



# SAFE GUARDING POLICY

## JULY 2020

<b>Policy Details</b>	
<b>Operational Area</b>	Safe Guarding
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# ACRONYMS

<b>CBO</b>	Community Based Organization
<b>CP</b>	Child Protection
<b>CPC</b>	Child Protection Committee
<b>CRT</b>	Conflict Resolution Team
<b>DIC</b>	Drop-In Center
<b>HST</b>	Humsafar Trust
<b>HR</b>	Human Resource
<b>HRP</b>	Human Resource Policy
<b>ICC</b>	Internal Complaints Committee
<b>IRB</b>	Institutional Review Board
<b>LGBTQ+</b>	Lesbian, Gay, Bisexual, Transgender, Queer and Intersex
<b>MOU</b>	Memorandum of Understanding
<b>MSM</b>	Men Having Sex with Men
<b>NGO</b>	Non-Government Organization
<b>NA</b>	Not Applicable
<b>OTF</b>	Organizational Task Force
<b>TGW</b>	Transgender Women
<b>TI</b>	Targeted Intervention
<b>TM</b>	Transmen
<b>TOR</b>	Terms of Reference

## Background

Set up in 1994, the Humsafar Trust is India's first community-based organization for Lesbian, Gay, Bi-sexual , Transgender and Queer + (LGBTQ+). Since the inception the trust has worked in safeguarding health and human rights of sexual minorities. The Humsafar Trust's work has touched lives in Mumbai, Maharashtra and in different parts of the country through its' network partners as well as its' affiliates. The Humsafar Trust's core values<sup>1</sup> are the foundation of organizational policies and also serve as a guiding force to the day to day functioning of the organization. This document is a safeguarding policy which focuses on protecting people affiliated with the Humsafar Trust in any capacity from any kind of potential harm.

# Section:1

## 1.1 Explaining Safe guarding

The Humsafar Trust works with the LGBTQ+ community through its staff and partners at different locations. The Humsafar Trust works for the LGBTQ persons in the area of health and rights. While doing so, the Humsafar Trust implements various program activities. These activities are implementing activities pertaining to HIV and health programs, community outreach, advocacy, capacity building and community based research. The safe guarding policy is explained in the context of this work. It must be recognised that in any organization or work situation, power dynamics exist. The nature of these power dynamics could be a position of authority (senior versus junior) or due to the power that emanates from controlling resources and opportunities or sexual relationship related dynamics between two persons. This may lead to a situation where at least one person or party may experience some kind of harm. Harm is defined as any kind of bullying, harassment, exploitation, abuse, violence and discrimination. The harm could happen to children and vulnerable adults during the course of interaction with

the organization or while engaging in providing/ receiving services. It is necessary that the organization of HST's stature should proactively implement safeguarding measures as a commitment to fostering its' core value systems.

A safe guarding policy has the scope, framework and measures along with procedural details which will enable safeguarding of adults and children interacting with or working with the Humsafar Trust in any capacity.

## 1.2 Scope of Safe Guarding Policy

A safe guarding policy has the scope, framework and measures along with procedural details which will enable safeguarding of adults and children interacting with or working with the Humsafar Trust in any capacity. The Humsafar Trust recognises the vulnerability of its' community who are mostly marginalised LGBTQ+ persons who carry a disproportionate burden of stigma and discrimination associated with the sexual orientation, gender identity and expression as well as the HIV/AIDS. There could be potential safe guarding issues while working with this community that range from abuse, harrassment and discrimination on account of the above stated marginalising factors. The recent experience has revealed that the LGBTQ+ persons are severely impacted by the lockdown and are vulnerable to hunger, homelessness, violence and family pressure to conform to gender norms. This vulnerability may lead to situations that would require safe guarding when such community members are receiving Covid-19 related emergency support from the Humsafar Trust.

The Humsafar Trust does not work with minors (<18 years) however, the organization has committed itself to protecting children's rights and has created safe guards to protect children who could possibly come across the staff working in the field or may walk in any of the HST offices. Safeguarding framework in Humsafar Trust is based on the human touchpoints where different the staff, community members and others come in contact with each other. These touch points lead to the relationships where there is some kind of give and take from HST. In the light of this, potentially a situation of conflict or harm may emerge.

The Humsafar Trust Safe Guarding Policy covers the LGBTQ+ community and communities that we may work in future, board members, executive committee, all employees, consultants, volunteers and interns at the Mumbai, Delhi and Bangalore offices, implementing partners and various service providers empanelled with the organization.

### 1.3 Situations of Potential Harm

Safeguarding will be required against following situations of potential harm:

- Team conflicts and dynamics leading to bullying and harassment
- Sexual harassment
- Intimate Partner Violence, domestic violence and abuse (If the partner is HST employee)
- Molestation, Rape and Assault
- Stigma and Discrimination
- Confidentiality violation
- Treatment denial
- Denial of service, inappropriate actions/ language during the service
- Luring clients with money / sexual favours
- Violence on site by anti-social elements, threat and violence against HST staff
- Violation of Research ethics
- Threat by participants
- Verbal Bullying and harassment

- Any kind of abuse and exploitation of children
- Social media based bullying and harassment
- Any other issues

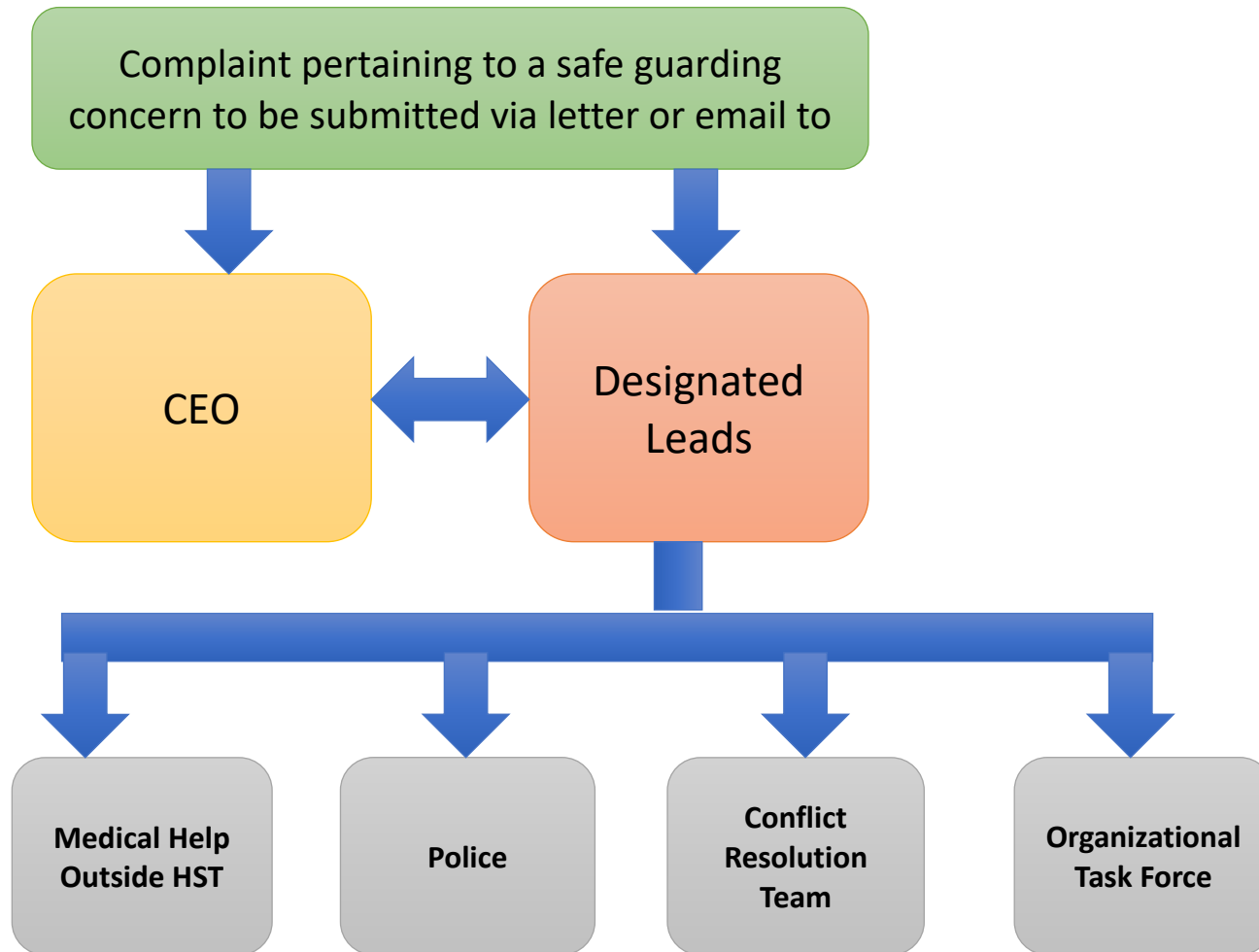
## 1.4 Reporting and Measures of Safeguarding

Safeguarding framework in Humsafar Trust is based on the human touchpoints where different the staff, community members and others come in contact with each other. These are categorised as external (LGBTQ+ community, future community participants-aka beneficiaries, research, DIC and capacity building participants, partners, consultants, donors and collaborators, service providers, volunteers and interns) and internal (employees, Board and Executive committee) stakeholders. These touch points lead to the relationships where there is some kind of give and take from HST. In the light of this, potentially a situation of conflict or harm may emerge.

In order to report the safe guarding concern, the complainant is expected to identify themselves and narrate the harm done to them from a person/ situation. This complaint can be submitted on paper or via email to the CEO or the deisgnated lead, who will then take furhter action as required. In case the complainant is uncomfortable to report directly and wants to report the harm anonymously, he/she/they can do so under the whistleblowing policy where a designated email is provided (mentioned in the section below).

The process flow is as follows:





In order to address the harm reported by the complainant the Humsafar Trust has safeguarding measures that may work in tandem with two or more measures:

- 1. Reporting to the Designated Lead:** Harm can be reported to the designated lead who can decide/ act on the complaint on or refer the matter to either a conflict resolution team depending on the seriousness of the harm.
- 2. Non-HIV Related Medical Care Outside of HST:** In case of physical harm experienced by one of its' employees, the Humsafar Trust would arrange for non-HIV related medical care outside.
- 3. Referring to the Conflict Resolution Team:** This is not a fixed team but a flexible one which can be formulated as per the need of the situation. This team may deliberate over a matter to further recommend safe guarding actions.
- 4. Investigation by Organizational Task Force:** In case of harm of serious nature such as sexual harassment, child sexual abuse or social media based bullying and harassment, HST may formulate an organizational task force to investigate the harm. Other committees such as Child Protection Committee (CPC) automatically become a part of OTF. OTF will have external legal or external experts who will investigate the issue of safeguarding. Laws of the land will be considered by the CPC and OTF.
- 5. Reporting Incident to the Police:** All harm reporting pertaining to molestation, rape, assault and child sexual abuse may be reported to the police. For other matters, it is people's discretion to seek police help, therefore 'open' category is stated.

TABLE: 1 SAFEGUARDING MEASURES

SN	Situation and Matters of Harm	Categories of affected party Internal or External	Measures of safeguarding				
			Reporting to the designated lead	Action to provide appropriate non-HIV related medical care outside of HST	Referring to Conflict Resolution Team	Investigation by an organization I Task Force	Reporting incident to the police
	<b>Recommended Action Time</b>			<b>Immediate : as soon as the incidence is reported</b>	<b>Within two Weeks</b>	<b>Immediate: as soon as the incidence is reported</b>	<b>Immediate: as soon as the incidence is reported</b>
<b>1.0</b>	<b>Human Resource related issues</b>						
<b>1.1</b>	Team conflicts and dynamics leading to bullying and harassment	Internal	Yes	NA	Yes	NA	NA
<b>1.2</b>	Sexual harassment	Internal	Yes	NA	Yes	NA	Open
<b>1.3</b>	Intimate Partner Violence, domestic violence and abuse (If the partner is HST employee)	Internal	Yes	Yes	Yes	NA	Open
<b>1.4</b>	Molestation, Assault and Rape	Internal and External	Yes	Yes	NA	Yes	Yes
<b>1.5</b>	Stigma and Discrimination	Internal and External					
<b>2.0</b>	<b>Finance</b>						
<b>2.1</b>	Due to Coercive Practices	External	Yes	NA	NA	Yes	NA
<b>3.0</b>	<b>Health</b>						

SN	Situation and Matters of Harm	Categories of affected party Internal or External	Measures of safeguarding				
			Reporting to the designated lead	Action to provide appropriate non-HIV related medical care outside of HST	Referring to Conflict Resolution Team	Investigation by an organizational Task Force	Reporting incident to the police
<b>3.1</b>	<b><i>Clinic and Counselling</i></b>						
3.1.1	Confidentiality violation	Internal and External	Yes	NA	Yes	NA	NA
3.1.2	Treatment denial, inappropriate actions/ language during the service	Internal and External	Yes	NA	Yes	NA	NA
3.1.3	Stigma and discrimination	Internal and External	Yes	NA	Yes	NA	NA
<b>4.0</b>	<b><i>Targeted Intervention, Internet outreach</i></b>						
4.1	Denial of service	External	Yes	NA	NA	NA	NA
4.2	Luring clients with money / sexual favours	External	Yes	NA	NA	NA	NA
4.3	Confidentiality violation	External	Yes	NA	NA	NA	NA
4.4	Violence on site by anti-social elements against HST staff	Internal	Yes	NA	NA	NA	Yes
<b>5.0</b>	<b><i>Research</i></b>						
5.1	Violation of Research ethics	External	Yes	NA	NA	NA	NA
5.2	Threat by research participants	Internal	Yes	NA	NA	NA	NA
<b>6.0</b>	<b><i>Capacity Building</i></b>						
6.1	Verbal Bullying and harassment	Internal	Yes	NA	Yes	NA	NA
6.2	Stigma and Discrimination	External	Yes	NA	Yes	NA	NA
<b>7.0</b>	<b><i>Advocacy and Crisis</i></b>						
7.1	Threat and Violence against HST staff	Internal	Yes	NA	NA	NA	Yes
<b>8.0</b>	<b><i>Child Protection</i></b>						
8.1	Any kind of abuse and exploitation of children	External	Yes	Yes	NA	Yes via CPC	Yes

SN	Situation and Matters of Harm	Categories of affected party Internal or External	Measures of safeguarding				
			Reporting to the designated lead	Action to provide appropriate non-HIV related medical care outside of HST	Referring to Conflict Resolution Team	Investigation by an organizational Task Force	Reporting incident to the police
9.0	<b><i>Social media based bullying and harassment</i></b>	Internal and External	Yes	NA	NA	Yes	Open

After the thorough enquiry into the incident, HST can take following actions:

#### **Category 1: Moderate Repercussions**

This category of repercussions has strict verbal warning, issuing memo, disciplining by re-training and temporary suspension.

#### **Category 2: Severe Repercussions**

Severe repercussions include termination of contract, MOU, dismissal from the job.

#### **Category 3: Legal Repercussions**

In certain categories in addition to Category 2, severe repercussions, legal repercussions such as filing a firsthand information report, law suite may be taken by the Humsafar Trust.

## 1.5 Incident Log

The Humsafar Trust creates a paper and electronic file record of the reported harm and safe guarding actions taken. This log has the records of incident with date and details, followed by description of the process of CRT, OTF , action taken and the final conclusion. The response and action taken may be shared with the aggrieved party. Access to this file will be provided only to the designated leads responsible for safeguarding in different domains of HST's work.

## 1.6 Risk register

The Humsafar Trust maintains a risk register stating the organizational, financial, political and legal risk as well as the specific risk to the LGBTQ+ constituency. This risk register prepare HST in advance to mitigate the upcoming risks thereby safeguard the organization.

## 1.7 Associated Policies of the Humsafar Trust

Human Resource Policy 2019

Child Protection Policy 2019

### **Laws of the land**

Transgender Persons (Protection of Rights) Act, 2019.

The Sexual Harassment of Women at Workplace (PREVENTION, PROHIBITION and REDRESSAL) Act, 2013\_

The Information Technology Act, 2000

The POCSO Act, 2012

## 1.8 Designated Leads

The Humsafar Trust has listed department wise designated safeguarding lead. This is the person who staff or anyone with a safeguarding concern can talk to in confidence about a safeguarding worry or incident. The designated safeguarding lead then has a responsibility on behalf of the organisation to act on safe guarding concern/ incident.

TABLE: 2 DESIGNATED LEADS

Sr. No.	Name	Designation	Department	Responsibility Area for Safe Guarding	Email	Number
1	Mr. Suhail Abbasi	Chairperson	Overall Organization	Overall Direction of Safe Guarding Policy	Suhail@humsafar.org	9821016939
2	Mr. Vivek Raj Anand	CEO	Overall Organization	Overall implementation of Safeguarding Policy, Finance and Administration, ICC, OTF	Vivek@humsafar.org	9821152980
3	Alpana Dange	Consultant Research Director	Research	Research, CRT, Child Protection, ICC	Alpana@humsafar.org	9821415161
4	Murugesan Sivasubramanian	Capacity Building Director	Capacity Building	Health, TRANscend, CRT, OTF	Murgesh@humsafar.org	8879230656
5	Yashwinder Singh	Project Director	Capacity Building	All domains in Delhi Office	Yashwinder@humsafar.org	9818095307
6	Ramesh Jagtap	Finance Manager	Finance Manager	Finance, Administration, DIC, TI and Delhi Finance	Ramesh@humsafar.org	9892129992
7	Sandeep Mane	Health Programme Director, IRB Coordinator	Health, Research	Clinic and Counselling, Targeted Intervention, Internet Outreach and IRB	<a href="mailto:Sandeep@humsafar.org">Sandeep@humsafar.org</a> IRB@humsafar.org	9004721115
8	Shruta Rawat	Research Manager	Research	Research, CRT, Child Protection, Internet Outreach, Yaariyan, Umang	Shruta@humsafar.org	9004444757

9	Tinesh Chopade	Advocacy Manager	Advocacy	Advocacy and Crisis, Yaariyan, Social Media	Tinesh@humsafar.org	9730360168
10	Shwetambera	Project Manager	Transcend Initiative	CRT, Child Protection, TRANscend, ICC	Shwetambera@humsafar.org	9930756559
11	Sowmya Gupta	Project Manager	Connect	All issues related to TGW, TM	Sowmya@humsafar.org	8452045612
11	Amritananda	Consultant Lawyer	Legal Issues	All the legal matters, ICC, CRT, OTF, Whistleblowing	<a href="mailto:Amritananda.c@gmail.com">Amritananda.c@gmail.com</a> Shikayat@humsafar.org	9971846694

## 1.9 Trainings

Designated leads and the board members will be given organizational policy training including safe guard policy training once a year by an expert as well as the CEO of Humsafar Trust. At the organizational level, the training of the Safeguarding Policy will happen at two points of time. Once when employees join the organization and undergo induction programme followed by the training session in the annual retreat of the Humsafar Trust. During the induction, department head will conduct safe guarding training. In the annual retreat, the safe guarding training will be conducted by any of the designated leads mentioned above. All the newly inducted members are required to sign the safeguarding policy along with their Job Contracts.

## 1.1 Updates

Updating of safeguarding policy will be done on an annual basis to account for the programmatic, social, political and legal changes in India.

# Section: 2 Whistleblowing Policy



## 2.1 Purpose

This is a Whistleblowing policy which is also known as the disclosure of malpractice in the workplace policy. At HST, it is vital that everyone who works for us maintains the highest standards of conduct, integrity and ethics, and complies with laws of India. If an employee, volunteer, partner, consultant or contractor has any genuine concerns about malpractice in the workplace, we wish to encourage them to communicate these without fear of reprisals and in the knowledge that they will be **protected from victimisation and dismissal**.

This policy does not form part of an employees' terms and conditions of employment and may be subject to change at the discretion of the management of the Humsafar Trust.

Malpractice includes (but is not limited to) the issues listed below:

- Financial wrongdoing including theft, bribery, fraud, money laundering and fund diversion
- A failure to comply with any legal obligations
- Sexual misconduct, including sexual abuse, harassment or exploitation (see HST's Safeguarding Policy)
- Abuse or exploitation of children, vulnerable adults or participants(see HST's Safeguarding Policy as above)
- Breach of HST's policies and non-negotiables
- Abuse of position
- Danger to the health and safety of individuals
- Activity which would bring the organisation into serious disrepute
- The deliberate concealment of information relating to any of the matters listed above

If you have a genuine concern and have a reasonable belief it is in the public interest, even if it is later discovered that you are mistaken, under this policy you will not be at risk of losing your job or from suffering any form of retribution as a result. This assurance will not be extended to an individual who maliciously raises a matter they know to be untrue or who is involved in any way in the malpractice. Those found to be making false allegations maliciously will have disciplinary action taken against them.

Malpractice is not a complaint about the performance and behaviour of a manager or other work colleague towards you. Such complaints will be directed for action HST's HR policies and procedures.

If you genuinely believe that the actions of someone who works for HST could lead to or has resulted in malpractice, please follow the procedure below.

Please note this procedure is not intended to replace HST's Employee Grievance Procedures, which continues to be the appropriate way to raise personal issues relating to the specific job or employment.

1. Raise the matter with your manager, who will consult with the appropriate contact point. If you feel that you are unable to raise the matter with your manager, and you are able to, raise it with a more senior manager.

At the point of raising a concern it would be useful for you to share information describing:

- Whether anyone is at immediate risk of harm?
- What happened? If possible make note of dates, times, places, people.
- Who is involved?
- How do you know about it?
- When were you first concerned about it?

- Have you told anybody about it?
- Was any action taken?

All managers should:

- Report incidents of theft, fraud, or corruption immediately to HST's CEO
- Report Safeguarding concerns relating to sexual abuse or exploitation of children, vulnerable adults, participants or any HST's representative to HST's Safeguarding lead
- Report any other incidents of malpractice in the workplace to the CEO

2. A decision will be made on whether it is appropriate to handle such complaints under this policy. Where not appropriate the complainant will be informed and their permission sought to divert the issue to the appropriate HR procedure.

3. When matters are reported to the Fraud and Corruption lead, HST's Risk Management, Fraud and Corruption policy will be followed. If an investigation is conducted, the outcome may involve taking disciplinary action if misconduct has been proved, which may include dismissal.

You will be notified once the matter has been resolved, but a few outcomes may be subject to confidentiality and may not be communicated.

HST will take appropriate action, which may end in dismissal, in accordance with the relevant procedure against any employee, volunteer or consultant who:

- Has been found to be victimising another individual for using this procedure, or deterring them from reporting genuine concerns under it.
- Made a disclosure maliciously that is known to be untrue or without reasonable grounds for believing that the information supplied was accurate.

## 2.2 Frequently asked Questions

### *What if my manager is involved in the alleged malpractice in some way?*

If your manager is involved in the alleged malpractice in some way, the matter should be raised with the next senior manager or CEO in the management line. Concerns regarding financial wrongdoing may be raised directly with the CEO and concerns relating to sexual abuse or exploitation of children, vulnerable adults, participants or any HST staff to the Safeguarding lead (CEO).

### *Can the disclosure be made anonymously?*

You are strongly encouraged not to make anonymous disclosures as details and further concerns cannot then be checked with you and this may seriously limit the ability of investigators to pursue your concerns. Nonetheless, all disclosures, made anonymously or otherwise, will be reviewed but lack of information may limit the nature, extent and outcome of the investigation.

### *Who will conduct the investigation?*

Normally an independent person from within HST will be appointed. On rare occasions, or for complex cases such as safeguarding, external investigation support (such as auditors) may be sought.

### *What if the matter involves a criminal offence?*

The issue may also be reported to the police if a criminal offence, such as fraud or theft, or sexual assault or child abuse in any form has been committed.

### *What if the matter is a complaint about the performance or behaviour of a manager or colleague against me?*

Such complaints will be directed for action to the appropriate HR policy under unless the concerns relate to concerns of sexual misconduct or other forms of malpractice listed in this policy.

## 2.3 Declaration of Whistleblowing Platform in Public Domain

The Humsafar Trust will commit to whistleblowing policy by sharing an informative text address and email pertaining to Whistleblowing on its' website [www.humsafar.org](http://www.humsafar.org). The text will be as follows:

***“The Humsafar Trust has a zero-tolerance approach to any form of discrimination, malpractices such as fraud, corruption, bribery, work place and sexual harassment, inappropriate behaviour by the staff at the work place, child abuse, sexual abuse, fundamental rights violations in the domain of its' work . HST is committed to provide a channel through which an aggrieved party can report any of these violations directly on [Shikayat@humsafar.org](mailto:Shikayat@humsafar.org). This email is handled by an independent legal person who has the authority to carry out an independent enquiry or form a task force to investigate any of the harm reported”.***

# Section: 3 Human Resources- Recruitment and Selection

The recruitment and selection of employees presented below is taken from the Human Resource Policy 2019 of the Humsafar Trust . Sections relevant to safeguarding are presented below.

## 3.1 Safe Guarding in Recruitment Procedure

- Only candidates with proven track record of personal conduct will be considered. This means that candidates who aspire to be recruited by the Humsafar Trust must have their record free of any involvement in crime and violence.

- Candidates are required to produce two references with which verifications needs to be done before offering a job.
- Candidates showing any kind of bias against LGBTQ may not be considered for a job.
- Candidates whose substance use habits have been highlighted by other sources will not be considered for a job.

## 3.2 Non-negotiable and Zero Tolerance Fostering Safe Guarding

### **List of Non Negotiable / Gross misconduct**

- Borrowing or extracting money from subordinate staff on the basis of seniority
- Alcohol / Paan / Gutkha / Tabocco or Drugs consumption in any DIC or TI offices or during training programmes
- Minor children (below the age of 18) present in the DIC premises either during or after official hours. In case of any suspicion, the receptionist should ask for identification proof, valid age proof.
- HST is governed by its Child Protection Policy that respects and values the rights of children below the age of 18.

### **Zero Tolerance Factor**

The Humsafar Trust has zero tolerance for factors that violate the basic human rights of any individual in the organization. Zero Tolerance Factors will be included in the job contracts of all employees and will be signed by them as mark of their approval and acceptance of the same.

- Any derogatory comments on caste, class, creed and religion made by any HST team member
- Asking for sexual favors or sexual exploitation of fellow staff members or having sex with subordinate staff
- Having sex with fellow colleagues or any community member in any DIC or Office premises of HST even if it is consensual comes under the purview of Zero Tolerance.
- Violence of any kind, verbal ( written or spoken) or physical (threat or actual ) towards fellow colleagues, seniors or subordinates
- Breaking confidentiality on the health status of any client or staff member

## End Note

### Core Values of the Humsafar Trust

**Equality:** The Humsafar Trust treats all human beings as equal. People irrespective of their age (18 years and above), sex, gender and gender identity, health status, sexual orientation, caste, religion, community nationality and ethnicity are being treated as equals. **Inclusivity:** The Humsafar Trust endorses inclusion of people on all the parameters of equality in decisions, processes, consultations and events to evoke participation.

**Diversity:** The Humsafar Trust respects the diversity within the LGBTQ+ communities and acknowledges their unique culture and experiences.

**Respect:** The Humsafar Trust respects values, cultural diversity and opinions, parameters of equality, dignity of people, human rights and child rights.

**Empathy:** The Humsafar Trust empathizes with the issues of marginalized communities through lived experiences, accounts and ground level realities.

**Integrity:** The Humsafar Trust emphasizes on adherence to core values, vision and mission which is reflected in commitment to work by individuals, teams and the organization.

**Accountability:** The Humsafar Trust holds itself accountable to the community, funders of various projects, district, state and national level stakeholders. The organization is not accountable for any individual's personal actions and will not support unethical practices suggested by an individual, any funder or stakeholder.

**Transparency:** The Humsafar Trust believes in transparency which is observed in knowledge sharing, transparency of work and financial procedures. However confidential bids, counselling data, health status and clinic records are out of the bounds for people not concerned with the direct intervention. While maintaining the confidentiality of individuals by adhering to ethical practices of research, research data needs to be acknowledged.

### **Acknowledgement**

The Whistle blowing policy has been adapted from a ready template as downloaded from <https://www.bond.org.uk/resources/safeguarding-policy-templates>