The Humsafar Trust Child Protection Policy

Committed to Child Protection
1.0 The Humsafar Trust Child Protection Policy

<table>
<thead>
<tr>
<th>Operational Area</th>
<th>Child rights, child protection</th>
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<tr>
<td>Authored by</td>
<td>Alpana Dange, Consulting Research Head</td>
</tr>
<tr>
<td>To be endorsed by</td>
<td>The Humsafar Trust Board Members</td>
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<td>Applicable to</td>
<td>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 the Humsafar Trust</td>
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| People to be contacted for this policy | Ashok Row Kavi
Vivek Raj Anand
Pallav Patankar
Hemangi Mhaprolkar (Head- Child Protection Unit) |
| Contact No. for this Policy | 022 2667 3800 |

2.0 Statement On Child Protection

The Humsafar Trust 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. The Humsafar Trust supports measures as enunciated in the Child Protection Act, 2012 and The Protection of Children from Sexual Offences Act, 2012 (POCSO). The Humsafar Trust also has an organizational Child Protection Policy to which the entire organization abides by.

3.0 Purpose Of This Policy

The Humsafar Trust works for the health and human rights of the people who are sexual minorities. The Humsafar Trust believes that every human being 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 the Humsafar Trust and the people working with the organization abide by it.
all the time. 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 male, female or transgender person under the age of 18 years.

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

- Physical, mental, and emotional harassment of a child.
- Exploitation of a child for work.
- Sexual abuse of a child by way of penetration, oral sex or any other physical means.
- Sexual harassment individually or in a group.
- Any kind of sharing and showing of pornographic material with/to a child.
- Using a child for the purpose of pornography. This even includes using pictures of underage children on platforms and media used to seek sexual partners.
- Sharing or possessing any material (electronic or otherwise) depicting child pornography.
- Any kind of bullying, blackmail, 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.

**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.

5.0 Policy Applicability

This policy is applicable to all the board members, staff in the hub (HST's Vakola office at Santa Cruz), Centre for Excellence (CEFE) and project offices, associates, IRB members interns, volunteer, visitors, and any professional hired to do the work for the Humsafar Trust. This policy is also applicable to the Humsafar Trust 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 persons above 18 years of age only.

6.2 A child is not allowed in the hub or in the project office 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.

6.3 If such a child who is accompanied by an adult has sought services, the head of 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 his/her confidentiality.

6.5 The staff are not expected to mingle with the children at the outreach sites.

6.6 While conducting community forums and events like 'Friday workshops', age limit has to be followed as well.

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 unacceptable.

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.

7.2 The staff is not expected to engage in any kind of sexual 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.

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.

8.0 Result Of Breaching Child Protection Policy

Breach in Child Protection Policy can be of two types:

Type 1: Breach in matters pertaining to the work as described in points 6.1 to 6.8.
Type 2: Breach in matters pertaining to the work and personal conduct as described in points 7.1 to 7.3.

If there is a breach of Type 1: It may be brought to the notice of the head of Child Protection Unit who will then give a warning to the concerned staff. The staff will also be asked to read the policy and appear for a viva-voce on the same. Repeated breaches will be built into the performance appraisal and may result into suspension followed by removal from the job (if needed).

If there is a breach of Type 2: If there is a breach of this, it can be reported by the following people:

➢ Affected child and his parent/ guardian.
➢ A person who is a witness to this.
➢ Any other concerned individual/staff/ authority.

When Type 2 breach is brought to the notice of the head of Child Protection Unit, there would be following consequences for the person who is involved in violating child protection policy:

➢ An outright suspension and removal from the job in case of child abuse reported by the child and his parent/ guardian.
➢ Any act or omission considered an offence under Child Protection Act, 2012 and The Protection of Children from Sexual Offences Act, 2012 will be considered a "breach" and would be reported as provided under law.
➢ If a staff has not used discretion and has engaged in any aspects of section 4.0, following which the staff is in legal trouble then in such an event the organization is not obliged to support and stand by such a staff.
➢ Failure to notify the Humsafar senior management team/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.

The head of the Child Protection Unit will head a committee to consult on Type 2 breach which will comprise the CEO and the Humsafar Trust Lawyer to arrive at decisions mentioned above.

9.0 Incidence 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, which will suggest further course of action. The head of Child Protection Unit may refer to the Protection of Children from Sexual Offences Act 2012 (POCSO) for further guidance and support.
10.0 Policy Endorsement By The Humsafar Trust Board

We the Humsafar Trust Board Members endorse this policy and commit our organization to `Child Protection'.

Ashok Row Kavi, Chairman

Suhail Abbasi, Board Member

Vivek Raj Anand, Board Member and CEO

Pallav Patankar Board Member and Director- HIV Programs and Advocacy

Shibu Thomas, Member, Board Member

11.0 Staff Endorsement

This policy is a part of job contract of each and every person employed by the Humsafar Trust. The staff trainings include trainings on Child Protection policy as well.