CENTRE FOR EDUCATION DEVELOPMENT ACTION AND RESEARCH

[CEDAR]

CHILD PROTECTION POLICY

ESTD. 1994

Madurai, India

CEDAR was established in 1994. In the first 20 years, we largely worked for the abolition of child labour in the Viruthunagar, Thoothukudi and Tirunelveli districts of Tamil Nadu. We reached out to 144 child labour-prone villages. We now work for children and youth coming from the most marginalized and excluded communities in Tamil Nadu. We help them to realize their 'creative potential' and 'agency.'

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CENTRE FOR EDUCATION DEVELOPMENT ACTION AND RESEARCH (CEDAR)

Child Protection Policy

Preamble:
India is demographically a young country with a child population of more than 472 million. Though it is the supreme duty of the State and its agencies to protect its 40% child population, it equally concerns every citizen. In his/her individual and collective capacity the citizen ought to protect children and ensure that they live in freedom, dignity and safety. The Constitution of India recognises children as right holders and accords priority to their protection and well-being.

CEDAR from its inception has adopted a rights-based approach to addressing the vulnerability, exploitation and abuse of children. The child protection policy of CEDAR has not only a resonance with its vision and mission but also an evolution in response to the changing socio-economic and legal climate. CEDAR has adopted this Child Protection Policy (CPP) to make itself thoroughly accountable as an organization working with children. It obliges its members and representatives to commit to highly responsible conduct towards children they work with, and ensure their freedom, rights, safety and dignity. It defines the conduct and actions that constitute child abuse, the complaint mechanism and redressal.

This Child Protection Policy (CPP) draws upon the rights and safeguards provided under the Constitution of India, various other child-centric legislations, international treaties and conventions. This includes the United Nations Convention on the Rights of the Child (UNCRC) 1989, The Juvenile Justice (Care and Protection of Children) Act 2015, The Protection of Children from Sexual Offences Amendment Act 2012, Pre-Conception and Pre- Natal Diagnostic Techniques (PCPNDT) Act 1994, The Commission for Protection of Child Rights Act 2005, The Right of Children to Free and Compulsory Education Act2009, Prohibition of Child Marriage Act 2006, Child Labour (Prohibition and Regulation) Amendment Act 2016, The prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 and The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015. This policy outlines organizational mandate in terms of a code of conduct for every person within the organization, volunteers, visitors and donors. It also outlines the scope and coverage and provides guidelines for implementation, reporting of violations and redressal.

Vision:

To create a safe and secure milieu for children in all activities relating to CEDAR

Child Maltreatment:

Child Maltreatment is the abuse and neglect that occurs to children under 18 years of age. It includes all types of physical and or emotional ill-treatment, sexual abuse, neglect, negligence and commercial or other exploitation which results in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power.

1. What Constitutes Child Abuse?

Child Abuse refers to any act of omission or neglect or treatment that may be injurious to the mental and physical well-being of a child. Manifestations include child dumping, child neglect, child labour, incest and rape, ritual murder of children, indecent assault, sexual exploitation, child street vending, excessive corporal punishment and ill-treatment.

1.1. Physical abuse

Physical abuse of a child is defined as the intentional use of physical force against a child that results in or has a high likelihood of resulting in harm to the child's health, survival, development or dignity. This includes hitting, beating, kicking, shaking, biting, strangling, scalding, burning, poisoning and suffocating. Much physical violence against children in the home is inflicted with the object of punishing the child.

1.2. Emotional and psychological abuse

Emotional and psychological abuse involves both isolated incidents as well as a pattern of failure over time on the part of a parent or caregiver to provide a developmentally appropriate and supportive environment. The acts in this category may have a high probability of damaging the child's physical or mental health or its physical, mental, spiritual, moral or social development. Abuse of this type includes the restriction of movement, patterns of belittling, blaming, threatening, frightening, discriminating against or ridiculing and other non-physical forms of rejection or hostile treatment.

1.3. Neglect:

Neglect includes both isolated incidents as well as a pattern of failure over time on the part of a parent or other family members, guardian, teacher and institutions meant to provide for the protection, development and well-being of the child. It is abuse through omission by not providing the necessary environment and resources for the child to reach her/his full potential and it is an act of not recognizing actual or potential physical or emotional abuse.

1.4. Exploitation:

Children are considered to be exploited when an act leads to someone else's advantage, profit or gratification. Exploitation often results in abuse, cruel, unjust or harmful treatment of the child. These maltreatments are a detriment to the child's physical and mental health, education, well-being, and development. It encompasses all situations of misuse, exploitation, abuse, victimization, slur, manipulation, discrimination, ill-treatment and oppression.

1.5. Sexual abuse

Sexual abuse is the act of involvement of a child in sexual activity that she or he does not fully comprehend, for which the child is unable to give informed consent or for which the child is not developmentally prepared or else that violates the laws or social taboos of society. Children can be sexually abused by both adults and other children who are – by virtue of their age or stage of development – in a position of responsibility, trust or power over the victim.

1.5.1. Sexual abuse means any kind of act or behaviour that institutes a sexual offence described under **The Protection of Children from Sexual Offences Amendment Act 2012** that includes Penetrative Sexual Assault (Includes Rape, Manipulation of any part of the body of the child, Non - Penetrative Sexual Assault (anyone touching private parts of the child without penetration is said to have committed sexual

assault). Sexual Harassment means uttering any word or making any sound or making any gesture or exhibiting any object or part of the body with the intention that such word or sound shall be heard, or such gesture or object or part of the body shall be seen by the child.

1.5.2. Child pornography and Abetment of sexual offence: Child pornography means any visual depiction of sexually explicit conduct involving a child which includes a photograph, video, digital or computer-generated image indistinguishable from an actual child, and image created, adapted, or modified, but appear to depict a child; Abetment of a sexual offence is an act of instigation, or in pursuance of the conspiracy or with the aid, which constitutes the abetment under The Protection of Children from Sexual Offences (Amendment) Act 2012.

2. Objectives of the Policy:

2.1. To create a safe and secure environment for Children and protect Children from all forms of abuse and violations.

2.2. To Protect Children from all forms of discrimination based on Caste, Gender, Creed and Class.

2.3. To ensure Social Inclusion, Participation of Children by evolving Affirmative Actions and enabling space for all children including Children who are Differently Able, Children Affected by HIV, Children of Prisoners, Children Survivors of Caste Atrocity, Children of Survivors of Police Torture, Child Survivors of Sexual Abuse, Destitute Children, Abandoned Children, Survivor Children of Displaced and Migrant people.

2.4. To evolve a code of conduct for the staff of the organization and capacitate them on Child Protection Policy.

2.5. To create a complaint management system that is operationally effective and ensures redressal as and when violations are committed.

3. Scope of Implementation of Child Protection Policy (CPP):

3.1. This CPP applies to all-Part-time and Full-time employees, Trustees of the Governing Board, Parent Collectives, Interns, Volunteers, Visitors, Network Partners, Local and International Donors, Suppliers and Contractors to CEDAR, Consultants and any other person who comes into contact with children in the above capacity.

3.2. Every member of CEDAR including the trustees, executives, staff, consultants, interns or any other person who is obliged to work with children will sign a declaration stating that she/he is willing to abide by the provisions of this policy and the code of conduct stipulated.

3.3. This policy will be shared and explained through a training program to all staff, CRC Facilitators, Parent Collectives, and Volunteers of CEDAR.

3.4. CEDAR will encourage its network partners to adopt this policy, or it will encourage them to
evolve and enforce such policy with their own contextual perception.

4. Expected Code of Conduct: Do's

4.1. Create a safe environment, secure feelings and child-friendly atmosphere for children within the organization and project avenues.

4.2. Treat every child with empathy and respect, regardless of his/her caste, colour, gender, sexuality, language, religion, religious belief, culture, political/other opinions, disability, birth, and status.

4.3. Listen to Children's problems, feelings and expressions carefully, respect their views and do not cajole/ force them into any compromise which affects their physical and psychological well-being, freedom and safety.

4.4. Staff and other adults connected with CEDAR activities irrespective of their call of duty should be naturally committed to the idea of child protection and rise to any occasion that demands their attention, help and intervention in protecting the children.

4.5. Ensure that the physical contact with a child is respectful, culturally appropriate and essential to the purpose of your interaction with the child.

4.6. Respect the right to privacy of the child and treat the child with dignity in all spheres of activities.

4.7. Encourage children to express and protest against dissolute behaviours and attitudes.

4.8. Always take permission from children before taking any photographs and videos and use them in accordance with legal standards.

4.9. Be cognizant of potential mischief that could be caused by persons of questionable antecedents and take appropriate preventive measures.

4.10. Ensure not only the safety of children and their rights while planning travel, camps, training, celebrations and other events. And also get prior permissions from the child and his/her parent in this regard.

4.11. When travel is involved take care that clear and right information as to the destination, mode of travel, stay and accommodation, staff who accompany, places/sites to be visited, training venue(if used)etc. are communicated to the concerned authority in the organization, parents and persons and others who are entitled to receive such information and records kept.

4.12. Ensure no harm is inflicted to any child in any circumstance that includes physical and or psychological harm, causing isolation intending to commit sexual offence or any other illicit act.

4.13. Ensure confidentiality of information related to all children, parents and guardians and shall not disclose the information except with their consent.

4.14. CEDAR Staff, Governing board and volunteers should expressly declare that they abide by the provisions of the Child Protection Policy of CEDAR as provided in Annexure -2.

4.15. Attend without fail all workshops, training, and reviews to enhance their awareness and capacities on Child Protection Policy and ensure collective engagements for creating a safe secure environment for children.

5. Expected Code of Conduct: Don'ts:

5.1. Do not discriminate against children based on caste, colour, gender, sexuality, language, religion and religious belief, culture, political belief, the difference in terms of point-of-view, opinion, disability, place of birth, and difference in status.

5.2. Do not use physical force, harm, beat or attack a child under any circumstance.

5.3. Do not use language, signs, or behaviour towards children that is derogatory, inappropriate, harassing, abusive, sexually provocative, outraging modesty, demeaning, intimidating, offensive, discriminatory or culturally insensitive and illicit.

5.4. Do not engage or involve in activities that may cause hurt, insult or humiliation or discrimination to children.

5.5. Do not pamper or give constant attention to one particular child by making unwarranted appreciations, presenting gifts, giving personal care etc. beyond what is expected in terms of organizational mandate or roles and responsibilities.

5.6. Do not create or allow any situation that enables space for making a close relationship with children that may lead to abuse or harm to them under any circumstance.

5.7. Do not offer gifts to a child or his/her parents without appropriate reasons and organizational approval.

5.8. Do not use or encourage the use of demeaning words and phrases and violent language that would hurt prejudice, or alienate children and do not engage in or encourage vicious gossips that would reinforce stereotypes and subcultures that would vitiate the standing of children as right bearers.

5.9. Staff do not stay with the children with whom they work or with children left under their care or in any children's home or provide children accommodation in their house or take them outside during nights without official sanction. And such sanctions must be given by the supervisor/ Manager only after proper application of mind and for an appropriate reason.

5.10. No one should spend time with children in lonely places and with questionable privacy.

5.11. Do not take a child to your home or any other place when she/he is alone.

5.12. Do not become patronizing by extending unnecessary help to children when they are involved in their work thereby discrediting and devaluing their agency and self-direction.

5.13. Do not allow your mobile phone to be used by children and do not show personal pictures or any other pictures and videos.

6. CEDAR Child Rights Protection Committee (CPC)

The Child Rights Protection Committee or CPC for short shall be ultimately responsible for implementing and effectively upholding child protection in CEDAR. It shall in the light of the stated policy develop appropriate training and education for staff and children, monitor child safety, enforce the code of conduct, receive complaints, conduct enquiries, take appropriate administrative and legal action provided by civil/criminal law, order child safety audit and review periodically its own child safety performance and place such reports before the board of trustees.

6.1. The Committee constituted consisting of 14 members:

- ✓ Manager – Programmes will be the Chairperson of the Committee
- ✓ 1 Trustee of CEDAR organization
- ✓ 2 Parents from Parent Collectives
- ✓ 3 Senior Children
- ✓ 5 Staff members of which 2 are women
- ✓ 2 External Member Invitees from Govt. statutory agencies who work for the Children's Rights

It was decided to have five members as the quorum for the child rights protection committee meetings for taking any decisions. Of the five, 3 have to be external members excluding the children

7.1. Functions of the Child Protection Committee (CPC)

7.1.1. The Child Protection Committee (CPC) is convened by the chair and shall meet at least once in a year. If necessary, there can be as many meetings as needed.

7.1.2. By calling for a special meeting the CPC can carry out amendments to the existing Child Protection Policy responding to changes in Child Policy Legislations and related exigencies.

7.1.3. The work of the Child Protection Committee (CPC)shall be reviewed once a year by an internal or external auditor and such audit shall make observations/recommendations in writing. This report shall be placed before the Board of Trustees of CEDAR.

7.1.4. Conduct vigorous training on Child Rights and Child Protection every year or based on demand or recommendations made by reviews/audits.

7.1.5. Render protection to the Survivor Child within 24 hours of a complaint received. In that, the Child and parent shall express their choice of protection.

7.1.6. Conduct inquiry and take appropriate short-term or permanent action against the staff, Volunteer, visitor or any other person related to CEDAR in terms of official activity who is alleged to have indulged in any maltreatment/abuse.

7.1.7. Provide legal support to child victims in seeking redressal and or in court proceedings in a manner legally appropriate and as entitled to.

8. Complaint Procedures

8.1. CEDAR's Advocacy Manager will serve as the Child Protection Officer (CPO)of the Child Rights Protection Committee (CPC).

8.2. Enable a dedicated 24-hour telephone service to lodge complaints, facilitate reporting and express child abuse.

8.3. Complaints can be lodged by the Children, staff, parents, facilitators, and CEDAR Board Members through telephone, by writing and or in oral form.

8.4. CPO will register a complaint in the complaint register, take appropriate steps and submit the enquiry report to the Child Protection Committee (CPC).

8.5. Once a complaint is received by the Child Protection Officer(CPO), he/she should immediately report the matter to Human Resource Manager and the Director who shall take immediate steps to prevent further abuse by the alleged offender. They can withdraw official duties, and transfer or suspend the alleged offender depending upon the gravity and prima facie conclusions drawn by the CPO. Such withdrawal, transfer or suspension shall continue till the disposal of the case.

8.6. CPO will take immediate steps to ensure the safety of the child victim considering possible retaliation from the alleged offender.

8.7. The protection of children from violence and abuse requires an integrated and coordinated approach. CPC of CEDAR will also extend advice to the CPO regarding the safety of the survivor. It can arrange for medical assistance or counselling as might be necessary. In protecting the victim CEDAR need not spare its efforts from contacting Child Line 1098, the police or the Child Welfare Committee (CWC) and The State Commission for Protection of Child Rights (SCPCR).

8.8. According to section 19 of the POCSO Act, every person who suspects or has knowledge of the commission of a sexual offence is required to report the offence to the local police or the Special Juvenile Police Unit. A failure to report the sexual offence constitutes an offence punishable with imprisonment or fine or both in accordance with section 21 of the POCSO Act.

8.9. Child Protection Officer (CPO) will undertake a fact-finding mission to obtain facts from both the alleged child survivors and alleged offender (s) and record their statement in writing and collect possible credible evidence and submit this report to the Child Protection Committee (CPC) within 48 hours from receiving information on the occurrence of the incident. (Model Guidelines of the Ministry of Women and Child Development under Section 39 of The Protection of Children from Sexual Offences Act, 2012 will be followed).

8.10. Child Protection Officer (CPO) will enable child safety space for the child to speak out and listen carefully without imposing, interrupting and judging. The environment she/he ensures will help the Child to express her/ his situation and report the abuses they had suffered.

8.11. Child Protection Committee (CPC) and Child Protection Officer (CPO) will ensure confidentiality of the information including the identity of the Complainant, the alleged survivor(s) and the alleged offender(s), the contents of the complaint and the proceedings. They shall disclose relevant information only to persons entitled to know about the incident.

8.12. CPC will initiate an unbiased enquiry against the alleged offender based on the complaint of alleged child abuse and refer this complaint to the appropriate redressal institution that includes CWC, SCPCR or Police Station.

8.13. If the offence is of a very minor or compoundable nature, and if there is express consent from the child and parent (s) the CPC shall take disciplinary action against the staff. This might include warning memos, issue of strictures, suspension from service for a period or extending a formal apology to the child or any other punishment commensurate with the offence.

8.14. If the alleged offender happens to be a trustee, a staff, a volunteer, a consultant or any other person assigned with responsibility temporarily or otherwise and if he/she is convicted of an offence relating to child abuse, the CPC shall recommend termination of the services of the offender and or severe all the associations as the case may be. If the alleged offender is not convicted of the offence, the CPC shall pass an order with reasons for closing the case.

8.15. If any offence is committed against a child in the CRC or in any other workplace where the such commission of an offence against the child is suppressed for any reason, *Suo Motu* action can be initiated by a facilitator, staff, director or a community member who comes to know of the offence, and a complaint sent to the CPC.

8.16. It is the duty of the Child Protection Officer to observe and identify unreported cases of child abuse and facilitate a process that will break the culture of silence among children, parents and others and take *Suo Motu* action in this regard.

8.17. Making false complaints or providing false information against any person in respect of a sexual offence under the POCSO Act is also punishable with imprisonment or a fine or both under section 22 of the POCSO Act.

9. Appeal by the Aggrieved Person

The alleged offender shall be provided with a fair and just opportunity to be heard during CPC proceedings. If the alleged offender is aggrieved with the findings and actions of the CPC, then he/she may file a written appeal to the CEDAR Governing Board. The GB shall entertain such an appeal only on its satisfaction of substantial grounds. The GB can choose to dismiss the appeal on merit and the decision of the GB shall be final.

Annexure to the Child Protection Policy (CPP)

Annexure-1: Definitions

In this Child Protection Policy unless the context otherwise requires, the following terms have the meanings set out below:

1. **"Child"** means a person below the age of eighteen years and the term "Children" shall be construed accordingly.
2. **"Child-related laws"** means all the applicable Child-related statutes, by-laws, rules, regulations, notifications, circulars, ordinances, protocols, codes, guidelines, standards, policies, directions, judgments, decrees and orders of any government authority in India for the time being and from time to time in force.

Such laws include the following:

- 2.1. The Protection of Children from Sexual Offences Act, 2012 and Amendment 2019
- 2.2. The Juvenile Justice (Care and Protection of Children) Act, 2015
- 2.3. The Right of Children to Free and Compulsory Education Act, 2009
- 2.4. The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986
- 2.5. The Rights of Persons with Disabilities Act, 2016;
- 2.6. The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015
- 2.7. The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013
- 2.8. The Bonded Labour System (Abolition) Act, 1976
- 2.9. The Prohibition of Child Marriage Act, 2006
- 2.10. The Immoral Traffic (Prevention) Act, 1956
- 2.11. The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994
- 2.12. The Information Technology Act, 2000
- 2.13. The Constitution of India 1950
- 2.14. The Indian Penal Code, 1860
- 2.15. The Code of Criminal Procedure, 1973
- 2.16. Convention on the Rights of the Child 1989

3. **"Complainant"** means a person reporting an incident of Child abuse or potential Child abuse in accordance with the procedures laid down in this Child Protection Policy.
4. **"CPC"** means the Child Protection Committee and the term "CPC" shall be construed accordingly.
5. **GB** means governing board of the CEDAR organization.
6. **"CPO"** means the Child Protection Officer and the term "CPO" shall be construed accordingly.
7. **SCPCR** means the State Commission for Protection of the Rights of Children and the term SCPCR shall be construed accordingly.
8. **CWC** means the Child Welfare Committee and the term CWC shall be construed accordingly.
9. **"Incident"** means an incident of Child abuse or potential Child abuse and the term "Incident" shall be construed accordingly.
10. **"Organisation"** means Centre for Education for Development Action and Research (CEDAR) is a registered organization under Indian Trust Act 1882 Act functioning a 47/23 Old Natham Road, Madurai 625014, Tamil Nadu. CRC enquiries: +91 96009 02981, Youth Programme enquiries: +91 78679 99928, Ph: 0452-2680701.

Annexure - 2
Declaration by all Employees

I……agree to abide by all the terms and conditions placed by CEDAR's Child Protection Policy (CPP) and follow the Code of Conduct stipulated therein.

1. I.....have completely read the provisions of Cedar's Child Protection Policy (CPP)and expressly state that I agree to abide by the policy and follow the Code of Conduct stipulated therein.
2. I will always respect children, regardless of age, disability, gender, caste, religious belief, sexual orientation or identity.
3. I fully support the right to equal protection of children from all forms of harm or abuse and contribute to creating a child-safe environment with the best interests of the Child within CEDAR and project avenues.
4. I will always report any case of child abuse, exploitation and neglect which comes to my knowledge to the Child Protection Committee (CPC).
5. I fully understand that as per established conventions and in the interest of promoting child rights and child safeguards CEDAR reserves the right to provide information with regard to concerns about my code of conduct to authorities, and child protection agencies.

(Name of the employee)

Annexure- 3

Model Guidelines of Ministry of Women and Child Development under Section 39 of The Protection of Children from Sexual Offences Act, 2012

https://wcd.nic.in/sites/default/files/POCSO-ModelGuidelines.pdf

*Last reviewed and updated in April 2022**