

Policy for the Protection of Vulnerable Persons

1. Objective

The objective of the Policy for the Protection of Vulnerable Persons / Safeguarding Policy is to ensure that all vulnerable adults working with or associated with The YP Foundation (TYPF) have a safe and protected environment that is free from stigma/discrimination of any kind and from any form of abuse/violence/injury. All members and associates of TYPF shall uphold and safeguard the dignity, freedom and liberty of all persons, particularly of vulnerable persons. TYPF is committed to maintaining a safe and enabling environment, where health, safety and dignity of all persons associated with TYPF directly or indirectly, is given primacy.

2. Scope of TYPF's Policy for the Protection of Vulnerable Persons

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

- 2.1 All members of the management, trustees, staff members, consultants, 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, trainers, visitors working with the organisation.
- 2.3 Documentation and Communication Teams documenting events, workshops, interviews or any activity directly or indirectly related to those belonging to vulnerable/marginalised groups.

3. Laws and Legislations

TYPF is committed to respecting and abiding with all legislations in India on the question of rights and protection of members of vulnerable groups, including but not limited to, the following:

- 3.1 The Constitution of India, 1950
- 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 Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989
- 3.7 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
- 3.8 The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

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- 3.9 The Rights of Persons with Disabilities Act, 2016
- 3.10 The Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Act, 2017
- 3.11 The Mental Healthcare Act, 2017
- 3.12 The Prohibition of Child Marriage Act, 2006

Definitions used in these legislations regarding vulnerable persons, their rights, and non-discrimination shall apply to this policy.

TYPF is also committed to respecting and abiding by the United Nations - International Covenant on Civil and Political Rights, 1966 (ICCPR); International Covenant on Economic, Social and Cultural Rights, 1966 (ICESCR); Convention on the Rights of Persons with Disabilities, 2006 (CRPD); Convention on the Elimination of All Forms of Discrimination against Women, 1979 (CEDAW); and Convention on the Rights of the Child, 1989 (UNCRC), all of which India is party to and has ratified.

4. Guiding Principles

TYPF strongly believes that every individual has an equal right to protection from abuse and exploitation. In particular, TYPF recognises and upholds the rights of sexual minorities, religious minorities, communities/persons vulnerable on account of caste identity, persons living with HIV or at risk of contracting HIV, and persons living with disability, amongst others. TYPF is committed to fulfilling and upholding the following:

- 4.1 Every individual, particularly vulnerable persons, is and should be an active participant in making decisions regarding their lives themselves. Each individual is best-placed to judge their own well-being and safety.
- 4.2 Respect, dignity, freedom of each individual.
- 4.3 Recognise that every person, regardless of ability, should enjoy a full and decent life, in conditions that ensure dignity, promote self-reliance and facilitate their active participation in social and economic life.
- 4.4 Zero Tolerance towards violation of this Policy.
- 4.5 Privacy and Confidentiality - No person shall be subjected to arbitrary or unlawful interference with their privacy, family, home or correspondence, nor to unjustified attacks on their honour and reputation.
- 4.6 Access to unbiased and proper information regarding their engagement with the organisation's work.
- 4.7 The belief that the protection of vulnerable persons is the responsibility of all.
- 4.8 Prevention of harm, injury, abuse is a primary objective.

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4.9 A least intrusive and proportional response to risk, respecting the autonomy and privacy of every person.

4.10 Safeguarding the welfare and care of vulnerable persons in all situations.

5. Operationalisation of the Policy for the Protection of Vulnerable Persons

5.1 Definitions

For the purposes of this policy, words and phrases shall have the following meanings:

- a) Abuse - All forms of physical and/or emotional ill treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the person's health, survival, development or dignity in the context of a relationship of responsibility, trust or power.
- b) Adult - A human being aged 18 years old or above.
- c) Child - A human being below the age of 18 years.
- d) Confidential Information - Information not usually available in the public domain or readily available from another source, which has a degree of sensitivity and is thus subject to a duty of confidence. A duty of confidence arises when one person provides information to the other in circumstances where it is reasonable to expect that the information will be in confidence.
- e) Consent - Agreement freely given to an action based on knowledge and understanding of what is involved and its possible/likely consequences.
- f) Vulnerable Persons - Includes individuals who are at a higher risk of abuse or marginalisation, owing to their sexual orientation, sex, gender identity, religion, caste, HIV status, disability, place of birth, marital status, occupation, and political opinions, amongst others.

As stated above, words and phrases not defined in the policy shall have the meaning assigned to them in the appropriate legislative instrument.

5.2 Violation of the Policy

Any form of the following abuse, violence, treatment or harm either intended or perpetuated are considered as a violation of TYPF's Policy for the Protection of Vulnerable Persons. Violation of this policy includes activities, which lead to, or increase the chance to be abused, discriminated against or injured, making a person more vulnerable. Failure to act or report incidences of abuse, discrimination or violence is also looked upon as a violation of the policy:

- a) Physical violence, injury or abuse
- b) Mental harassment or violence

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- c) Corporal Punishment
- d) Neglect or negligent treatment
- e) Ill-treatment, maltreatment or exploitation
- f) Sexual abuse/harassment
- g) Violation of Privacy and Confidentiality
- h) Using casteist slurs or other abusive language, particularly language targeting personal/group identity
- i) Using homophobic or transphobic language or behaviour, including misgendering
- j) Discrimination on the basis of sex/sexuality/gender, caste, religion, ability, HIV/AIDS status, occupation, marital status, etc.
- k) Using a position of power to take unfair advantage of a fellow staff member, community member, volunteer, member of partner organisation, or vulnerable adult

6. Code of Conduct

6.1 Code of Conduct

This Code of Conduct highlights the expected standards of behaviour from those associated with TYPF. It should be read and understood along with the rest of this policy. There are certain key values and principles towards vulnerable persons that are mandatory for persons mentioned in Section 2 above to adhere to:

- a) To provide all vulnerable persons with access to information regarding their engagement with organisation's work, to support them build knowledge and skills and develop attitudes and aspirations.
- b) To act in the best interest of all vulnerable persons, giving their autonomy and agency priority.
- c) Promote welfare and conditions compatible with healthy growth and development of all.
- d) Promote a culture of sensitivity, freedom and acceptance, free from discrimination, bullying, abuse, and violence.
- e) All persons have equal rights to protection from exploitation and abuse.
- f) To have a responsibility to meet minimum standards of protection of vulnerable persons in programmes, which include providing a physical, mental and emotional environment, which is safe, secure, enabling, non-judgmental and free from discrimination.
- g) To be active, sensitive and attentive.
- h) Do not consume alcohol, drugs or tobacco while in the presence of or during any engagement with children, young adults including those who might be vulnerable persons.
- i) To encourage participation, always maintain a positive attitude within the group during a workshop by giving them enthusiastic and constructive feedback.

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- j) Efforts must be made to be mindful of the language used. TYPF has zero tolerance towards use of casteist slurs, language targeting minority groups, sexist abuses, and homophobic or transphobic jokes/abuses, amongst others.
- k) Build balanced relationships based on mutual trust and help to empower and enable all vulnerable persons to contribute in decision-making processes. At the same time, none should attempt to counsel any individual on their personal issues unless specifically instructed to do so by TYPF and sought by such person.
- l) During a workshop, being firm whenever necessary is allowed but remain calm and do not be intimidating. 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 is strictly prohibited. Any offenders must be reported to the Safeguarding Officer at TYPF (even if it's via the staff).
- m) Any information given or received in confidence for one purpose will not be used for another purpose or passed on to a third party without the express consent of the individual, except in exceptional circumstances e.g. to prevent further harm to the individual.
- n) Treat all participants/associates equally and respectfully, irrespective of individual capabilities, abilities, learning capacities, gender, caste, sexuality, religion, ethnicity.
- o) While conducting workshops, never take personal photographs or attend to personal phone calls/texts.
- p) Any photos being taken should respect the dignity, rights, safety and well-being of the person or people being photographed. A person's desire not to be photographed must be respected.
- q) Any pictures taken cannot be used for public display or publicity without the consent of the person being photographed.
- r) Inappropriate, offensive or abusive language or suggestions are completely restricted.
- s) Physical behaviour in a manner that is inappropriate or sexually provocative is forbidden.
- t) None must attempt to take responsibilities or tasks that they aren't appropriately trained for.
- u) Each individual is responsible and accountable for their own conduct, and must actively try to ensure that they do not put themselves in positions where they are at risk of violating this policy.

6.2 Representation of Vulnerable Persons in Communications Material

- a) Permission must be taken from the person to use the photograph, after detailing the context in which the photograph will be used.
- b) Names of persons should be changed and no photograph or case study should reveal identity.
- c) All images must maintain the dignity and rights of the person, and must not show them in a poor light.
- d) Individuals/Groups may be at risk of violence, reprisal, discrimination as a result of their identity being exposed or personal story being revealed along with the publication of their image. No such photographs should be published.

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7. Implementation of Policy for the Protection of Vulnerable Persons

7.1 Operational Guidelines

- a) It is the responsibility of the management to ensure all persons/organisations meeting anyone engaged with the organisation in any capacity, particularly working with vulnerable persons, are trained and have understood, agreed and signed the Policy for the Protection of Vulnerable Persons.
- b) It is the responsibility of all under the scope of the Policy for the Protection of Vulnerable Persons to report to the Safeguarding Officer at TYPF (even if it's via the staff) any incidents of violation of the policy, which they have experienced, witnessed, heard or suspected.
- c) It is the responsibility of the management to respond to all reports of such incidents in a timely and appropriate manner, including seeking professional guidance in areas of lack of expertise.

7.2 Recruitment

- a) All new recruits are mandated to agree to and sign the Policy for the Protection of Vulnerable Persons.
- b) All new recruits will be provided a copy of the latest Policy for the Protection of Vulnerable Persons.
- 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 the protection of vulnerable persons, and a desire to pursue equality and non-discrimination.
- e) The contract of employment would include a section on affirmation and adherence of the organisation's Policy for the Protection of Vulnerable Persons and procedures.

7.3 Training and Capacity Building

- a) Training on fundamental rights, socioeconomic rights, discrimination and the manners in which it manifests is a part of the organisations orientation training.
- b) TYPF is committed to remain abreast with latest laws, policies and trends with respect to protection of vulnerable persons and share this information with all members/young people, consultants, professionals working with or associated with the organisation.
- c) TYPF has established a Committee against Sexual Harassment (Internal Complaints Committee) as per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and all persons working with the organisation are apprised of the functioning of the Committee, the process of raising a grievance, and receive periodic gender sensitisation trainings.

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- d) For any other complaint, TYPF has appointed a Safeguarding Officer to deal with complaints arising out of any abusive/discriminatory behavior against a vulnerable person, on account of their sexual orientation, gender identity, sex, caste, religion, place of birth, disability, HIV status, marital status, and political opinions, amongst others.
- e) The organisation will ensure the public display of this policy in all its office premises in simple, easy to understand and local languages. It will also provide an easily accessible version of this policy, in local languages or more accessible formats when required, so all persons interacting with the organisation can be fully apprised of the policy and understand its contents.

7.4 Commitment

- a) TYPF shall act decisively against all forms of harassment of vulnerable persons and follow the present policy in its true letter and spirit.
- b) All persons working with and associated with TYPF to be trained on TYPF's Policy for the Protection of Vulnerable Persons before being allowed to come in contact or enter the vicinity of vulnerable persons, which TYPF works with. Such trainings will be periodic, and will be conducted in a sensitive, non-discriminatory, and accessible manner.
- c) In case of events and workshops, point (a) 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.
- e) In order to have better diversity in the organisation, TYPF will encourage more hiring of vulnerable persons, including in management positions, and provide them with an enabling and affirmative working environment.

7.5 Response Mechanism

- a) All incidents of abuse or violation (experienced, witnessed, heard or suspected) of TYPF's Policy for the Protection of Vulnerable Persons must be reported to the Safeguarding Officer at TYPF (even if it's via the staff) within 7 days, in case the complainant is a witness. In case the complainant is the victim of such abuse/violation, the complaint should be reported within 1 month of the date of the incident, or from the date of the last incident, when it's a matter of multiple incidents. In both cases of reporting, delay in reporting, for sufficient reasons, will not disentitle the Complainant from the necessary reliefs. However, failure to report any abuse/violation by any person who had either witnessed the incident or had knowledge

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of such abuse, except the victim themselves, would be considered as a violation of the Policy for the Protection of Vulnerable Persons and may also extend to the person being subject to liability under the laws of India.

- b) In consultation with the management, the Safeguarding Officer will conduct an investigation into any such incident, and submit a report to the management within the maximum period of 2 weeks containing recommendations for future action, if any. Maintaining the confidentiality and privacy of the individual(s) concerned is paramount in such instances.
- c) 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.
- d) If the nature of abuse, violence or ill-treatment falls under the Indian Penal Code, 1860, the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, or any other relevant law, a First Information Report (FIR) can be filed, if the concerned vulnerable person so desires, and TYPF will provide all assistance required. If the police register an FIR, then the accused would be automatically suspended from TYPF, and if proven guilty, then they shall be terminated from employment.

In case of any complaints, reach out to TYPF’s Safeguarding Officer at the contact details listed here: <https://theypfoundation.org/our-policies/>

8. 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 children, adolescents and vulnerable groups/persons, violation of which will lead to consequences.

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Name:

Date:

Place: