



LUTHERAN WORLD SERVICE INDIA TRUST

CHILD PROTECTION AND SAFEGUARDING POLICY

August, 2015



84, Dr. Suresh Sarkar Road; Kolkata – 14; West Bengal; India

1. PREAMBLE

Being a Christian ecumenical organization, LWSIT takes active measures to ensure that its employees and others who work with LWSIT have children's best interests at the heart of their involvement with LWSIT. The Child Policy is LWSIT's statement of intent that demonstrates its commitment to promoting the rights and holistic development. It also clarifies to all in the organization and who come into contact with it what is required of them in relation to the protection of children.

2. OBJECTIVE OF CHILD POLICY

We aim to create 'child safe' environment, both internally and externally, where children are respected, protected, empowered and active in their own protection, and where all the staff are skilled, confident and well supported in meeting their development responsibilities.

3. SCOPE OF THE CHILD PROTECTION POLICY

The Child Protection Policy applies to everyone working for or associated with LWSIT. The policy encompasses the entire LWSIT organization, its partners and associates without any limitation:

1. **Staff at all Levels** - All regular/contractual staff including interns, volunteers and Animators at the National Office, Field Units and Operational Communities.
2. **Partners** - All partner organizations with whom LWSIT works under certain terms and conditions of a particular project. Partner organizations include all institutions where some funding is channelized through LWSIT. LWSIT will consciously motivate the groups and organizations under operational communities to adopt and practice the Child care policy.
3. **Associates:** The Child care policy will be applicable to all consultants, resource partners, evaluators and visitors during the period of their association with LWSIT.

4. DEFINITIONS UNDER THE POLICY

1. **Child:** A Child according to Article 1 of the UNCRC means "every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier."
2. **Child Abuse:** Child Abuse is defined as "all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse". It includes any action that result in actual or potential harm to a child. Child abuse may be a deliberate act or it may be the failure to act to prevent harm. Child abuse consists of anything which individuals, institutions or processes do or fail to do, intentionally or unintentionally, which harms a child or damages their prospect of safe and healthy development into adulthood.

Article 19 of the UNCRC specifies the need to “take all appropriate legislative, administrative, social and educational measures to protect the child”.

3. **Physical Abuse:** Physical abuse of a child is that which results in actual or potential harm from an interaction or lack of interaction, which is reasonably within the control of a person in a position of responsibility, power or trust. There may be single or repeated incidences.
4. **Emotional Abuse:** Emotional abuse includes the failure to provide a developmentally supportive environment, so that the child can develop a stable and full range of emotional and social competencies commensurate with her or his personal potentials and in the context of society in which the child dwells. There may also be acts towards the child that cause or have a high probability of causing harm to the child’s health or physical, mental, psychological, moral or social development. Acts includes movements, patterns of belittling, denigrating, scapegoating, threatening, scaring, discriminating, ridiculing or other non-physical forms of hostile and rejecting treatment.
5. **Neglect and Negligent Treatment:** Neglect is the failure to provide for the development of the child in all spheres - health, education, emotional development, nutrition, shelter and safe living conditions, in the context of available resources. Such neglect causes or has a high probability of causing harm to the children’s health or physical, mental, spiritual, moral or social development. This includes the failure to properly supervise and protect children from harm as much as possible.
6. **Sexual Abuse:** Child sexual abuse is the involvement of a child in sexual activity which he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of the society. Child sexual abuse is evidenced by this activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person.
7. **Child Protection:** Child Protection is defined as the responsibilities, measures and activities that LWSIT undertakes to safeguard children from both intentional and unintentional harm. Article 39 (f) of the Directive Principles in the Indian Constitution highlights the “Right to equal opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and guaranteed protection of childhood and youth against exploitation and against moral and material abandonment.”

5. COMMITMENT UNDER THE CHILD POLICY

LWSIT Staff must not:

1. Disclose the identity of any child, if he or she is from a section of the society which is considered as abusive and untouchable.
2. Abuse and/exploit a child or act/ behave in any way that puts a child at risk of any harm.
3. Fail to report any incidences of child abuse or concerns related to their protection in the purview of the work of operation. Failure to report such incidences will invite disciplinary action against the concerned staff.
4. Deny responding to a child who have been abused or exploited or under the threat of being abused or exploited.
5. Invite any children from the operational communities to their residence without prior approval from the competent authority. Even with the approval from the authority, children should be invited along with their guardians only. But under no circumstances is any child from the operational community allowed to stay overnight at the residence of any LWSIT staff, volunteer, intern or animator (who is not from that community). In exceptional and emergency situations permission needs to be sought from the Management Committee at the National Office of LWSIT.
6. Under any circumstances, employ a child as a domestic help in any of the LWSIT offices or at the residences of LWSIT personnel (staff, volunteer, animator, interns etc.).
7. Touch in the private parts of any child or touch which is uncomfortable to the children.

All the staff must:

1. Positively contribute in creating an environment where children are respected and encouraged to discuss their issues, concerns and rights.
2. Ask for permission from a child before taking their photographs and respect their decision to refuse to being photographed.
3. Ensure that all images of children (which are taken with their consent) are respectful and are not negatively impacting their dignity and rights.
4. Be knowledgeable of the United Nations Convention on the Rights of the Child (UNCRC), which India ratified in 1992, the Juvenile Justice (Care and Protection of Children) Act, 2000 and the Amendment Act, 2006, and the Child Labour (Prohibition and Regulation Act), 1986. The Prohibition of Child Marriage Act, 2006 and the Immoral Traffic (Prevention) Act, 1956 also provide guidelines for the safety and security of children.

5. Practice and adhere to the policy not only in the workplace but also in their personal life.

Any person proved guilty by the court of law on any incidence of child abuse and or exploitation is not eligible to continue his/her service with LWSIT, or being associated with LWSIT in any form as consultant, visitor, resource partner or even supplier.

Partner organizations will be encouraged and supported to develop their child protection policy. But in the area of their program implementation, if any incidence of child abuse or exploitation takes place which have not been adequately and appropriately addressed by the partner organization with the intension of suppression, the partnership agreement will be automatically become null and void.

ACTIONS TO BE INITIATED

1. Organize awareness sessions for staff members related to UNCRC and other laws and rules related to child abuse. Each and every staff member of the organization should be aware of all these conventions and laws.
2. Mandatory inclusion of a clause on child protection in each and every partnership agreement. Each partner should maintain certain minimum standards on child protection, failing which the agreement will be cancelled.
3. Child policy should be clearly mentioned in the appointment letter, code of conduct, professional ethics and other relevant parts.
4. Handling of complaints related to child abuse and exploitation should be clearly reflected in the complaints handling mechanism, as per HAP strategy. The procedures to be followed are as stated in the Human Resources Policy of LWSIT.
5. Whenever we are requesting for quotation (RFQ), the quotation from the suppliers should include one declaration that they are not involved in child abuse and exploitation in any way and they are not engaging child labour in their residences or in their businesses.
6. All consultancy agreements should contain one section related to child abuse and exploitation. Under this section, the consultant or the consulting organization will declare that they are in no way involved in child abuse and exploitation. And if at any point of time, it is found that they have in some way abused a child, the agreement will stand cancelled without any further consultation.
7. In any future project proposals, child protection will be considered as a cross cutting issue. The new project design should not contain any such initiative which may negatively impact the rights and dignity of the children.
8. All interns should sign agreements stating that they will by the policy of LWSIT and are in no way responsible or related to child abuse and exploitation.

9. Incident management system: LWSIT should have a system in place in case any incident occurs in the sector where the children are involved or of child abuse in LWSIT's programmes implemented directly or in partnership with other stakeholders in the target community. These incidents shall be reported and the situation handled in the most effective way possible. The system can be set up in the following manner:

9.1 Community Level: Incidents such as child sexual abuse, missing child, child's death (unnatural death) and severe physical abuse of a child, to the extent of grievous injury on the child's body that may take place in the target area involving any of the community members including volunteers, community officers shall be reported to the Unit Manager.

9.2 Unit Level: The Unit Manager has the responsibility of reporting the case of abuse immediately to the concerned Programme Manager and the latter to report to the Point Person in the National Office within 7 hours of the incident. The issue is to be dealt with sensitively by protecting the confidentiality and image of the child.

9.3 National office Level: There should be a Child Protection Point Person in the Head Office. The Programme Manager should work along with that person and with the Executive Director and Management Committee for solutions at the National Office.

9.4 In case of any inquiry taking place, it must be ensured that the investigation will be treated with care, concern and absolute confidentiality.

9.5 The National Director should be kept fully updated on all Child Protection incidents irrespective of who is involved (community, volunteers, staff).

9.6 In the event of a staff being involved, the Child Protection Point Person shall inform the details to the Legal and Human Resource Department for appropriate action.

This policy is subject to revision as and when considered necessary by the Board of Trustees.

Adopted in the Board Meeting held on 22-08-2015