

# Child Protection Policy



**ASMITA**

*B.5/197 SHIVALA GHAT | Varanasi – 221001 | Uttar Pradesh, India.*

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*Passed by the Governing Board in its meeting on 11, September 2021 and revised on 17/09/2023*

## 1. Organization

ASMITA stands for Association for the Socially Marginalized's Integrated Therapeutic Action. It is a registered charitable trust founded in 1998 in Varanasi in Uttar Pradesh (India). This organization caters to the needs of the underprivileged especially the women and children in the slums of Varanasi. It exists for the dignity and empowerment of the marginalized migrant laborers, widows, children engaged in hazardous situations in the slums, and children who need care and protection.

## 2. Preamble

This Child Protection Policy of ASMITA, based on the POCSO Act, 2019, and the Juvenile Justice (Care and Protection of Children) Act 2015, is to protect children under its care, from offences of sexual assault, sexual harassment, cruelty against children, pornography and matters connected therewith or incidental to.

- 1.1 This Child Protection Policy of ASMITA is intended for the proper development of a child, ensuring integral growth of the child and to provide every child in this campus to exercise the right to survival, development, protection and the right to participate as envisaged by the United Nation's Convention on the Rights of Child 1989.
- 1.2 To protect the privacy and confidentiality of every child.
- 1.3 The best interests and well-being of children be protected at every stage to ensure the healthy, physical, emotional, intellectual and social development of the child.
- 1.4 The policy also avows, by signing an undertaking by all stakeholders in this institute campus, not to engage or allow any child rights violations be it physical, mental, sexual, emotional, religious or social and to prevent inducement or coercion of a child to engage in any unlawful activity.
- 1.5 This child Protection Policy of ASMITA takes upon itself the responsibility of bringing the staff members found guilty of child rights violations within the arms of the law of the country.

## 3. Short Titles and Definitions

**Accused** is the person or persons alleged to have committed abusive behaviour under this policy notwithstanding anything contrary to the law of the country.

**Aggravated** is the term added to the accused who commits sexual assault or sexual harassment, as define in the sections 5 and 9 of the POCSO Act 2019.

**Allegation** is any disclosure of an inappropriate or abusive behaviour.

**Child** is any person who has not completed eighteen years of age.

**Child Welfare Committee-** The bench of magistrate established by the law in every district to ensure care of protection of children.

**Complainant** is an individual who formally reports abusive behaviour.

**Contact person** is one who receives a complaint of abuse from a complainant.

**Corporal punishment** - Any action that causes pain, hurt/injury and discomfort to a child, such as hitting, kicking, biting, smacking, slapping, spanking, hitting with any implement (cane, stick, shoe, chalk, dusters, belt, whip), making children assume an uncomfortable position (standing on bench, standing with institute bag on head, holding ears through legs, kneeling etc..

**Cruelty Against Child** - Whoever, having the actual charge of, or control over, a child, assaults, abandons, abuses, exposes or wilfully neglects the child or causes or procures the child to be assaulted, abandoned, abused, exposed or neglected in a manner likely to cause such child unnecessary mental or physical suffering, said to have committed cruelty against the child.

**Disclosure** is the revelation of any information, in whatever form to any personnel of the institution.

**Institution** is ASMITA Office

**Perpetrator** is an individual who has committed an offence.

**Personnel** are adults working in the institution.

**Child Protection Officer** is a member of the District Child Protection Unit to ensure that all protective measures for safeguarding children are in place and implemented in the district.

**Penetrative Sexual Assault** – A person is said to commit "penetrative sexual assault" if-- (a) he penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a child or makes the child to do so with him or any other person; or (b) he inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of the child or makes the child to do so with him or any other person; or (c) he manipulates any part of the body of the child so as to cause penetration into the vagina, urethra, anus or any part of body of the child or makes the child to do so with him or any other person; or (d) he applies his mouth to the penis, vagina, anus, urethra of the child or makes the child to do so to such person or any other person.

**Aggravated Penetrative Sexual Assault** – Any person committing penetrative sexual assault and falling under section 5 of the POCSO Act.

**Sexual Assault** - Whoever, with sexual intent touches the vagina, penis, anus or breast of the child or makes the child touch the vagina, penis, anus or breast of such person or any other person, or does any other act with sexual intent which involves physical contact without penetration is said to commit sexual assault.

**Aggravated Sexual Assault** – Any person committing sexual assault and falling under section 9 of the POCSO Act.

**Sexual Harassment** - A person is said to commit sexual harassment upon a child when such person with sexual intent,-- (i) utters any word or makes any sound, or makes any gesture or exhibits any object or part of body with the intention that such word or sound shall be heard, or such gesture or object or part of body shall be seen by the child; or (ii) makes a child exhibit his body or any part of his body so as it is seen by such person or any other person; or (iii) shows any object to a child in any form or media for pornographic purposes; or (iv) repeatedly or constantly follows or watches or contacts a child either directly or through

electronic, digital or any other means; or (v) threatens to use, in any form of media, a real or fabricated depiction through electronic, film or digital or any other mode, of any part of the body of the child or the involvement of the child in a sexual act; or (vi) entices a child for pornographic purposes or gives gratification therefore. Explanation,--Any question which involves "sexual intent" shall be a question of fact.

**Victim** is an individual against whom abusive behaviour has been directed.

**Volunteer** is any person who gives freely his/her time, service and experience to participate in the activities of the institution.

#### **4. What is the Child Protection Policy?**

A Child Protection Policy is the organization's commitment to protect children from abuse, exploitation and organizational negligence. This is reflected in the way an organization conducts its activities and the way its staff behave. Child Protection procedures are measures that an organization takes to put its policy into action. Procedures include measures to provide a safe and conducive environment for children and a code of conduct for staff. This is also to create awareness of the issues and their long lasting effects to deal with an affected child, family and institution, institutional and legal measures to deal with the perpetrator, guidance on the appropriate use of the children's image and information and requirements of the staff for reporting suspected or actual abuse, etc.

It is also meant to enable all children to access rights, opportunities and resources for survival, protection, development and participation, to ensure for them a safe and happy childhood and to secure their future prospects in collaboration with the State, non-State actors, the families of children, efforts to offer every child a nurturing, respectful and safe environment based on an agenda of equity and the best interests of the child.

#### **5. What is Child Abuse?**

Child abuse or maltreatment constitutes all forms of physical and emotional ill treatment, sexual abuse, neglect or negligent treatment, commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity.

##### **5.1. Types of Abuse**

There are many types of abuse defined by the law but there are 5 types of abuse which are commonly spoken of and dealt with. They are physical abuse, emotional abuse, verbal abuse, sexual abuse, and neglect.

##### **5.1.1 Physical Abuse**

Includes hitting, kicking, shaking, throttling, throwing, poisoning, burning, drowning, suffocation, slapping, pinching etc. It can also refer to when a caretaker or the one in charge, deliberately ill-treats the person under his/her care. It may even be the result of over disciplining and physical punishment that is inappropriate to the child's age.

##### **5.1.2. Emotional Abuse**

Is the persistent emotional ill-treatment of a person so as to cause severe and persistent adverse effects to the child's emotional development. The expression in the eyes and the whole body language may involve making children feel worthless, useless, good-for-nothing or unloved, inadequate or valued only in so far as they meet the needs and expectations of others.

It may also involve causing children frequently to feel frightened or in danger, or the deprivation or corruption (where a person is in a position to do so) of the conditions that are culturally accepted as being essential for their physical and emotional development and wellbeing. It is an act of omission or commission leading to the denial of a child's basic needs.

### **5.1.3. Verbal Abuse**

Words which give emotional or intellectual pain in any way to the listener and hurt either emotionally or otherwise, are considered to be abusive. Words like stupid, ugly, lazy, cry-baby, dummy, loser, moron. etc. cause lasting emotional pain.

### **5.1.4 Sexual Abuse**

Child sexual abuse is the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to or for which he/she is not developmentally prepared and cannot give consent, or that which violates the laws or social taboos of society. Child sexual abuse is evidenced by an activity between a child and an adult or another child, who by age or development, is in a position of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person. (Refer: Chapter II of POCSO, Act 2012):

It involves direct or indirect sexual penetration, assault, harassment, and -

- repeated attempts to contact the child directly or through electronic or digital media.
- the use of real or fabricated depictions of the child through electronic media or otherwise to entice or to condescend.
- undue physical contact or touching.
- the convenient and calculated use of cameras, cell phones and other recording gadgets.
- Unhealthy favouritism.
- excessive use of social networks to keep in contact with the child etc.

### **5.1.5. Neglect**

Neglect involves, deliberate or absolute carelessness or negligence, failing to provide for or secure for children their rights to safety and development.

Neglect is sometimes passive in as much as it relates to failure in carrying out some key aspects of care and protection of children at the appropriate time. Such neglect could result in significant impairment of the child's health or development, including failure to grow emotionally and socially.

Neglect leaves a trail of evidence in the way children are affected. Care givers who do not act on this evidence are also guilty of neglect.

Severe neglect or repeated failure to provide timely care, thereby endangering the child is criminal negligence e. g. deliberate failure to provide medical care is exposing a child to severe harm or even death.

## **5.2. Exploitation**

Exploitation refers to the use of children for someone else's advantage, gratification or profit, often resulting in unjust, cruel and harmful treatment of the child. This is detrimental to the child's physical, mental, emotional, moral, social, health and development. It covers situations of manipulation, misuse, abuse, victimization, oppression or ill treatment. Any assignment given to children should consider the age, capacity and the best interests of the child.

## **6.0 Internal Complaint Cell**

ASMITA will have a “Internal Complaint Cell”, appointed by the Board of Trustees of ASMITA, to deal with the alleged cases of abuse of children.

The Cell shall be comprised of 3 competent persons. The members until changed by the Board of Trustees from time to time, are –

- Director/Secretary
- Female Member from the Board of Trustees
- Treasurer of the Trust
- Staff Member (Senior Staff worked with the organization for more than 3 years)

- 6.1. The Cell shall meet once in five months to review the child protection measures put in place and its effectiveness and to check if some complaints are raised.
- 6.2. Contact Persons: One member of the Cell - preferably female be appointed (by the Board of Trustees of ASMITA) as contact person who on being informed of any complaint will get in touch with and assure the complainant that the matter will be taken seriously and investigated in accordance with the procedures. The Contact Person is bound to take immediate remedial steps and, in case of a need, medical care of the victim.
- 6.3. The function of this Cell is to ensure proper investigation of child abuse cases, especially those of a sexual nature involving children so as to verify the guilt or innocence, and to suggest penalties and provide advice.
- 6.4. The Cell will within a period of 15 days submit its findings to the Board of Trustees of the institute and seek advice and guidance if required.
- 6.5. On receiving the information about any complaint about Child Protection Violation, the Contact Person shall immediately inform the Chairman and the Chairman who will convene a meeting of the Internal Complaint Cell.
- 6.6. In case of an offence under the section of POCSO Act, the Chairman shall immediately inform the Child Welfare Police Officer/SHO/Special Juvenile Police Unit of the local Police Station in writing, providing whatever information he/she has about the offence. However, he/she will not disclose the name and identity of the victim except to those legally responsible to deal with the case.

## **9.0 Duties of the Internal Complaint Cell and Recording**

The Internal Complaint Cell:

- shall maintain a file on every case or matter it considers. Each file shall contain a written/typed report of the investigation conducted, conclusions reached with stated reasons and a written/typed summary to be forwarded to the Board of Trustees.
- shall ensure the safety of all files and the availability of the same in the future. It shall treat as '**confidential**' all records, documents, information received by the members.
- shall direct the contact person to meet with the alleged victim for the purpose of filling in details required providing information and inviting statements.

### **Reporting abusive behaviour**

A disclosure of abusive behaviour may be made in any of the following possible ways.

- Where the victim himself/herself discloses it.
- Where the victim or anyone concerned about the behaviour writes and deposits them in the complaint box placed at different corners of the institute.
- The victim discloses to another person e. g. parents/ guardians/friend/staff member, who then discloses it to the Contact Person or a member of the Internal Complaint Cell.
- An individual directly discloses behaviour based on his/her independent observation.

### **How to report**

Disclosure about abusive behaviour, which should be reported immediately, may take the form of a written letter, email, phone call, audio-video recording, photograph, and a verbal conversation or through personal observation.

If the complaints are against any of the committee members, then the complainant can directly approach the President of the Trust. The President then will have the power to constitute a committee provided the committee shall have two female members.

### **Procedure of Registration of offence & Enquiry**

The complaint needs to be made in writing and given to the Chairperson or mail to [asmitaims@gmail.com](mailto:asmitaims@gmail.com)

The complaint alleging a case of sexual abuse should clearly state the name and address of the victim, together with the name and address of the offender.

- The complaint should be dated. It should also include the date and place of the offence and if possible, mention the date of birth of the victim to determine the age of the victim at the time of the offence.
- It should carry a brief account of the offence, its frequency, place, time, circumstances, and should be signed by the petitioner.

- If the complaint is made by a third party, it should be done by someone who has locus standi, such as a parent, guardian, family member a legal or practitioner.
- If the petition is signed by someone other than the above, the party should obtain authorization from the victim or from a legal representative of the victim.
- If the complaint does not have the above mentioned details the petition will be sent back for clarification and details.
- If the child is unable to give a written account of the incident, the contact person shall assist the child to write the matter and read it out to the victim and get the child's approval by his/her signature or thumb impression or make a video statement of the victim.
- It is important and mandatory to maintain a file wherein all important information with regard to incidents are recorded. The file shall include the following: The written complaint by the victim, the details of the offender, the action taken by the Cell and the final disposal of the case.

The Internal Complaint Cell then initiates a preliminary enquiry. During the enquiry all attempts must be made to protect the good name of the accused and the victim and undue revelation of the enquiry, statements, progress etc. to the public are to be avoided.

In the ensuing enquiry, the complainant and the alleged offender is to be heard. The alleged offender has the right to know the accusation and the conclusion of the Cell. Witnesses represented and alleged offenders are to be heard as well. Utmost patience is to be displayed by the Cell during the enquiry and no biased conclusions should be arrived at. The Cell may call for witnesses ex-officio, documentary evidences such as letters, emails, audio-video recordings, photographs, etc. The Internal Complaint Cell may also seek the opinion of legal or such experts who are in the same field. All statements are to be recorded and signed by the Cell, witnesses, the alleged offender and the victim or his/ her representatives in the presence of both the alleged offender and complainant with date and time.

The final and findings are to be submitted to the Board of Trustees of ASMITA within 15 days. The Internal Complaint Cell may request for an extension of this period for specially stated reasons. The conclusions of the Internal Complaint Cell are to be communicated to the petitioner and the alleged offender by the Chairman/Secretary of the Internal Complaint Cell, with the clear understanding that the conclusions are purely findings of the Cell and that the same are not binding according to the civil law of the country.

If the Board of Trustees of ASMITA accepts the conclusions of the Internal Complaint Cell that the offender is guilty and poses a potential threat to the minors of the institution, he/she is to be immediately dismissed from the institution as per the provisions of the code of conduct of the institution. If need be legal proceedings, too, may be adopted in which case the law of the land would take its due course.

It is to be noted that if any person makes a false complaint in connection with child abuse or provides false information solely with the intention of tarnishing the image, humiliating,

threatening or defaming another person or institution, legal action shall be taken against him/her. (Refer: Sec. 22 of POCSO Act 2012)

At any given stage, the victim cannot claim any compensation, monetary or otherwise from the institution where the offender was discharging his/her duties, as it is understood that the institution hires only the services of employees for a remuneration agreed upon, and that it is not responsible for his/her behaviour, character, personal interests private life and traits.

#### **9.10. Training, Evaluation and monitoring**

ASMITA will organize training to ensure that all committee members, staff, and volunteers understand the content of this Child Protection Policy. This training will be mandatory for all members of the staff. The scope of the training will cover many other issues also and shall not be limited only to definitions of child abuse, characteristics, causes, handling or disclosure, reporting systems and laws.

#### **Code of Protective Behaviour and Undertaking**

(All members of the staff must necessarily sign this undertaking as part of continued appointment as member of staff before the head of the institution. The signed undertaking countersigned by the head of the institution must be kept in the file of the member of staff.

**I \_\_\_\_\_ (name) hereby state that I shall ensure:**

- that I will seek to establish a caring, protective, and respectful relationship with each child or young person.
- that I shall be alert to the vulnerability of certain groups of children being isolated bullied or hurt.
- that I will interact with every child, young and/or person in a manner which demonstrates respect, dignity, integrity, empathy, understanding and patience.
- that I shall respect children's rights to privacy and confidentiality.
- that I shall protect and support children against all forms of physical, or mental violence, injury, abuse neglect, maltreatment or exploitation, including sexual assault and exposure of children to psychological stress through reality shows and competitions, through effective procedures and programmes, as well as assist with identification, reporting, referral investigation and treatment for judicial involvement.
- that while being available to a child, I will maintain the professional boundaries of my relationship with them.
- that I will be vigilant and attentive to any harm towards children and shall immediately report any concern I have of the same, to the Committee, in my institution.
- that I shall refer all media queries to the spokesperson designated for the task, and otherwise give no comments.

**(ii) I hereby state that I shall not:**

- indulge in any type of indecent touching of the bodies of children or cause to show or touch any part of my body.
- discriminate against any child on the basis of age, sex, place of birth, disability, race, ethnicity, socio- economic status, caste, cultural practices, work activity or behaviour.
- subject any child to any type of physical punishment/cruelty in public or in private in class-room or outside classroom.
- shout at children nor use any indecent words to address them, nor shall I by gestures, giggling, smirking, or looks demean them in any way.
- contact children over the telephone, mobile, WhatsApp, social media or by email for any reason other than permitted by the authority in the institute. Such contacts shall be open to scrutiny and knowledge of the parents and the management.
- in any way provide alcoholic beverages, tobacco, drugs or anything prohibited by law to children.
- show or cause to show children pornographic materials through any media whatsoever, take photographs of children while they are nude, partially nude or undressing.
- enter any area of privacy for children, unless legitimate business of the institution requires me to do so.
- take children or young people that I am professionally engaged with, to any own home/hotel, or sleep in the same room or bed with any of them.
- photograph or video a child or young people, without their consent and that of his/her/their parents or guardians.
- seek to make contact and spend private time with any child or young person outside legitimate official programme time.
- engage in false allegation, tarnishing the image of the other.

I \_\_\_\_\_ have received, read, and understood the provisions and its corresponding implications, hereby, fully agree to abide by the entire contents of the document entitled Child Protection Policy of the Indian Missionary Society North Region, and affix my signature with my full consent. I acknowledge and consent to being held personally accountable for any breach of this Code of Protective Behaviour and Undertaking in the spirit behind it, ethically and legally, and agree to make my signature below the statement of

adherence and a condition for my continued appointment as a member of the staff of the institution.

Signature

Date:

Signed: by the Director, affixing the seal.

In any case of complaints, contact person – 7652056258 or mail at [asmitaims@gmail.com](mailto:asmitaims@gmail.com)