



## ASSOCIATION FOR ADVOCACY AND LEGAL INITIATIVES

### CHILD PROTECTION POLICY

#### Summary/ Purpose

Association for Advocacy and Legal Initiatives (AALI), established on 10th November 1998, is a human rights organization committed to the protection and advancement of the human rights of women and other marginalized communities through direct intervention, capacity building, research and advocacy. With direct field presence in Uttar Pradesh and Jharkhand, AALI has been providing technical support to various human rights organisations and groups across India.

AALI's ideological framework, rooted in the United Nation's 1979 Convention against Elimination of all Forms of Violence against Women (CEDAW), envisions *"an egalitarian system which recognizes women as equal human beings and promotes and protects their social, economic, and political rights guaranteed in the Constitution of India and in the international human rights treaties."*

We recognise that children are particularly vulnerable hence a marginalised community and their rights and interests must therefore be actively protected; this policy sets out our approach to safeguarding the rights of children we come in contact with in due course of our work. AALI comes in contact with children in its course of work in the following ways:

1. Children victim/survivors of cases of child sexual abuse, forced marriage, violence in the name of so called 'honour' and human trafficking, who are seeking socio-legal support from the organisation.
2. Children who accompany their parents who are staff, associates or primary stakeholders to the organisation.

We feel it is important for the organisation to have an effective child safeguarding policy as AALI is a feminist organisation that is committed to ensuring an organizational environment that is safe for children, while acknowledging it is not a children's organization, and its main aim is not focused on child rights. We are committed to taking into account that we are an organization that ensures both internally and externally that children are respected, protected in as much as we are able to undertake to the best of our efforts.

Our staff orientation includes steps to enable team members have basic skills and are competent as well as well supported in meeting their protection responsibilities. AALI promotes child safe practices in its own work, and encourages good practices on child support and protection amongst its partners. In addition, AALI is committed to ensuring that no child abusers get involved with AALI in anyway, to the best of its knowledge.

Everyone associated with AALI as staff, consultant, visitor, partner or fellow is fully made aware of standards of child protection and is expected to commit themselves to ensure during work and outside work life to adhere to the principles of child protection.



## ASSOCIATION FOR ADVOCACY AND LEGAL INITIATIVES

AALI draws its definition and standards from Convention on the Rights of the Child and the prevalent Indian laws like Juvenile Justice Act, 2015 and Protection of Children from Sexual Offences Act, 2012 etc..

### A. AALI's vision for Child Protection.

AALI is committed to taking into account that we are an organization that ensures both internally and externally that children are respected, protected empowered and active in their own protection, and where staff are skilled, confident, competent and well supported in meeting their protection responsibilities.

### Statement

AALI promotes child safe practices' and protects children from any harm, abuse, neglect and exploitation of any form through working directly and through partners. In addition AALI is committed to ensuring that no child abusers get involved with AALI in anyway. Our decisions and actions in response to child protection concerns will be guided by the principle of 'the paramount interest of the child'.

### B. Definition under the Child Protection Policy

1. **A Child** is any person who has not attained the age of 18 years, as defined in the United Nations Convention on the Rights of the Child, the Juvenile Justice (Care and Protection of Children) Act, 2015 of India.
2. **Child maltreatment**, sometimes referred to as child abuse and neglect, includes all forms of physical and emotional ill-treatment, sexual abuse, neglect, and exploitation that results in actual or potential harm to the child's health, development or dignity. Within this broad definition, five subtypes can be distinguished – physical abuse; sexual abuse; neglect and negligent treatment; emotional abuse; and exploitation\*.

\* – These sub-categories of child maltreatment and their definitions were devised following an extensive review of different countries' definitions of child maltreatment and a 1999 *WHO consultation on child abuse prevention. These definitions were also used in the UN Study on Violence against Children, 2002*

3. **Physical abuse** of a child is the actual or potential physical harm from an interaction or lack of interaction, which is reasonably within the control of a parent or person in a position of responsibility, power, or trust. There may be single or repeated incidents (WHO, 1999).
4. **Sexual abuse** is the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violate the laws or social taboos of society. Child sexual abuse is evidenced by an activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity



ASSOCIATION FOR ADVOCACY AND LEGAL INITIATIVES

being intended to gratify or satisfy the needs of the other person. This may include but is not limited to, the inducement or coercion of a child to engage in any unlawful sexual activity; the exploitative use of a child in prostitution or other unlawful sexual practices; the exploitative use of children in pornographic performances, internet pictures and materials (WHO, 1999).

5. **Emotional abuse** includes the failure to provide a developmentally appropriate, supportive environment, including the availability of a primary attachment figure, so that the child can reach their full potential in the context of the society in which the child lives. There may also be acts toward the child that cause, or have a high probability of causing, harm to the child's health or physical, mental, spiritual, moral or social development. These acts must be reasonably within the control of the parent or person in a relationship of responsibility, trust or power. Acts include restriction of movement, degrading, humiliating, scapegoating, threatening, scaring, discriminating, ridiculing, or other non-physical forms of hostile or rejecting treatment. All forms of maltreatment involve emotional abuse.
6. **Neglect and negligent treatment** is the inattention or omission by the caregiver to provide for the development of the child in: health, education, emotional development, nutrition, shelter and safe living conditions, in the context of resources reasonably available to the family or caretakers. In addition which causes, or has a high probability of causing, harm to the child's health or physical, mental, spiritual, moral or social development. This includes the failure to properly supervise and protect children from harm, as much as is feasible (WHO, 1999).
7. **Sexual and commercial exploitation** is the abuse of a position of vulnerability, differential power, or trust for sexual purposes; this includes profiting monetarily, socially or politically from the exploitation of another (for example child prostitution and trafficking of children for sexual abuse and exploitation). Commercial or other exploitation of a child refers to the use of the child in work or other activities for the benefit of others. This includes, but is not limited to, child labour. These activities are to the detriment of the child's physical or mental health, education, moral or social-emotional development (WHO, 1999).
8. **Commercial or other exploitation** of a child refers to use of the child in work or other activities for the benefit of others. This includes, but is not limited to, child labour and child prostitution. These activities are to the detriment of the child's physical or mental health, education, or spiritual, moral or social-emotional development.
9. **Child safeguarding** refers to the responsibility of agencies working with/in contact with / impacting children, to take all reasonable measures to ensure that the risks of harm to children are minimized; and where there are concerns about the welfare of children, to take appropriate actions to address those concerns (i.e. working to agreed policies and procedures, and in accordance with local laws). Safeguarding refers to institutional/internal policies and procedures intended to ensure that children are not exposed to harm and abuse through their contact with the organization, their staff and their participation in projects and programs and that the organization's operations do no harm to the children in any way.



## ASSOCIATION FOR ADVOCACY AND LEGAL INITIATIVES

1. **Child Protection** within the scope of this policy, is defined as the responsibilities, measures and activities that AALI undertakes to safeguard children from intentional and unintentional harm.

### C. Scope of the Child Protection Policy

The child protection policy applies to all the existing and potential board of trustees, advisors, employees, consultants, associates, volunteers and interns. All such persons shall conduct all activities required to be undertaken within the purview of this Code of Conduct. This Code shall apply while working on our premises, at field locations where our projects are being implemented, at AALIs social and advocacy events, or at any other place where the above mentioned are a representative of AALI.

### D. Responsibilities under the Child Protection Policy

AALI is committed to conducting its affairs in a manner that provides a secure environment to all the children that it comes in contact with. This Code of Conduct establishes policies and procedures that aims to guide behaviour, communication and work where children may be involved for the internal and external stakeholders in the performance of their duties and responsibilities. This Code of Conduct forms an integral part of The Child Protection Policy of AALI. It also acts as a guiding document to the Board of Trustees, Senior management and staff members in the event of a breach of any code of conduct. The policy thereby ensures the protection of all children who directly or indirectly come in touch with the organization and its services.

Staff, Associates and etc. must:

1. Never abuse and /or exploit a child or act/ behave in any way that places a child at risk of harm.
2. Report any child abuse and protection concerns they have in accordance with applicable procedures. This is mandatory requirement for staff. Failure to do so may result in disciplinary action.
3. Respond to a child who may have been abused or exploited in accordance with applicable procedure.
4. Cooperate fully and confidentially in any investigation of concerns and allegations.
5. Contribute to an environment where children are respected and encouraged to discuss their concerns and rights.
6. Always ask permission from children (or, in the case of young children, their parent or guardian) before taking images (e.g. photographs, videos) of them. Respect their decision to say no to an image being taken. Ensure that any images taken of children are respectful.
7. Be aware that where concerns exist about the conduct of staff or associates in relation to child protection and/or where there has been a breach of the child protection policy, this will be investigated under this policy either by consideration of referral to statutory authorities for criminal investigation under domestic laws and /or in accordance with disciplinary procedures.



## ASSOCIATION FOR ADVOCACY AND LEGAL INITIATIVES

AALI staff, associated must not:

8. Disclose information that identifies family or child or make it available to the general public unless that disclosure is in accordance with standard policies and procedure or according to law.
9. Employ children as domestic workers in their homes/ business etc. as much as possible. In event, that is not possible, will abide by the 'Child Labour Law' of India and ensure that all conditions in terms of age limit (over 14 years), working conditions, basic minimum facilities provided to the children etc. are followed.
10. Take, use in manner or publish any photos and videos involving children without the permission from children, their parents/guardians.

**Everyone associated with AALI as staff, consultant, visitor, partner or fellow is fully made aware of standards of child protection and is expected to commit herself to ensure during work and outside work life to adhere to the principles of child protection.**

### E. Reporting & Procedures

Designated Protection Officer: AALI's Casework Unit Coordinator shall act as the Designated Child Protection Officer; her role is to:

- act as a focal point to receive, record and assess relevant information in relation to child protection - consult with others including local protection agencies like CWC and Child Helpline, and local authorities like SJPU, One Stop Crisis Center etc.;
- ensure that AALI's policies and procedures are implemented properly, effective and in line with recommended best practice.

### Reporting

- Concerns in relation to a witnessed, suspected, reported or potential abuse by AALI full time or contracted staff must, as soon as possible but within 24 hours of the incident occurring, be reported to Designated Child Protection Officer or the Executive Director
- If for any reason it is not possible or appropriate to inform any of these people (due to them being unavailable or in some way implicated in the alleged abuse) a member from AALI's grievance committee should be contacted.
- Safety of the child should always be the priority. If urgent action is required to protect the child then this should be given priority over the reporting procedure. REMEMBER: CHILDREN FIRST.
- Designated protection officer or grievance committee should record all information relating to the concerns as per the set protocols of AALI's casework unit; the report should include as far as possible only facts – any opinions expressed must be clearly identified as such. In the case of a



## ASSOCIATION FOR ADVOCACY AND LEGAL INITIATIVES

direct disclosure of alleged child abuse, the language used by the person disclosing should be recorded as closely as possible.

### Investigation procedures

- When there is a suspicion / disclosure of an abuse allegedly committed by AALI full time or contracted staff / board member, AALI will follow procedures of reporting laid down by law and consider immediate referral to the statutory authorities where it appears an incident of child abuse may have been committed.
- Where the nature or details of the concern are unclear, AALI will conduct an internal investigation through the process of its grievance committee and, should information on an incident of abuse emerge, will then report the abuse to the relevant authorities. A written record of actions will be made.
- Concerns or allegations of possible breaches of the policy that are not deemed to be a serious incident of abuse will be dealt with by AALI via an internal investigation and a subsequent disciplinary process should the concerns / allegations prove to be founded by the relevant statutory authorities.

### Decision-making

- The grievance committee shall report the outcomes and recommendations of any investigation undertaken by them, which, in turn, will be responsible for deciding on further action.
- All allegations will be handled equitably and transparently (with due regard to confidentiality) irrespective of whom they are made against, and taking into account the rights of the parties involved.
- AALI will respond to all allegations of abuse in accordance with national protection laws POCSO, PWDVA, JJ Act, etc.

### Implications of non-compliance

- Should any full time or contractual staff / board member of AALI be suspected of abuses/ they will be suspended from relevant duties pending the outcome of an internal investigation by the organisation, and if relevant, the outcome of an investigation by the statutory authorities.
- Should allegations of abuse or other breaches of the child protection policy against full time or contractual staff / board member be upheld they may be subject to disciplinary action and / or censure by AALI up to and including dismissal / termination of contract.

### F. Prevention and Risk Assessment

All activities in AALI that may involve the direct or indirect participation of children through any medium (in person, virtual, audio-visual) shall be preceded by a thorough risk assessment to ensure that any possibilities of risks are minimized that could result due to the said activities. All risk assessments shall



ASSOCIATION FOR ADVOCACY AND LEGAL INITIATIVES

be in compliance with the Child Safeguarding Policy of AALI. In case of conducting research activities standard research ethics will be complied with and wherever necessary a localized research ethics guidelines will be developed to accommodate the local context and ensure the safety and welfare of those involved in such activities, including children. **Programme Support Unit and Designated Protection Officer** will be responsible for ensuring necessary steps of risk assessment are well considered in the planning and budgeting of any activities including research activities and that any consultant/s hired for the purpose will also be obliged to comply with the ethical guidelines along with the Child Safeguarding Policy of AALI.

The Seven Stages of Risk Assessment

1. Establish the context, scope and setting
2. Identify the risks
3. Analyse the risks
4. Evaluate the risks
5. Implement strategies to minimise and prevent risk
6. Review and revise risks and preventative measures
7. Communicate and consult

A simple risk analysis tool can be used for this purpose in the below mentioned matrix where the risk may be assessed considering the following aspects: The practical details of a program, or activity

- The practical details of a program, or activity
- Things that could go wrong in that activity
- The likelihood/probability of these things going wrong
- The impact of these things going wrong on the children/community/staff/program/organisation

Risk Assessment			Date		Title of Intervention				
Sr. No.	Who is at Risk	How are they associated with AALI and the intervention	What factors place them at risk	What is the risk	What controls are in place	Risk Rating – H,M,L	What Additional agreed controls can be put in place	By Whom	By When

G. Safe recruitment and Training

The following measures shall be taken at the time of recruitment to ensure the effective implementation of the policy. Each Person covered by this policy:



## ASSOCIATION FOR ADVOCACY AND LEGAL INITIATIVES

- Shall undergo a reference check for which purpose, shall provide for two references which should include (where possible) an employer/ supervisor who can comment on the applicant's demeanor towards an inclusive and discrimination free work environment.
- While undergoing in depth interview/interaction to assess their aptitude, interest and sensitivity towards working on issues pertinent to AALI's mission and vision, they shall also be questioned on child rights and protection issues.
- Will be observed during the induction or engagement process for their attitude and behaviour towards children and a feedback will be accordingly provided before final appointment on the respective post.
- Will read and abide by the, Human Resource Policy as well as Child Protection Policy with complete commitment at the beginning of their engagement with AALI.
- Will undergo internal and external training programmes and counseling services (if required) in order to enhance their capacities and provide them with adequate intellectual and mental resources for understanding the issues related to human rights including child protection and to deal with burnout.
- Will exercise behavior protocols consistent with the Mission Statement and General Principles of AALI in their relationship with all beneficiaries of AALI's work, including children, in the context of their language, actions, dress, and behavior.
- Will establish an atmosphere conducive for the development of children through their word, deed and demeanor. This includes listening to children and showing respect to them and their opinions.

### H. Code of Conduct for Partner Organizations

AALI will ensure that written agreements with partner organizations include a clause referring to child protection during any interaction with clients of AALI. We will share our Child Protection Policy with the partner organization at the beginning of the association and will encourage the partner organizations to have its own guidelines for protecting their own beneficiaries.

### I. General Confidentiality and Child Safe Communications

In addition to the above Code of Conduct, all are mandated to maintain confidentiality in relation to use of children's data and photographs for external communication as per the following rules:

- AALI will ensure that all communication and publication material (both print and electronic) on children in the form of pictures/captions are required to be decent, dignified and respectful. Children will not be presented as victims, nor will any communication exaggerate the vulnerability or abuse of the child.
- AALI will ensure that no images (printed or scanned), testimonials or videos of the children shall be taken without adequate permission of the child (if above 12 years) and of parents/guardian



## ASSOCIATION FOR ADVOCACY AND LEGAL INITIATIVES

(in case of children below 12 years) before using the same on their website, electronic and print material.

- Photos and content available on the AALI website and social media cannot be used for any purpose without acquiring written permission from AALI management.
- The staff members, consultants, interns, volunteers etc. of AALI shall be required to safeguard all records and documents pertaining to beneficiaries, including children, within their programmes and maintain their confidentiality.
- All will be required to refrain from using names or other identification details of children they work with until and unless necessary in case of a supervision relationship.

### J. Accountability, Monitoring & Review

- Everyone has a responsibility for ensuring that the Child Safeguarding Policy is implemented as set out in the policy and procedures outline in this document read collectively with the HR Policy and Administrative Procedures of AALI.
  - Annually, every office shall conduct a self-assessment of safeguarding and the implementation of the Child Safeguarding Policy. The assessment will be carried out using a prescribed template, with the aim of helping offices track their progress in safeguarding, recording good practices and also identifying areas for action.
  - The board of trustees on a regular basis will review this policy, but not more than every five years. Such reviews will also include feedback from staff, input from the annual monitoring and where possible, the views of children and their families.
- 
-