

## Child Protection Policy

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### 1. Objective

The objective of the Child Protection Policy (CPP) is to ensure that all children working with or associated with The YP Foundation (TYPF) have a safe, protected and respectful environment that is free of stigma/discrimination of any kind and free from any form of abuse/violence/injury. All members and associates of TYPF shall uphold and safeguard the dignity, freedom, liberty and agency of all children. The best interests of the child are at the core of the CPP, and TYPF believes that children are agents in their own lives and must always be treated as such. TYPF is committed to maintaining a safe and enabling environment for all children, where health, safety, dignity and agency of all children associated with TYPF directly or indirectly is given primacy.

### 2. Scope of TYPF's Child Protection Policy

The provisions of this policy are applicable to all the following persons:

- 2.1 All staff, board members, consultants, trainers, interns, volunteers, and peer educators working with TYPF, or representing it in any capacity, regardless of the nature of their contract, duration of employment or position in the organisation.
- 2.2 All external professionals, partner organisations, donors/funders/sponsors, trainers, journalists, policy makers and visitors working with the organisation.
- 2.3 Documentation and Communication Teams of TYPF documenting events, workshops, interviews or any activity directly or indirectly related to children.

### 3. Laws and Legislations

TYPF is committed to respecting and abiding by all legislations in India on the question of rights of children in letter and spirit including, but not limited to, the following:

- 3.1 The Constitution of India, 1950, particularly Articles 14, 15, 19(1), 21, 21A, 23, 24, 39(e) and 39(f)
- 3.2 The Juvenile Justice (Care and Protection of Children) Act, 2015; as amended in 2021
- 3.3 The Indian Penal Code, 1860, specifically provisions relating to violence against children including child sexual abuse, sexual violence, rape, and trafficking
- 3.4 The Immoral Traffic (Prevention) Act, 1956
- 3.5 The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986; as amended in 2016
- 3.6 The Commissions for Protection of Child Rights Act, 2005; as amended in 2006

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3.7 The National Commission for Protection of Child Rights Rules, 2006; as amended in 2021

3.8 The Protection of Children from Sexual Offences (POCSO) Act, 2012; as amended in 2019 and The Protection of Children from Sexual Offences Rules, 2012; as amended in 2020

3.9 The Prohibition of Child Marriage Act, 2006

Definitions used in these legislations regarding children, their rights, and entitlement shall apply to this policy.

The YP Foundation is also committed to respecting and abiding by the United Nations Convention on the Rights of a Child, 1989 (UNCRC), which states that all children have a right to protection, and cannot be discriminated against, which was ratified by the Government of India in 1992.

### 4. Guiding Principles

TYPF strongly believes in and is committed to fulfilling and upholding the following:

4.1 Child Participation: Children are and should be active participants in making decisions regarding their lives and themselves.

4.2 Respect, dignity, freedom of each child.

4.3 Best Interest of the child is foremost. In case of any conflict, the best interest of the child will be given utmost priority over any other consideration.

4.4 No child should be subject to discrimination on the basis of sex/sexuality/gender, caste, religion, ability, and HIV/AIDS status, amongst others, and the fundamental rights to equality, non-discrimination, and health of the child will be protected.

4.5 Recognise that a mentally or physically disabled child should enjoy a full and decent life conditions, which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

4.6 Recognise the potential for peer abuse, such as bullying, discrimination, victimisation, and develop specific measures to protect younger and particularly vulnerable/marginalised children from peer and adult abuse.

4.7 Zero Tolerance towards violation of this Child Protection Policy.

4.8 Privacy and Confidentiality - No child shall be subjected to arbitrary or unlawful interference with their privacy, family, home or correspondence, nor to unlawful attacks on their honour and reputation. Any information that is not confidential but still pertains to private/personal aspects of a child's life, including regarding their family, shall be shared strictly only on a need-to-know basis and not discussed casually, giving primacy to the child's privacy.

4.9 All children shall have access to unbiased and proper information regarding their engagement with the organisation's work.

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4.10 All children shall be informed in advance about any interventions being taken with respect to them or in the context of their lives with full transparency. Any objection of any child with respect to the said interventions would be duly taken into consideration, and if required, such interventions can be modified, keeping in mind the objections raised by any child or children.

4.11 The belief that Child Protection is the responsibility of all.

## 5. Operationalization of Child Protection Policy

### 5.1 Definitions

- a) Child - For the purpose of this policy, the term 'child' means any person who has not completed the age of 18 years, in accordance with the relevant laws in India.
- b) 'Child Maltreatment' - includes all forms of physical and emotional ill-treatment, sexual abuse, neglect and exploitation that results in actual or potential harm to a child's health, dignity, safety and/or development, and includes:
  - Physical abuse, including hurting or injuring a child, inflicting pain upon a child, irrespective of the intent of the person exhibiting this behaviour;
  - Sexual abuse, including making a child engage in direct or indirect sexual activity and/or threats to make a child engage in direct or indirect sexual activity. This includes making a child watch any pornographic material, making them take, receive or send any pictures of their or anyone else's body parts. Consent, safety and agency of the child is of paramount importance;
  - Emotional abuse, including repeatedly criticising a child and/or their world view(s), expressing hostility, humiliating them, denying their worth, value and rights as dignified human beings, and/or using derogatory language while addressing a child;
  - Neglect or negligent treatment, including the persistent lack of interest or appropriate care for a child, their safety and well-being, and physical and emotional needs;
  - Commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity, particularly in the context of a relationship of fiduciary responsibility, trust or power.
- c) 'Child Protection' - includes protecting a child from or against any form of real or perceived danger or/and risk to their life, childhood or personhood. It includes reducing their vulnerability to any form of harm, violence, neglect, mistreatment, exploitation and/or verbal, mental, emotional, physical and/or sexual abuse. It is also about protecting a child from any form of social, physical and emotional insecurity or distress. It is intrinsically linked to every right of a child guaranteed by the Constitution of India.
- d) 'Bullying' - is defined as deliberate hurtful behaviour, usually repeated over a period of time, where it is difficult for those bullied to defend themselves. It can take many forms, including physical (physical

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violence, theft), verbal (discriminatory remarks on the basis of one's identity/status, threats, name calling) and emotional (isolating an individual from the activities and social acceptance of their peer group). It is to be noted that bullying can be done by adults and/or a child's peers.

### 5.2 Violation of the Child Protection Policy

Any form of the following abuse, violence, treatment or harm either intended or perpetuated are considered as a violation of TYPF's Child Protection Policy. Violation of the CPP includes activities, which lead to, or increase the chance to be abused, making a child more vulnerable. Failure to act or report incidences of abuse or violence is also looked upon as a violation of the CPP.

- a) Physical abuse
- b) Emotional Abuse
- c) Corporal Punishment
- d) Discrimination on the basis of sex/sexuality/gender, caste, religion, ability, and HIV/AIDS status, amongst others.
- e) Neglect or negligent treatment
- f) Child Maltreatment
- g) Commercial or other exploitation
- h) Sexual abuse
- i) Bullying
- j) Violation of Privacy and Confidentiality

### 5.3 Safe and Child Rights-Friendly Programme Design

TYPF is committed to designing and delivering programmes that are safe for children and view them as agents in their own lives with rights. TYPF will always keep this in mind when designing projects and activities for children, or that will impact them in any way, and expects that all those associated with TYPF will do so as well.

## 6. Code of Conduct

### 6.1 Code of Conduct

TYPF believes in and advocates for children's rights to survival, protection, development and participation. This Code of Conduct includes guidance on appropriate and expected standards of behaviour of adults towards children, and also of children towards other children. It has been developed with the best interests of the child as the primary consideration and should be interpreted keeping this spirit in mind. There are certain key values and principles towards the children and adolescents that are mandatory for persons mentioned in Section 2 above to adhere to:

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- i) Provide children with access to information regarding their engagement with organisation's work, to support them to build knowledge and skills and develop attitudes and aspirations.
- ii) Ensure that a culture of openness exists that facilitates children to interact and express their issues and concerns with staff for the personal, physical, social, emotional, moral and intellectual development of the children.
- iii) Understand that all children have equal rights to protection from exploitation and abuse.
- iv) To have a responsibility to meet minimum standards of protection for children in programmes, which include providing a physical, mental and emotional environment, which is safe, secure and non-judgmental for all children.
- v) All children must be equally involved without any selection or exclusion on the basis of gender, ability, age, sexuality, ethnicity, religion, caste, class or any other identity/status or marker of identity/status.
- vi) TYPF has zero tolerance towards bullying, mocking, using derogatory slurs/words, or any other action that intends to embarrass, shame, humiliate or degrade a child.
- vii) To be active, sensitive and attentive.
- viii) To encourage and respect the voices and views of the children and adolescents they are working with.
- ix) Do not consume alcohol, drugs or tobacco while in the presence of or during any engagement with children.
- x) Encourage children's participation, and always maintain a positive attitude within the group during a workshop by giving them enthusiastic and constructive feedback.
- xi) Build balanced relationships based on mutual trust and help to empower a child to contribute in decision-making processes of TYPF. At the same time, none should attempt at counselling the children on their personal issues unless specifically instructed by TYPF and sought by the child or child's parent/guardian.
- xii) Be firm whenever necessary during workshops, but remain calm and do not be intimidating with the children. In case of an unfavourable incident, other staff may be called for support and such incidents must be recorded in writing. Physical punishment or physical force against a participant is strictly prohibited. Any offender must be reported to the Child Protection Officer at TYPF (even if it's via the staff). TYPF has zero tolerance towards corporal punishment.
- xiii) Maintain and respect confidentiality of information shared by a child/children.
- xiv) Maintain safe and appropriate physical distance from the children. No person/people will be allowed to take a child/children into a closed, secluded and/or private place. All interactions with children must be in a public place and only under the watch of a designated peer educator/usher.
- xv) Ensure that while imparting comprehensive sexuality education, the information provided to children is age appropriate and sensitive, and does not expose them to harmful photos or videos or content in any form.
- xvi) Ensure that no adult who is not associated with the organisation or the project shall be allowed to enter premises or to engage with the children.

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- xvii) Treat all children equally and respectfully, irrespective of individual capabilities and learning capacities. Favouring one particular child leads to exclusion of others and is therefore disallowed.
- xviii) Never take personal photographs or attend to personal phone calls/text messages while conducting workshops, except during an emergency/extenuating circumstance.
- xix) Do not use any pictures taken during the course of work with TYPF for public display or publicity without the consent of the child and child's parent/guardian/designated caretaker and approval of the Programme Coordinator. Designated photographers will only take pictures, after receiving written consent from a child and child's parent/guardian/designated caretaker (in case of institutional homes or children's centres).
- xx) Never emotionally hurt a child as a form of control or even otherwise to humiliate or degrade a child. This will be considered emotional abuse. TYPF has no tolerance whatsoever towards any form of corporal punishment, bullying or discrimination.
- xxi) Developing/Initiating/Attempting any form of physical/sexual relationship or contact with the children is severely punishable and must be reported immediately to the Child Protection Officer at TYPF (even if it's via the staff).
- xxii) Never use inappropriate, offensive or abusive language in the company of children.
- xxiii) Never engage in physical behaviour in a manner that is inappropriate or sexually provocative.
- xxiv) Never condone or participate in illegal/unsafe/abusive activities being undertaken by the children.
- xxv) Do not take up responsibilities or tasks that one is not appropriately trained for.
- xxvi) Be aware of high-risk peer situations (e.g. unsupervised mixing of older and younger children and possibilities of discrimination against particularly marginalised children).
- xxvii) Be aware of potential for peer abuse (e.g. bullying, sexual abuse).
- xxviii) Provide an enabling environment for children's personal, physical, social, emotional, moral and intellectual development.
- xxix) Ensure that when children with disabilities participate, all buildings are fully accessible for them.
- xxx) None should take children from any children's institutional homes to their personal homes for any reason whatsoever.

Anyone signing this policy must ensure that they do not stand aside when they see any behavior disallowed by this CPP inflicted on a child, whether by an adult associated with TYPF or another child.

### 6.2 POCSO and Mandatory Reporting

- a) By signing this policy, you understand information that is shared between a young person and a community counsellor is confidential and protected by law.
- b) If during the course of their interaction with a young person, a counsellor becomes aware of sexual assault, aggravated sexual assault, sexual harassment or any other violation of the POCSO Act, has been, or likely to have been committed, they may support them in reporting this to the concerned police station.

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- c) If a counsellor receives information about a POCSO offence which (1) is specific and directly provided by the person who faced it, or, someone who witnessed it; and (2) does not require additional deduction or investigation, a reporting obligation arises and they may seek legal advice with regard to their reporting obligations.
- d) You further understand that in situations outside that of a counsellor relationship, if you or any of your staff become aware of information about violations of the POCSO Act, an obligation arises to report this to the concerned police station and you may seek legal advice with regard to your reporting obligations.

If any person defined under Section 2 of this policy becomes aware of sexual assault, aggravated sexual assault, sexual harassment or any other violation of the POCSO Act, has been, or likely to have been committed, such person shall have an obligation to report to the police as per the POCSO Act.

### 6.3 Special provisions for children affected with HIV

- a) TYPF shall comply with all the provisions relevant for children affected with HIV under the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Act, 2017 (HIV/AIDS Act), especially the ones pertaining to care, support and treatment of children living with HIV.
- b) TYPF shall ensure that HIV/AIDS related information, education and communication programmes are conducted, which are age-appropriate, gender-sensitive, non-stigmatising, and non-discriminatory.
- c) TYPF shall recognise the guardianship of a person (below the age of 18 years, but above 12 years), who has sufficient maturity and understanding to manage the affairs of family affected by HIV/AIDS to act as guardian of other sibling below the age of 18 years in various matters, including admission to educational institutions, care and treatment, operating bank accounts, and managing property amongst others. This is applicable when both parents and legal guardian are incapacitated or unable to discharge their duties due to HIV related illness.

### 6.4 Representation of Children in Communications Material.

- a) Permission must be taken, from the child/children and their parent(s)/guardian(s)/designated caretaker(s) as to the use and context of any photograph(s), video(s) and/or written or spoken material of a child/children. A child and child's parent/guardian/designated caretaker must give informed consent in this regard. Informed consent means that the child knows how the material is going to be used, in what context, and specifically told that they are under no obligation to agree to its use. Full information must be provided to the child in this regard to ensure that the child can make an informed decision. Consent must be taken again from the child and the child's parent/guardian/designated caretaker in the event of any changes in the manner, context and use of the material. The child's agency to have their work or themselves portrayed or displayed in any manner shall be given utmost priority.

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- b) All communication about children should portray them as dignified citizens of the country. They will not be portrayed as victims unnecessarily, and neither will any communication exaggerate or undermine the lived experiences of the child, or their upbringing and socioeconomic circumstances.
- c) In case requested or if it may lead to increasing vulnerability or threat to a child, names of children should be changed and no photograph, case study should reveal the identity of any child.
- d) The context of photographs and/or videos taken of any child/children must be provided.
- e) Consent of a child and their parent/guardian/designated caretaker must be taken in writing.
- f) All images and/or videos must maintain the dignity and rights of a child.
- g) Personal information concerning a child, including their health, family background, must be treated as strictly confidential and not disclosed in any communication material, whether for public dissemination or internal communication, unless consent of the child and their parent/guardian/designated caretaker is taken in writing.
- h) Photographs/videos of children should focus on an activity and, where possible, feature groups of children rather than individuals.
- i) No photography shall be permitted in the care homes where children are residing.

## 7. Implementation of Child Protection Policy

### 7.1 Operational Guidelines

- a) All new recruits are mandated to agree to and sign the Child Protection Policy.
- b) All new recruits will be provided a copy of the latest and operational Child Protection Policy.
- c) Contact details and personal information of all new recruits to be maintained by the organisation.
- d) At the time of the interview for recruitment, specific questions will be asked to assess the person's commitment to child protection and child rights.
- e) The contract of employment would include a section on affirmation and adherence of the organisation's Child Protection Policy and procedures.
- f) The policy would be displayed on TYPF's website.

### 7.2 Recruitment

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- f) The policy would be displayed on TYPF's website.

### 7.3 Training and Capacity Building

- a) Training on Child Protection is a part of the organisation's orientation training for all staff, including consultants, trainers, interns, volunteers, and peer educators working with TYPF, regardless of the nature of their contract, duration of employment or position in the organisation. The training, including its duration and content, will be provided to persons according to their roles and responsibilities in TYPF.
- b) TYPF is committed to remain abreast with latest policies and trends with respect to Child Protection and Safety and share this information with all staff, including consultants, trainers, interns, volunteers, and peer educators working with TYPF, regardless of the nature of their contract, duration of employment or position in the organisation.
- c) Any agreement between TYPF and associate organisations, which concerns services directly to children would require assurance that appropriate child protection policies and procedures are in place.
- d) Children working with the organisation are to be trained on or should have information regarding the child helpline and protection provided by the National Commission for Protection of Child Rights.
- e) The organisation will provide children with a child-friendly version of the organisation's CPP, including training, so children are aware of the protections guaranteed to them as well as the behaviours that they cannot engage in with their peers.

### 7.4 Commitment

- a) As an organisation, we commit to not associate ourselves with an agency or organisation, which deals in Child Labour, or promotion of Alcohol or Tobacco products.
- b) All young people working with and associated with TYPF to be trained on TYPF's Child Protection Policy before being allowed to come in contact or enter the vicinity of children that TYPF works with.
- c) In case of events and workshops, point (b) is applicable to all professionals, trainers, service providers, vendors or visitors.
- d) It is the responsibility of all programme coordinators and the management to monitor and maintain code of conduct of peer educators, trainers, professionals, vendors, Documentation and Communication teams and external visitors.

### 7.5 Response Mechanism

- a) All incidents of abuse or violation, (experienced, witnessed, heard or suspected) of TYPF's Child Protection Policy must be reported to the Child Protection Officer at TYPF (even if it's via the staff) within 24 hours of such incident, who will record and act on these in a confidential manner in accordance with the best

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interests of the child. Failure to do so will be considered a violation of the CPP and may also extend to the person being subject to criminal liability under the provisions of the POCSO Act.

- b) TYPF will immediately suspend without pay any employee, adviser, consultant, intern or volunteer who is alleged to have violated the said Policy, pending the outcome of an investigation.
- c) If the violation amounts to an offence under the POCSO Act, and the information was obtained in counselling, then the procedure mentioned in 6.2 of this Policy would follow. If the police register a FIR, then the employee will be automatically suspended from TYPF and if proven guilty, then they shall be terminated from employment.
- d) If the case under POCSO Act proceeds, then TYPF will take appropriate action to protect the child/children in question from further harm in the organisation during and following the alleged incident.
- e) The identity of the victim shall remain confidential throughout the investigation and trial, and no details about their identity, including name, address, photograph, family details, school, neighbourhood or any other particulars, would be published in the media.

In case of any complaints, reach out to TYPF's Child Protection Officer at the contact details listed here:

<https://theypfoundation.org/our-policies/>

## 9. Terms of Agreement

I hereby declare I have thoroughly read the document and I agree to abide by the above terms and conditions and code of conduct required to uphold the rights of the child/children, violation of which will lead to consequences.

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Name:

Date:

Place: