



# The Humsafar Trust Child Protection Policy

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## 1.0 The Humsafar Trust Child Protection Policy

<b>Operational Area</b>	<b>Child rights, child protection</b>
<b>Authored by</b>	<b>Alpana Dange, Head- Research Unit</b>
<b>To be endorsed by</b>	<b>The Humsafar Trust (HST) Board Members</b>
<b>In effect by</b>	<b>10th September, 2014</b>
<b>Version</b>	<b>Draft</b>
<b>Language of Policy</b>	<b>English, (Hindi and Marathi -yet to be translated)</b>
<b>Date of First Revision</b>	<b>1st October, 2015</b>
<b>Date of Second Revision</b>	<b>November 6, 2019</b>
<b>Applicable to</b>	<b>All the board members, staff in the hub and project offices, associates, IRB members, interns, volunteer, visitors and any professional hired to do the work for HST</b>
<b>People to be contacted for this policy</b>	<b>Vivek Raj Anand Suhail Abbasi Shruta Rawat (Convenor, Child Protection Unit)</b>

## 2.0 Statement on Child Protection

HST supports and respects the rights of a child as stated in the convention on the rights of the child which was adopted and opened for signature, ratification and accession by United Nations, General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990, in accordance with article 49. HST supports measures as enunciated in the Child Protection Act, 2012, The Protection of Children from Sexual Offences Act, 2012 (POCSO), and Section 67B of The Information Technology (IT) Act, 2000, which, specifically provides stringent punishment for publishing, browsing or transmitting child pornography in electronic form. This document mandates a Child Protection Policy for HST.

## 3.0 Purpose of This Policy

HST works for the health and human rights of LGBTQ communities. HST believes that every human irrespective of sex, gender, age and sexual orientation has inalienable human rights. In the same way, it believes that the children have their survival, protection and development rights which must be upheld by the citizens of India, institutions and civil society organizations alike.

The purpose of this policy is to ensure that child protection measures are an integral part of HST on real as well as virtual platforms and the people working with the

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organization abide by it within their personal and professional spaces as non-negotiable behavior. This policy also prescribes a code of conduct with respect to children for the organization. This policy document will need to be signed by all the staff members.

## 4.0 Key Definitions

**Child:** A child is defined as any individual under the age of 18 years, irrespective of their sex, gender, sexuality and identity.

**Child abuse:** Following situations constitute child abuse:

- ❖ Physical, verbal, mental abuse and emotional harassment of a child.
- ❖ Exploitation of a child for work.
- ❖ Sexual acts involving a child by way of penetration, oral sex, or any physical contact deemed inappropriate by law and/or the child. Indecent exposure before a child, using sexually provocative language, sexual interaction with underage profiles on social media, and voyeurism involving children will also be considered as abuse.
- ❖ Exposing a child to sexually explicit material and/or environments or encouraging/coercing them to engage in sexual acts with self/other adults
- ❖ Any kind of sharing and showing of pornographic material with/to a child in real or virtual platforms.
- ❖ Using a child for the purpose of pornography and/or taking sexually provocative pictures/video. This even includes using pictures of underage children on platforms and media used to seek sexual partners.
- ❖ Viewing, sharing or possessing any material (electronic or otherwise) deemed as child pornography.
- ❖ Any kind of bullying, blackmail, coercion, stalking, extortion, sending abusive and offensive messages on mail, e-mail, mobile phone and social networking platforms to a child.
- ❖ Direct or indirect participation in soliciting and trafficking of a child.
- ❖ Violating confidentiality of any child.
- ❖ Introducing a child to any network/place that renders a child vulnerable and places the child at risk of abuse.
- ❖ Seeking paid sex with a child in any location; India or abroad.

**Onus of act:** This means that the onus of act lies with the adult, not with the child. An adult is expected to use discretion while dealing with a child (as defined above). It means that in the event even if there is any initiative from a child seeking a romantic and sexual relationship or any above stated situations mentioned under child abuse, the responsibility of act lies with the adult. The child will not be held responsible for any outcome of the situation.

## **5.0 Policy Applicability**

This policy is applicable to all the board members, staff within all projects and programs of HST's Delhi and Mumbai Units, associates, IRB members interns, volunteer, visitors, and any professionals/consultants hired to work for HST . This policy is also applicable to HST staff when they are in offsite meetings, training programs and conferences.

## **6.0 At Work: Staff Conduct Regarding A Child**

- 6.1 The staff at the hub and in the projects must work with individuals aged 18 years of age and over.
- 6.2 A child is not allowed in any premises of HST's work and/or events unless accompanied by a parent or a legal guardian. If such a child needs any service then the accompanying adult's written consent must be filled up. For every follow up visit, this rule has to be followed. unrelated community adults are not considered as guardians.
- 6.3 If such a child who is accompanied by an adult has sought services, the Convenor of HST's Child Protection Unit needs to be informed.
- 6.4 If such a child who is accompanied by an adult has sought services, the staff is expected to maintain the child's confidentiality.
- 6.5 Staff will not mingle with any children at HST's outreach sites.
- 6.6 While conducting community forums and events like 'Friday workshops', age limit has to be observed with no negotiations.
- 6.7 A child's primary family unit is his family hence while counselling a child, the centrality of his/her interest, respect to his/her views and support of his/her family must be taken under consideration.
- 6.8 Luring a child based by citing program components is considered to be an outrightly wrong and unethical action.

## **7.0 Outside Work: Personal Conduct Regarding A Child**

- 7.1 The staff is expected to uphold the child protection measures even outside the work as it is of paramount importance to the organization. Presence of a staff member on social media and instant messaging groups containing and/or disseminating child pornography would be adequate to invite action.

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7.2 The staff is not expected to engage in any kind of sexual or sexually explicit relationships with persons below 18 years of age. This is also applicable to a situation where such an initiative has been taken by a minor person. Consent and initiative of a minor person can be used as an excuse since the onus of act is on an adult.

7.3 In the personal sphere, the staff is expected to refrain from all the situations defined as 'child abuse' under section 4.0 of this policy. Individuals who've engaged in behaviour outlined as child abuse in this policy even prior to their employment at HST will be subject to remedial steps as deemed essential by the organization.

## 8.0 Consequences of Breaching HST's Child Protection Policy

Breaches in Child Protection Policy can be of two types:

**Type 1:** Breaches reported by individual bearing no direct association with the incident and/or the accused and are anecdotal in nature. Breaches may be reported either by staff or non-staff. These are listed under section 6.0; points 6.1 to 6.8.

**Type 2:** Breaches reported by the immediate affected party, a witness, or in instances where undeniable evidence incriminating a staff member is available in the form of videos and/or photographs.

**If there is a breach of Type 1:** Breaches of these kind will need to be reported to the Convenor, Child Protection Unit, who will document the report and issue a written warning to the concerned staff in presence of their team manager. The accused will also be asked to read the policy and will need to undergo processes to ascertain their understanding of the policy. Repeated breaches and multiple reports will be reported by the Convenor to the HST board, and will result in a suspension and reinstating pending investigation or immediate dismissal (if needed).

**If there is a breach of Type 2:** This breach can be reported by the following people and will result in the below-listed consequences:

- Affected child and their parent/legal guardian.
- A person who is a witness to this.
- Evidence incriminating a staff member is available in the form of videos and/or photographs either shared by an anonymous source, witness, or available on other platforms. HST will consider a staff's presence on social media and internet groups containing child pornography or evidence that a staff has accessed/shared child pornography as an adequate reason to proceed with action.
- Evidence to indicate awareness of a fellow staff member's inappropriate conduct and failure to report or intention to conceal the incident/protect the perpetrator.

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When Type 2 breach is brought to the notice of Convenor, Child Protection Unit, the following actions would be followed:

- ❖ An outright suspension and removal from the job in case of child abuse reported by the child and his parent/ guardian subject to a written complaint/police complaint and/or incriminating evidence being submitted to HST. In such instances, HST will involve the required legal authorities and report the staff accused of engaging in child abuse.
- ❖ An outright suspension and removal from the job in case of child abuse reported by a witness subject to a written complaint/police complaint being subject to a written complaint/police complaint and/or incriminating evidence being submitted to HST. In such instances, HST will involve the required legal authorities and report the staff accused of engaging in child abuse.
- ❖ An outright suspension and removal from the job in case of evidence incriminating a staff member is available in the form of videos and/or photographs, presence on social media/internet-based dating and messaging platforms hosting child pornography or to indicate access to/sharing of child pornography by the concerned staff over real or virtual platforms.
- ❖ Any act or omission considered an offence under Child Protection Act, 2012, The Protection of Children from Sexual Offences Act, 2012, and Section 67B of The Information Technology (IT) Act, 2000, will be considered a "breach" and would be reported as provided under law. Failure to notify the convenor of the Child Protection Policy/concealing involvement of any staff involved in trafficking and/or child abuse will be considered as abetting and will invite stern action under Type 2 breach.
- ❖ HST will not provide any legal assistance, guidance or support in accessing other services, paid leave, or other provisions to a staff accused of child abuse and facing legal action.
- ❖ HST will quote this policy in case of any violation becoming public/ appearing in media in order to clarify its' position.

The convenor of The Child Protection Unit will head a committee to consult on Type 2 breach which will comprise the accused staff member's immediate reporting manager, CEO and HST Lawyer to arrive at decisions mentioned above.

## 9.0 Incidents of Child Abuse by A Third Party and Suggested Action

It is quite possible that a staff member may come across instances of child abuse by a third person completely different from the staff or a child somewhere in distressful situation as mentioned in section 4.0. In such a situation, it is advisable to report the matter to **Child line on 1098** via telephone or approaching a law enforcement agency. The Convenor, Child Protection Unit, may refer to the Protection of Children from Sexual Offences Act 2012 (POCSO) for further guidance and support.

### 9.1 Policy Guidance To Staff in Case of Observing Child Abuse By a Third Party

1. All staff members are required to alert the social media admins about presence of pornographic content and its' legal implications.
2. All staff members are required to exit any social media/internet-based dating and messaging platforms that host and disseminate child pornography or encourage/allow members to seek child sexual partners. In order to facilitate a legal action, you are advised to save details such as name of the group(s), link to the profile(s) of perpetrators on the group/phone numbers, link of the group prior to exit and get in touch with the Convenor, Child Protection Unit at HST, who can then seek further advise/ legal course of action.
3. All staff members are required to report any profiles that engage in sharing child pornography on social media/dating platforms and internet-based messaging platforms or seek/share their experiences with child sexual partners. In case a staff member wishes to file an online FIR against such profiles, HST will connect staff to legal guidance resources for doing the same.
4. KPs seen engaging in seeking underage partners on physical cruising sites must be warned and educated against their behaviour. If the behaviour is still reported, then the KP's services at HST must be discontinued and the same needs to be reported to the Convenor, Child Protection Unit. If staff have evidence against such KPs, then alert the Convenor, Child Protection Unit, who will seek/direct you to legal guidance. Offer information on the child helpline to the child as well as information on other organizations working with CSA. Staff member is required to keep team manager informed of your actions at all times.
5. Staff must note that child sexual abuse has mandatory reporting and it would be important to indicate this to your clients, KPs, and clinic attendees prior to assuring them confidentiality. If clients talk about experiences in retrospect (or anything to indicate that this is not happening in the present) then it may be advisable to share legal consequences of such behaviour. However, current episodes, recent past (within the last year), or recurrent engagement in child sex abuse will need to be alerted to the Convener, Child Protection Unit, who will seek/direct you to legal guidance.

## 10.0 Policy Endorsement By HST Board

<b>On this day, we HST Board Members endorse this policy and commit our organization to `Child Protection`.</b>	
<b>Name and Designation of Board Members</b>	<b>Signature</b>
<b>Suhail Abbasi, Member, HST</b>	
<b>Vivek Raj Anand, CEO- HST</b>	
<b>Dr. Subhojit Sen, Member – HST</b>	
<b>Pradipta Ray, Member – HST</b>	
<b>Mr. Shibu Thomas, Member – HST</b>	



## 11.0 Staff Endorsement

<b>I have read this policy and have understood its provisions. I agree to abide by this policy.</b>	
<b>Name of the staff</b>	<b>Project and Designation</b>
<b>Date and Place</b>	<b>Signature</b>