

CHILD PROTECTION POLICY

1. INTRODUCTION

Children are equal citizen of the nation and hence it is extremely important to safeguard the children from any risk to their lives. Recognising the importance of safety and protection of all children, recognised and guaranteed in the Constitution of India to all children to ensure equality, and non-discrimination on basis of gender, (dis) ability, age, religion, ethnicity etc., and the UN vide its UN Convention on Rights of the Child (1989) proclaimed via article 19 that:

“State parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”

Further, Clause 2.2 of the preamble of National Policy for Children, 2012 states that,

- “All children have equal rights irrespective of place of birth, sex, religion, caste, class, language, and disability, social economic or any other status;
- All children have the right to a loving family, a dignified life free from exploitation and that families are to be supported by a strong social safety net in caring for and nurturing their children.
- Safety and security of all children is integral to their well-being and children are to be protected from all forms of harm, abuse, neglect, violence, maltreatment and exploitation”

Oxfam also recognises rights of protection of children provided by the special laws on children, in particular:

- Juvenile Justice (Care and Protection of Children) Act 2015;
- Protection of Children from Sexual Offence Act 2012;
- Prohibition of Child Marriage Act 2006;
- Child Labour (Prohibition and Regulation) Act 2016

2. PURPOSE OF THE POLICY

The purpose of this policy is to create awareness on Child Protection and how to prevent and report child abuse by any stake holders of Oxfam India.

As an international development organization, Oxfam India is committed to the well-being of children and **has zero tolerance** to any form of child abuse or exploitation. This policy is in consonance with the UN Convention on Rights of the Child (1989).

This policy is also a testimony of Oxfam India commitment to all four sets of rights of children i.e. Rights to Survival, Development, Protection and Participation and is based on the principles of best Interest of the child, non-discrimination and right of every child to be heard.

Undertake special measures for especially vulnerable children based on age , (dis) ability, gender, geographical location, ethnicity, religion and socio-economic status to ensure that they are not further marginalised or unprotected.

3. OXFAM INDIA’S INTERFACE WITH CHILDREN

Oxfam India comes face to face with children on many occasions during the course of its work. Some of the situations where children may be involved are:

- **Programmes**– Oxfam India facilitates the implementation of grass roots programmes through its Partner NGOs in areas such as essential services, education, health and sanitation, youth and active citizenship and gender justice where children form a significant focus group. Children also form a part of target audience during field visits, focus group discussions, and other interactions.
- **Marketing and Campaigns**–Oxfam India uses collaterals such as posters, brochures, handouts, and direct mailers, which use children’s images and stories to convey the work done in project areas.
- **Response to Disasters** – During the course of its work on humanitarian response Disasters and DRR in the affected communities, children form a significant part of Oxfam India’s rehabilitation beneficiaries.
- **Children of the employees of Oxfam India:** Oxfam India respects the dignity and rights of the children of the employees of Oxfam India.

4. SCOPE

Drawing inferences from point 3, this policy would apply to

- Oxfam India: Board, all staff, consultants, interns, and volunteers.
- Project partner organizations: All its staff (part-time and full-time), board, consultants, interns, and volunteers.
- Other associates: all vendors, suppliers, and donors (institutional and individual).

5. DEFINITIONS:

5.1 CHILD

For the purpose of the document, any person under the physical age of 18 years would be deemed to be a Child and as defined by the UN Convention on the Rights of Children , The National Policy for Children 2012.

5.2 CHILD PROTECTION

Child Protection means and included:

- i. Protecting a child from any perceived risk or danger to their life, their personhood, and their childhood.
- ii. Reducing their vulnerability to harmful situations and protecting them against social, psychological, and emotional insecurity and distress.
- iii. Ensuring that no child falls out of the social security and safety net and those who do, receive necessary care and protection to be brought back into the safety net.
- iv. Believing that a child is entitled to express her/his opinion and can take decisions for herself/himself and acting accordingly.

5.3 CHILD ABUSE

Child abuse refers to all forms of physical abuse, emotional abuse, sexual abuse, neglect or negligent treatment, commercial exploitation, resulting in actual or potential harm to the child’s health, survival, development or dignity, in the context of a relationship of responsibility, trust or power.

5.4 PHYSICAL ABUSE

Physical abuse of a child is the one that results in actual or potential physical harm from an interaction or lack of an interaction, which is reasonably within the control of apparent or person in a position of responsibility, power or trust. There may be single or repeated incidents.

5.5 EMOTIONAL ABUSE

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 develop a stable and full range of emotional and social competencies commensurate with her or his personal potentials and in the context of the society in which the child dwells. There may also be acts towards 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, patterns of belittling, and denigrating, threatening, scaring, discriminating, ridiculing or other non-physical forms of hostile or rejecting treatment.

5.6 SEXUAL ABUSE

Child sexual abuse (as also defined in Section 2 of Protection of Children from Sexual Offences Act 2012) 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 violates the laws and social taboos of society. Child sexual abuse is evidenced by this activity between a child and an adult or another child who by age or relationship is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person. This may include but not limited to:

- The inducement or coercion of a child to engage in any unlawful sexual activity.
- The exploitative use of children in prostitution or other unlawful sexual practices.
- The exploitative use of children in pornographic performances and materials.

5.7 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 (as in the Child Labour (Prohibition and Regulation) Act 2016, child trafficking for commercial sexual exploitation and other purposes (as defined under Section 370 of the Indian Penal Code). These activities are to the detriment of the child's physical or mental health, education, or spiritual, moral or social-emotional development.

5.8 NEGLECT OR NEGLIGENT TREATMENT

Neglect is the failure to provide for the development of the child in all spheres: health, education, emotional development, nutrition, shelter, and safe living conditions, in the context of resources reasonably available to the family or caretakers and causes or has a high probability of causing harm to the child's health of physical, mental, spiritual, moral or social development. This includes the failure to properly supervise and protect children from harm as much as is feasible.

5.9 CHILD PROTECTION VIOLATION

Child Protection Violation in this policy amounts to:-

- Any actor behavior that puts a child at risk of abuse.
- Any actor behavior that could potentially increase the risk of abuse.
- A failure to act in a situation where a child is being abused.
- Failure to follow the code of conduct or any other prescribed protocol without suitable justification.
- Failure to report any act of abuse and exploitation to the appropriate authorities for due action as per the laws

6. GUIDING PRINCIPLES

- **Recognition of children's rights:** The rights of all children must be protected and promoted as set out in the Constitution of India and the UN Convention on the Rights of the Child. This includes the right to freedom from abuse and exploitation. Oxfam India is committed to upholding the rights and obligations of children and recognizes that some children, such as children with disabilities and children living in areas impacted by disasters are particularly vulnerable. Child Protection forms an integral part of all Oxfam India's work where children are made aware of their rights, which would help them to be safe from abuses.
- **Zero tolerance of child abuse:** We have a commitment to protecting children with/for whom we work. Child abuse shall not be tolerated by Oxfam India in any form. We would not knowingly engage, directly or indirectly, anyone who poses an unacceptable risk to children, nor fund any individual or that do so. When we work through partners, they have a responsibility to meet minimum standards of protection for children in their programmes.

7. CODE OF CONDUCT

All staff, interns, volunteers, consultants and visitors shall:

- 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.
- Respect the local cultural context and behave in appropriate manner with children in communities.
- Not allow project children to visit the homes of any staff, intern, etc. unless it is precipitated by a severe threat to the safety of the child.
- Not have the project children stay overnight in the home of Oxfam India personnel at anytime.
- Not employ children as domestic workers in their homes. Should not take services provided by child labour or any activity/action that leads to child labour.
- Prevent marriages of their children before the legal age of marriage.
- Not engage in any form of corporal punishment of children
- Not spend time alone, in a personal capacity, with a project child or children. There should always be another adult who would be able to see the interaction.

The exception to this may be in the event where personnel are employed as professionally recognized trained counselors, teachers, and doctors.

- Always be calm during the interaction between an adult and a child even when it appears that a child is acting in a provocative manner.
- Not touch private parts of the body, or any touch in such a way that would make a child uncomfortable.

- Never hit, otherwise physically assault, or physically abuse children.
- Never develop physical/sexual relationships with children or any such relationships, which could be deemed exploitative or abusive.
- Not use language, make suggestions or offer advice, which is inappropriate, offensive or abusive to children.
- Not act in ways intended to shame, humiliate, belittle or degrade children, or otherwise perpetrate any form of emotional abuse.
- Not discriminate against, or favour a particular child to the exclusion of others.
- No staff will document/ take picture/video of children, which shows the child in distress and undignified condition. Also will ensure proper consent on the parents of the child while doing so.

This is not an exhaustive or exclusive list. The principle is that staff should avoid actions or behaviour, which may constitute poor practice or potentially abusive behaviour

It is important for all staff and others in contact with children to:

- Be aware of situations, which may present risks and manage these.
- Plan and organize the work and the work place to minimize risks as far as possible.
- Ensure that a culture of openness exists to enable any issues or concerns to be raised and discussed.
- Ensure that an essence of accountability exists between staff so that poor practice or potentially abusive behaviour does not go unchallenged.
- Talk to children about their contact with staff or others and encourage them to raise any concerns.
- Empower children- discuss with them their rights, what is acceptable and unacceptable, and what they can do if there is a problem

8. IMPLEMENTATION

- 8.1 **Creating Awareness** – A concentrated effort would be done to generate awareness on Child Protection within all stakeholders of Oxfam India at various level.

During induction: At the staff level,

Child Protection would form a part of the induction training which would be facilitated by HR in due consultations with the Gender Justice team.

During induction: At the level of partners

During annual partners meet for partners, all the regional managers shall be responsible for percolating this training to the partners and ensuring that the partners download it to their grassroots target audience, in return.

Information to the Board:

The SLT shall be responsible to take it to the Board members.

Information to the Vendors

The Admin & procurement team shall be responsible for creating awareness among their vendors

- 8.2 **Dissemination of information in general:**

Along with organization's position on child protection, awareness efforts would also be made on whistle blowing, complaint & redressal mechanisms/ procedures through various means such as staff induction, policy documents having and dissemination of contact details of Child Protection Committee.

Oxfam India will ensure access to child protection policy as well as the Internal Committee constituted under Sexual Harassment readily available to all

Oxfam India will ensure that the process to make complaint is informed, active and responsive to each situation.

8.3 **Prevention and Redressal Mechanism**

a) **Committee for awareness, monitoring and redressal–**

A committee called the Child Protection Committee shall be set up within the organization, which shall consist of a **Director, the Lead Specialist–Gender Justice, the Coordinator-Education and up to three members from regional offices across all grades and one ex officio member–child rights specialist/ activists**. These members would carefully be chosen and their contact details would be widely shared among all stakeholders.

Role of the Committee:

- a. Committee will give recommendation to the board of directors
- b. The committee shall ensure availability of the contact details for registering complain on violation of CP through various mediums of communication.
- c. The committee shall work in collaboration with the Communication Team in case any image of child/ children is used.
- d. The actions/ Redressal undertaken by the committee will be informed by the Board and Directors annually.
- e. The committee will be responsible for investigating, monitoring and evaluate the cases of Child Protection Violation. The committee will give recommendation to the jury

b) **Jury on Child Protection Policy:** The Jury will comprise of an ex officio member -a child rights activist, SLT member, CEO and Board Member.

- The Jury will meet within 3 days of receiving the recommendation from the Child Protection Committee.
- The Jury will give its verdict within 5 working days after listening to the CPP and person in contact.
- The verdict given by the Jury will be final for the concern department.

c) **The role and duty of Human Resources department in Child Protection–**

Recruitment Child Protection would be made integral part of staff recruitment process. Child right related question(s) would be made mandatory part of assessment format as well as reference check. Along with this, Child Protection policy would be included in the offer letter to all new employees and all Oxfam India Board members. As part of the acceptance procedure, employees would be asked to sign a declaration of the policy stating that they are aware of its existence and would abide/ adhere to it. The declaration would be kept on the staff members file and may be referred to in legal proceedings if a staff member is found to be in breach of the policy.

Evaluation: Human Resource will critically assess the performance of the staff in concern. (KRA will assess the individual's ability up to live the values of the organization in this context)

d) **The responsibility and authority of all Oxfam India Staff in Child Protection:** Specific delegated authorities' are outlined below.

Activity	Who	When
Report concern, suspicion, disclosure or witness of incidents of child abuse or breaches of the Code	All Staff	As per reporting procedures.
Investigate incidents	a) Line Manager b) Director - Operations (With support from Child Protection Delegate or Focal Point)	Investigate within 24 hours of receipt of report.
Decision to refer incidents to external authority.	Director – Operations	As required.
Register incidents	Child Protection Committee	As received.
Report on incidents and breaches of the policy and code to the Director-Operations.	Child Protection Committee.	Quarterly
Report, as part of the Annual Program Report, on application of child protection policies and procedures as they relate to beneficiaries (as per Executive	Director – Operations	Annually
Ensure all field office staff have access to and participate in Child Protection training	Director-Operations	Annually or more regularly if required.
Ensure all Oxfam India staff have access to and participate in Child Protection training	Director-Operations	Annually or more regularly if required.

9. REDRESSAL OF NON-COMPLIANCE/GRIEVANCE

All Oxfam India Staff and partners, by the nature of their work, interact with vulnerable communities and children and therefore should be aware of sensitive information concerning children. In the event of such a situation, concerns that are evidenced by impairment of health, physical injury, sexual exploitation, criminal activity or threats must be reported immediately to statutory child protection agencies or equivalent authorities. This information may be called upon as evidence in child protection investigations or to inform decision-making. Oxfam India and partner staff may become aware of infringements of Rights, or, allegations of infringements, or, stories of infringements. Sometimes circumstances and intuition would leave the worker suspecting an infringement of rights. These circumstances would also be investigated.

- (i) Oxfam India staff/ partner having firsthand account of such child abuse will inform the child protection committee. Confidentiality will be maintained for each case.
- (ii) All children, OIN employees, partner staff, volunteers, consultants will be informed about the Redressal mechanism process and also the communication process to report cases of child abuse and exploitation.
- (iii) All incidents of abuse, complains, enquiry proceedings and Redressal of it

would be documented formally and monitored on regular basis. These documentations would be shared with staff from time to time to create new benchmark in Child Protection practices within the organization.

(iv) Disciplinary measures would be initiated against any Staff member found to be engaged in the following acts:

- Inducing or coercing a child to engage in sexual activity
- Exploitative activities with children including child labour or trafficking
- Use of children's photographs for pornographic or other inappropriate use
- Subjecting any child to torture or other cruel, inhuman or degrading treatment or punishment
- Mistreating or depriving the child *in any manner*

Disciplinary measures would include

- Suspension¹ until the Child Protection Committee investigates and submits the report and HR officially communicates the person to rejoin the office.
- In case the Jury recommends legal action then the Organisation will pursue a legal case against the person.
- Public apology to the concerned child and community
- As recommended by the Jury and the Child Protection Committee

(v) Any partner/ vendor found to be engaged, or suspected of being engaged in the above acts would be reported to the relevant authorities at the discretion of Oxfam India. If such an allegation were proved against a partner or vendor, Oxfam India would discontinue working with such a partner or vendor.

Staff is encouraged to be sensitive and respect the cultural identity of children in areas and communities where we work.

10. REVIEW OF POLICY

This policy will be reviewed every three years to keep it inconsonance with changing times.