any organization that works with children has a fundamental duty of caring them, upholding their rights and protecting them from all forms of abuse and exploitation. Organizations should ensure that all staff/employees, volunteers, consultants, and visitors or any associate/partners shall protect children from all forms of physical or mental violence, injury or abuse, neglect, maltreatment or exploitation, including sexual abuse. Further they must find ways to let children express their opinions and give them a voice to actively participate in addressing challenges relevant to them.

This Child Protection Policy aims to ensure a safer environment for children within the organization and children with whom it comes in contact by preventing, prohibiting and redressing acts of any forms of abuse, and protecting their rights.

II. CONTEXT

The UN Conventions on the Rights of the Child, 1989 require that member nations take measures to keep children protected from discrimination or punishment based on beliefs and opinions of parents, activities, or status. As a part of this, India has several laws concerning the protection of children, grouped under the Child Protection Act in India.

The Child Protection Act in India is a set of acts, laws, and rules to ensure the complete protection of children from being exploited. It involves The Juvenile Justice Act, Child Labor Prohibition Act, Protection of Children from Sexual Offences Act, Prohibition of Child Marriage Act, The Immoral Traffic Prevention Act, Pre-Conception and Pre-natal Diagnostic Techniques Act, and Right to Free and Compulsory Education Act.

The Child Protection Act in India guarantees children's rights. The Indian Constitution asks the Government to have a policy to secure children against abuse, labor, molestation, and other problems. They should be given opportunities to grow healthily with dignity and freedom, protected from material and moral abandonment.

This organizational policy of TRCSC on Child Protection has been formulated in accordance to the mandate and provisions of the said set of Acts. All board and staff members, employees, volunteers, consultants, and associates/partners are bound to act in accordance to the Act and Rules, and will be guided by this Policy.

III. OBJECTIVES

TRCSC is committed to create child safe environments both internally and externally where children are respected, protected, empowered and active in their protection and where employees/staff members are skilled, confident, competent and well supported in meeting their responsibilities of protecting children within but not limited to the office premises, program implementation area and other locations directly related to the organization's work.

The objectives and purpose of this Policy are as stated below –

- a) To promote a safe and positive environment in TRCSC premises, conducive for learning and development in partnership with children.
- b) To clearly state TRCSC's position on safety and protection of children and measures taken for ensuring the same.
- c) To define the roles and responsibilities and accountability of all stakeholders working with children.
- d) To enable the staff and others to recognize signs of abuse or situations when a child may require protection and help, and importantly enable them to report or bring to the notice of the concerned authority for immediate action.
- e) To set in place mechanisms for monitoring and review and implementation of the child protection standards.

All parties concerned should take cognizance of the fact that TRCSC strongly opposes all forms of physical or mental violence, injury or abuse, neglect, discrimination, maltreatment or exploitation, including sexual abuse, and that such behaviour against children is prohibited by the law as set down in the aforementioned set of Acts and Rules framed there under.

IV. SCOPE

TRCSC's Policy with regard to Child Protection encompasses all of its board and staff members, employees, volunteers, consultants, and associates/partners across the organization and its branches. TRCSC encourages all of its associates in one or other way to flag in case of occurrence of any violation of the law and to use the redressal mechanism as provided in this policy. All complaints will be taken seriously and treated with respect and in confidence. No one will be victimized for making such a complaint.

V. POLICY AND ITS EFFECT

TRCSC affirms its belief in the rights of all children as set out in the UN Convention of the Rights of the Child 1989 to be protected from all forms of abuse, neglect, exploitation and violence. It recognizes that all individuals associated to TRCSC, all of its initiatives and programs coming into contact with children have a fundamental and inalienable duty of care, concern and protection towards them. Thus, as an organization, TRCSC is also committed to, prevent and address all kinds of abuses and exploitation of children.

Hence, TRCSC's commitment goes to actively prevent child abuse; to create, develop and nurture a culture where all children are safe and protected; to ensure that individuals who abuse children are not involved in any way in its operations; and to take stringent measures against any associate who commits child abuse.

This Policy has been in force effectively from 1st April 2024 and shall be amended from time to time to accommodate required changes as approved by the Board of Trustees of the organization.

VI. DEFINITIONS

- a) A "juvenile" or "child" means a person who has not completed the eighteenth year of age, as per section 2(k) of the Juvenile Justice (Care and Protection of Children) Act, 2000 as amended in 2006 and 2015. This is in conformity with the UNCRC, 1989 (Article 1).
- b) 'Child Abuse' means any harm caused to a child, intentionally or unintentionally is child abuse, which includes emotional, physical, sexual, or spiritual forms of abuse.

- c) 'Physical abuse' means and includes the intentional/ unintentional inflicting of physical injury upon a child. This may include burning, hitting, punching, shaking, kicking, beating, using potentially harmful substances, or otherwise harming a child intentionally or as a result of over-discipline or physical punishment.
- d) 'Emotional abuse' means and includes verbal abuse and mental abuse. It includes acts or the failure to act by any TRCSC representative that has caused or could cause serious behavioural, cognitive, emotional, or mental trauma. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may involve serious bullying, exploitation or corruption of children.
- e) 'Neglect' means a condition where there is a failure to protect the child from exposure to any kind of harm or danger that results in significant impairment in the health and development of the child.
- f) 'Harm' means any act or behaviour, often intentional that hurts, causes grievous injury, pain to trauma to the child.
- g) 'Sexual abuse' means acts or behaviour as defined under the Protection of Children from Sexual Offences Act, 2012 (POCSO).
- h) 'Rights' includes all rights guaranteed to a child under The United Nations Convention on the Rights of the Child and include the rights of the child to freedom of expression, thought and association, right of the child to education, the rights of the child to rest and leisure, the right of the child to be protected from economic exploitation and performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral, or social development.
- i) 'Risks' means and includes any potential or probable harm to the child or any danger/risk of a child suffering child abuse or the violation of his/her rights.

According to the World Health Organization, "Child abuse or maltreatment constitutes all forms of physical and/or emotional ill-treatment, sexual abuse and sexual exploitation, neglect or negligent treatment, commercial or other exploitation of a child and any action resulting in actual or potential harm to a child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power."

Inherent in the various definitions of child abuse are the concepts of trust, abuse of power, the child's inability to consent or make a choice, the age differential between the perpetrator and the child, the cognitive, emotional, psycho-sexual development level of the child and the intent of gratification.

VII. INTERPRETATION

Terms which have not been defined in this policy shall have the same meaning as assigned to them in the Acts as amended from time to time.

VIII. CHILD PROTECTION CODE OF CONDUCT

TRCSC prohibits all of its board and staff members, employees, volunteers, consultants, associates/partners, and all visitors to act in the following manner.

- a) Use language or behaviour towards children that is inappropriate, harassing, abusive, demeaning or culturally inappropriate.
- b) Embarrass any child or engage in any action that humiliates, or degrades a child.

- c) Discriminate against a child on the basis of caste, economic status, culture, age, gender, disability, religion, sexuality, political persuasion or any other status.
- d) Use physical means or corporal punishment to discipline or control a child.
- e) Develop, encourage, induce or support relationships / arrangements with children which could be deemed sexual, exploitative or abusive.
- f) Behave or suggest physically or otherwise in a manner, which is inappropriate or sexually provocative or may be considered to be sexual abuse.
- g) Touch, kiss, hug, fondle, or rub a child in any way that is considered inappropriate, culturally insensitive or make the child uncomfortable or may be construed as sexual abuse, even for the purpose of demonstration / learning.
- h) Provide unsolicited assistance to a child, of a personal nature, that a child could do on its own including but not limited to dressing, bathing, and grooming.
- i) Take/collect photos, videos, or stories of children and/or upload the same online or on any social networking sites without prior permission.
- j) Share their personal mobile phones with children without supervision.
- k) Use technology to create, view, download or distribute any inappropriate or offensive material, including, but not restricted to, abusive images of children, pornography or material encouraging crime, violence, terrorism, racism, sexism, self-harm, suicide, cruelty and gambling.
- l) Use or encourage children to run personal errands in any form that may be construed as exploiting the relationship with the child
- m) Use / encourage the use of alcohol, drugs, cigarettes or other intoxicating substances while in the vicinity of children and refrain from providing the same to children.
- n) Give cash or gifts to children in a personal capacity.
- o) Enable / Place a child at risk of abuse or exploitation / inappropriate conduct or be aware of these and not report it or not do anything about it.

Instead TRCSC encourages its board and staff members, employees, volunteers, consultants, associates/partners, and all visitors to behave proactively –

- a) To treat every child equally, with empathy and respect, regardless of their gender, caste, colour, sexuality, disability, language, religious belief, political or other opinion, and national / ethnic origin.
- b) To make children feel heard, respect their views and right to self-determination.
- c) To be dressed appropriately in the presence of children.
- d) To seek prior permission from authorized persons like parents, guardian to take children for training, exposure visit, or to any other relevant program. Ordinarily this may only be done in pairs / groups.
- e) To keep data about children confidential and refrain from sharing it to any third party without the consent from authorized persons.
- f) Report any violations of the policy to the respective authorized person / Child Protection Committee.

IX. CHILD PROTECTION COMMITTEE

The Committee shall consist of a Chairperson, and four other members as the TRCSC Board of Trustees may think fit to appoint, of whom at least one shall be a woman and another, an expert on the matters concerning children.

X. ACTION

The CPC shall address all incidents reported to it and will not influence the child's parents/guardian or other authorities to suppress the issue. It shall also extend all cooperation to the police, judiciary and local administration in investigation of the child abuse.

In case of complaint or reported case of child abuse or violation of Child Protection Code of Conduct, the Committee shall immediately initiate thorough enquiry and complete it within ten (10) days and prepare a detailed report. Such report shall be made available to the concerned parties.

If the allegation against the Respondent has not been proved, the Committee may recommend that no action needs to be taken in the matter.

If the Committee arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend to the Secretary of TRCSC to take action for misconduct. Such action will be taken within 60 days of the receipt of report.

XI. AWARENESS/NOTIFICATION

- 1) All the board and staff members, employees, volunteers, consultants, associates/partners and visitors shall have access to this Policy at all times and clarification(s) related to this Policy shall be addressed by the Secretary.
- 2) A brief shall be given to all existing staff members regarding the features of this Policy immediately on formulation of the Policy and to the new staff members in TRCSC during their initial Induction.
- 3) The Organization shall display the notice showing the name of The Child Protection Committee members at its every establishment at a conspicuous place.
- 4) Assistance would be provided to the child if he/she so chooses to report a complaint in relation to the offence under the existing Act/Rules;
- 5) Child abuse will be treated as misconduct under the service rules and appropriate action will be initiated for such misconduct.
- 6) Awareness generation to be done for all the staff members on the constitution of CPC at the organization's Registered Office, issues related to child rights and protection, Code of Conduct, and their role and responsibilities in ensuring child protection.

XII. MISCELLANEOUS

The Organization may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies with the Acts of the land. Any such alterations or amendment or rescinding will be intimated to the employee(s).

Nothing contained in these rules shall operate in derogation of any law for the time being in force or to the prejudice of any right of any employee under any other Rules or Law.

The Child Protection Committee shall prepare an annual report and shall submit the same to the Board of Trustees to include in its Annual report detailing number of complaints of child abuse received during the year, disposed-off and pending cases.

XIII. CONCLUSION

This policy outlines the spirit behind the TRCSC's approach in ensuring child protection and bringing absolute transparency in communication as regards its policies. Therefore, personnel covered by this policy are expected to respect the rules and standard procedures governing this policy. Deviation to this policy in any form will not be entertained and will be dealt seriously.
