



Child Protection Policy of MPSSS

“Every Child has a right to be protected”

Madhya Pradesh Samaj Seva Sanstha

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ABOUT THE ORGANIZATION:

Madhya Pradesh Samaj Seva Sanstha, Bhopal is engaged in working with the poor at the grass roots and promotes the well being of all children whose lives are directly or indirectly impacted through its various Projects. As a reflection of our commitment to the vision and considering the fact that children are often vulnerable to abuse and exploitation MPSSS places highest importance to protection and safety of children in all its dealings. Protection is a right of the child.

Madhya Pradesh Samaj Seva Sanstha commits to comply with all Partnership standards for child protection designed to safeguard children from exploitation, neglect, sexual and physical abuse. MPSSS continually examines the need to reduce the risk to children in all its Programmes. Therefore these Standards for child Protection are intended to keep children safe from possible abuse and exploitation by Staff, partners and others with who they are in contact. This policy also intends to increase the awareness on child protection in the community and in the family. The United Nations Convention on the Rights of the Child (UNCRC) shall be the guiding principle for implementing basic rights for all children below the age of 18 years.

The Prohibition of Child Marriage Act 2006 and the Immoral Traffic (Prevention) Act, 1956 (amended Act of 44 of 1986) also provide guidelines for safety and security of children.

VISION:

A Society where everyone enjoys equal rights and opportunities based on peace, love and harmony with one another, nature and the Divine.

MISSION:

Restoring human dignity and empowering people, especially the marginalized for sustainable and equitable development through facilitation.

OBJECTIVES:

- Organizing people through Community Based Organizations (CBOs) for good governance
- Making quality education available to common people by improving educational system
- Making health system/facilities functional, especially for the poor and creating health awareness among people
- Promoting peace and harmony among different communities and educating people on secular democracy
- Restoring the environment, particularly through Integrated Natural Resource Management (INRM) for the improved livelihood of the people.
- Reducing the gap between the rich and the poor by building the capacities of the poor.

SECTION I: INTRODUCTION / BACKGROUND

I. 1. Definitions

Child

For the purposes of this policy, a “child” is defined as anyone under the age of 18, in line with the UN Convention on the Rights of the Child.

Child abuse

- According to the World Health Organisation, “Child abuse” or “maltreatment” constitutes ‘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 child’s health, survival, development or dignity in the context of a relationship of responsibility, trust or power.’
- MPSSS similarly specify “cruelty to children” or “child abuse” as ‘behaviour that causes significant harm to a child. It also includes when someone knowingly fails to prevent serious harm to a child. All forms of cruelty are damaging –it can be harder to recover from the emotional impact than from the physical effects.’
- These definitions therefore point to four types of cruelty:
 - Physical abuse: including hurting or injuring a child, inflicting pain, poisoning, drowning, or smothering.
 - Sexual abuse: including direct or indirect sexual exploitation or corruption of children by involving them (or threatening to involve them) in inappropriate sexual activities.
 - Emotional abuse: repeatedly rejecting children, humiliating them or denying their worth and rights as human beings.
 - Neglect: the persistent lack of appropriate care of children, including love, stimulation, safety, nourishment, warmth, education, and medical attention.
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- A child who is being abused may experience more than one type of cruelty.
- Discrimination, harassment, and bullying are also abusive and can harm a child, both physically and emotionally’.

Child protection

A broad term to describe philosophies, policies, standards, guidelines and procedures to protect children from both intentional and unintentional harm. In the current context, it applies particularly to the duty of organisations - and

individuals associated with those organisations - towards children in their care.

Direct contact with children

Being in the physical presence of a child or children in the context of the organisation's work, whether contact is occasional or regular, short or long term.

Indirect contact with children

- 1) Having access to information on children in the context of the organisation's work, such as children's names, locations (addresses of individuals or projects), photographs and case studies.
- 2) Providing any kind of assistance for organisations that work 'directly' with children.

Policy

'A statement of intent that demonstrates a commitment to safeguard children from harm and makes clear to all what is required in relation to the protection of children'. It helps to create a safe and positive environment for children and to show that the organisation is taking its duty and responsibility of care seriously.

Scope - Child Protection Policy(CPP)

The Child Protection Policy applies to everyone working for or associated with MPSSS.

- All Staff Members and Resource Persons based in Head Office, Project offices in field areas or elsewhere.
- Other Members – Members of Board, Volunteers - Students, Corporate and community volunteers, contractors and others who may come into contact with the children through MPSSS
- Guests/Visitors - donors, journalist, media, researcher, celebrities etc who may come into contact with the children through MPSSS.

Implementation guidelines

CPP 1. Awareness program.

- Organize regular awareness program on Child Rights to Staff Members, Volunteers, community leaders, field volunteers.
- Impart special training to Project Staff on child protection

CPP 2. Program intervention

- Design interventions with rights –based approach-responding to needs, sensitizing and empowering children, giving them voice

- Making Community advocacy program on child rights and gender issues integral part of all interventions.
- Mobilizing and sensitizing women/ mothers in order to make them and their

Spouse responsible for well being of children and prevention of exploitation, abuse

CPP 3: POLICY GUIDELINES

1. Staff Recruitment Procedure

1.1 Current and potential employees shall undergo a screening procedure to check for any child abuse related criminal record in the past.

1.2 The job interview should include specific questions at the first stage on child protection issues to probe the applicant's attitude, perceptions, experience and approach to working with children relevant to the post applied for.

1.3 The reference name of a competent person who can comment on the candidate's behaviour and work with children should be included in the application.

1.4 During induction of a new employee, the respective coordinator and the Director should observe the "child friendly personality" of the new staff and give feedback to the management committee before final appointment.

1.5 During induction period, feedback would be taken from the community, the peer group and the children about the staff and the impression of children would be taken seriously.

1.6 During recruitment and induction the candidate should be clearly told that a child protection policy exists in the organization and he/she shall be required to be abiding by it.

1.7 Along with the appointment letter a copy of the child protection policy shall be given to the new employee. The employee shall be asked to sign a statement that he/she has read the policy and shall abide by it.

2. Training and orientation

2.1 All existing staff shall be given full orientation on this policy as part of ongoing training programmes of MPSSS.

2.2 Specialized orientation for child protection shall be provided for staff working directly with the children.

2.3 Orientation on Gender equality and protection of girls against sexual harassment at workplace has to be conducted for all the staff.

3 Reporting and case management

3.1 The prime responsibility of reporting lies with the programme coordinator of the respective department. In case the coordinator is not taking any action in the matter, then the report should be made by the project partner to the Director.

3.2 The coordinator will work together with the managing Committee and the Director on all child protection cases.

3.3 If the coordinator is being implicated, the matter should be immediately reported to the Director.

3.5 The matters are to be treated in strict confidence in the interest of the child, the accused, the reporter, and the organization.

3.6 Reports that are made maliciously or in bad faith, shall warrant strict disciplinary action by the Director.

3.7 Based on the evidence and careful deliberation of the case, the director/management will decide whether to have the matter dropped, further handled internally or referred to the police, depending on the level of gravity and complexity assessed.

3.7 The process leading to decision making should be well documented and all facts or written allegations and responses must be kept in the file.

3.8 When a case is dropped, the reasons for dropping it shall be communicated to the person who reported the matter.

3.9 Thorough investigations will be carried out before any decision or action is taken.

3.10 All cases, whether reported to the co-coordinator or the Director, shall be immediately brought to the attention of the management committee at its next meeting.

3.11 As soon as a case of misconduct is brought to the attention of the Management committee, they shall consider the case and if the matter warrants further investigation, then the accused staff member shall be suspended pending investigation and final decision.

4. Consequences of Misconduct

4.1 Following completion of investigation, the director/management committee will decide on appropriate action to be taken based on available evidences.

4.2 This will follow the disciplinary procedure by MPSSS as well as recourse to the relevant legislation applicable to the crime.

4.3 The accused may be told to resign immediately or terminated from the job for misconduct.

4.5 Loss of image, feeling of shame and stain in the character of the perpetrator; stress, trauma, fear, depression and guilt feeling by the victim.

5. Statement of Commitment

Staff, interns, volunteers and teachers (as and when required) have to sign a statement of commitment attached to this policy document.

6. Profiling of Children

In its programmes and fundraising for activities, MPSSS may use images and recordings of children and field texts. MPSSS has a responsibility towards the children that are portrayed and should ensure that children are treated with dignity as human beings with rights, **by avoiding the following**:

- Inaccurate representation of children through words and images
- Narration that shames, degrades or victimizes the children
- Taking pictures or statements from children without informed consent
- Depicting children in sexually provocative poses or suggestive of vulgarity.

Reporting Process

What should I report?

You should report:

1. Any behaviour, gesture, action or words that you suspect may be **child exploitation** and **abuse**, including **possession of child exploitation materials**, or **policy non-compliance** by:
 - an MPSSS staff member
 - any personnel of MPSSS, contractual or voluntary
 - any other person who is involved in MPSSS activity at local level.
 - any report made to you by anyone relating to child exploitation and abuse or policy non-compliance by an MPSSS staff or its partners.

2. How and to whom do I make a report?

Reports can be made by:

Email: director@mpsss.org,
Telephone: 0755-2560675
Mob. 9826598059
Mail: To,
The Director,
Madhya Pradesh Samaj Seva Sanstha
Vikas Bhavan, KPRP Campus,
E/6, Arera Colony
Bhopal – 462016 (M.P.) India

3. What information do I need to provide in the report?

You should provide as much information as possible, including:

- date of incident
- name of child & place
- name of person involved
- the offender's details, including age, address, designation and occupation

- details of alleged incident without exaggeration
- whether local project partner has been informed
- mention the name of the department (CDP, education, health, skill training)
- any other relevant information.

G4. What happens to the information I provide?

All information provided to the director of MPSSS will be treated confidentially in accordance with the norms of the organization.

Annexure

Child protection Code of Conduct

I, acknowledge that I have read and understand MPSSS's **Child Protection Policy**, and agree that in the course of my association with organization, ***I must:***

- treat children with respect regardless of caste, colour, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status
- not use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate
- not engage children under the age of 18 in any form of sexual intercourse or sexual activity, including paying for sexual services or acts
- wherever possible, ensure that another adult is present when providing the service to the children
- not invite unaccompanied children into my home/room, unless they are at immediate risk of injury or in physical danger
- not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain the guardian's permission, and ensure that another adult is present if possible
- use any computers, mobile phones, video cameras, cameras or social media appropriately, and never to exploit or harass children or access child exploitation material through any medium
- not use corporal punishment on children
- not hire children for domestic or other labour which is inappropriate given their chronological age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury
- comply with all relevant Indian/local legislation and UN Convention, including other child protection mechanisms.
- immediately report concerns or allegations of child exploitation and abuse and policy non-compliance in accordance with appropriate procedures
- immediately disclose all charges, convictions and other outcomes of an offence, which occurred before or during my association with MPSSS that relate to child exploitation and abuse.

When photographing or filming a child or using children's images for work-related purposes:

- **I must** assess and endeavour to comply with local traditions or restrictions for reproducing personal images before photographing or filming a child
- obtain informed consent from the child and parent or guardian of the child before photographing or filming a child. As part of this I must explain how the photograph or film will be used
- ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive
- ensure images are honest representations of the context and the facts

- ensure file labels, meta data or text descriptions do not reveal identifying information about a child when sending images electronically or publishing images in any form.
- I understand that the onus is on me, as a person associated with MPSSS, to use common sense and avoid actions or behaviours that could be construed as child molestation and abuse.

Declaration

I,..... have read and understood the guidelines, standards, and code of conduct as stated in the Child Protection Policy of KDSS. I agree to follow the principles contained therein, and undertake to uphold the policy principles while working with KDSS.

Signed:

Date:

Relevant Legislation against child abuse in India

Legislation	Crime	Penalty
Protection of Children from Sexual Offences Act 2012	Penetrative Sexual Assault (Section 3) - (Section 4)	Prison sentence for seven years which may extend to imprisonment for life, and fine
	Aggravated Penetrative Sexual Assault (Section 5) -	Sentence not less than ten years which may extend to imprisonment for life, and fine
	Sexual Assault (Section 7) - (Section 8)	Sentence Not less than three years which may extend to five years, and fine
	Aggravated Sexual Assault (Section 9) - (Section 10)	Sentence Not less than five years which may extend to seven years, and fine
	Sexual Harassment of the Child (Section 11) -	Three years imprisonment and fine
	Use of Child for Pornographic	Five years in jail and fine, in the event

	pictures	of subsequent conviction, seven years and fine
Immoral Traffic Prevention Act, 1986	<p>procuring, inducing or taking a child for the purpose of prostitution,</p> <p>Recruiting, transporting, transferring, harbouring, or receiving of persons for the purpose of prostitution if guilty of trafficking. In addition any person attempting to commit trafficking or found in the brothel or visiting the brothel is punishable under this law.</p>	Prison sentence for a minimum of seven years but can be extended to life.
	Detaining a child for the purpose of sexual intercourse or prostitution	punishable to seven years in prison up to life imprisonment, or a term which may extend to ten year and also a maximum fine of one lakh rupees.
	<p>Any person committing prostitution in public with a child</p> <p>If prostitution of a child is committed with knowledge of the owner of the establishment or a hotel</p>	<p>punishable to seven years in prison up to life imprisonment, or a term which may extend to ten year and also a maximum fine of one lakh rupees.</p> <p>license of the hotel is likely to be cancelled along with the prison sentence and/or fines</p>
<i>Child labour (prohibition & regulation) Amendment Bill, 2012</i>	<p>The Act prohibits employment of children below 14 years of age</p> <p>OCCUPATIONS</p> <ol style="list-style-type: none"> 1) Transport of passengers, goods or mails by railways 2) Cleaning of an ash pit and chimneys or building operation in the railway premises 3) Work in a catering establishment 4) Work relating to the construction of roads and buildings 5) Working within the limits of any port 6) Work relating to production and selling of explosives, crackers and fireworks. 	The penalty for employing a child was increased to imprisonment between 6 months and two years (from 3 months-one year) or a fine of Rs 20,000 to Rs 50,000 (from Rs 10,000-20,000) or both for all the offences mentioned.

	<p>7) Abattoirs / Slaughter Houses</p> <p>8) Automobile workshops and garages</p> <p>9) Foundries</p> <p>10) Handling of toxic inflammable substances or explosives</p> <p>11) Handloom and power loom industry</p> <p>12) Mines (underground and under water) and collieries;</p> <p>13) Plastic units and fibreglass workshops</p> <p>PROCESSING UNITS</p> <p>1) Beedi-making</p> <p>2) Carpet-weaving including preparatory</p> <p>3) Cement manufacture, including bagging of cement</p> <p>4) Cloth printing dyeing and weaving including processes preparatory and incidental thereto</p> <p>6) Mica-cutting and splitting</p> <p>7) Shellac manufacture</p> <p>8) Soap Manufacture</p> <p>9) Tanning</p> <p>10) Wool-cleaning</p> <p>12) Manufacture of slate pencils including packing</p> <p>13) Manufacture of products from agate (precious stones)</p> <p>14) Processes using toxic metals and substance such as lead, mercury, manganese, chromium, cadmium, benzene, pesticides and asbestos</p> <p>15) "Hazardous processes" as defined in Section 2 (c,d) and 'dangerous operations' as notified in rules made under Section 87 of the Factories Act 1948(63 of 1948)</p>	
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	<p>16) Printing as defined in Section 2(k)(iv) of the Factories Act, 1948 (63 of 1948)</p> <p>17) Cashew and cashew nut descaling and processing</p> <p>18) Soldering processes in electronic industries</p> <p>19) 'Aggarbatti' manufacturing</p> <p>20) Automobile repairs and maintenance including processes incidental thereto namely welding, lathe work, dent beating and painting</p> <p>21) Brick kilns and Roof tiles units</p> <p>22) Cotton ginning and processing and production of hosiery goods</p> <p>23) Detergent manufacturing</p> <p>24) Fabrication workshops (ferrous and non ferrous)</p> <p>25) Gem cutting and polishing</p> <p>26) Handling of chromite and manganese ores</p> <p>27) Jute textile manufacture and coir making</p> <p>28) Lime kilns and Manufacture of floor tiles and coir making</p> <p>29) Lock Making</p> <p>30) Manufacturing processes having exposure to lead such as primary and secondary smelting, welding and cutting of lead-painted metal fabrications, welding of galvanized or zinc silicate, polyvinyl chloride, mixing (by hand) of crystal glass mass, sanding</p>	
<i>Child Marriage Act</i>	If a male adult above eighteen years contracts a child marriage	Punishable unto two years imprisonment and/or a fine which may extend to Rs. 1 lakh. The same punishment will be given to person who performs, conducts or directs a child marriage. Unless proved

		otherwise, the parents or guardian of the child are considered to have failed to prevent the child marriage and hence are also held accountable
<i>Child related offences under Indian Penal Code</i>	<p>Section 315 and 316 discusses the offence of foeticide and infanticide. If a person commits an act with the intention of preventing the child from being born alive or an act that results in the death of the foetus in the womb, that person is committing foeticide</p> <p>Infanticide is done by a person by wilfully causing the death of an infant after birth of the baby. Except for the interest of the mother's health or life. If a person does an act that amounts to culpable death which results in the quick death of an infant, he will be charged with culpable homicide.</p> <p>Section 305 states that it is a crime for any person to abet the suicide of a child, i.e. a person who has not completed eighteen years of age.</p> <p>Section 317 states that it is a crime against children, if their mother or father expose or leave a child in a place with the intention of abandonment. This does not prevent the law from pursuing further if the abandonment results in the death of the child. The parents would then be charged with culpable homicide or murder.</p> <p>361 states that if a male minor of not yet sixteen and female minor of not yet eighteen is taken from their lawful guardians without their consent it is termed kidnapping from lawful guardianship</p>	<p>Section 315, 316 - 10 year imprisonment with fine</p> <p>Section 305 - 10 year imprisonment with fine</p> <p>Section 317 - 10 year imprisonment with fine</p> <p>Section 361- 7 year imprisonment and fine</p>

National Commission for Protection of Child Rights (NCPCR)	The Commission's Mandate is to ensure that all Laws, Policies, Programmes, and Administrative Mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India and also the UN Convention on the Rights of the Child. The Child is defined as a person in the 0 to 18 years age group.	<p>The Commission has the powers to take the following actions (Child Rights Act, 2005):</p> <ul style="list-style-type: none"> • To recommend to concerned Government for initiation of proceedings for prosecution or other suitable action on finding any violation of child rights and provisions of law during the course of an inquiry • To approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may deem necessary • To recommend to concerned Government or authority for grant of such interim relief to the victim or the members of his family as considered necessary
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Instruments Under the UN		
Instruments		Source
United Nations Convention on the Rights of the Child (UNCRC)		www.unicef.org/crc
Optional Protocol to the United Nations Convention on the Rights of the Child on the Sale of children, child prostitution and child pornography		www.Unhcr.org/refworld/docid/50b353232.html
Geneva Declaration of the Rights of the child		www.undocumentds.net/gdrc1924.htm
Optional Protocol to the United Nations Convention on the Rights of the Child on the involvement of children in armed conflict		www.Unhcr.org/refworld/docid/47fdfb180.html
International Labour Organization Convention 182 concerning the		www.ilo.org/ilolex/english/convdisp1.htm

prohibition and immediate action for the elimination for the worst forms of child labour		
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This Policy is recommended for approval by:

**Bishop Gerald Almeida,
Chairman – MPSSS**

**Fr. Kiran Olakkengil
Director – MPSSS**

This Policy is approved by:

Members – Governing Body, MPSSS

References

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2. www.sssk.org.uk
3. www.aarohanngo.org
4. www.lightfortheworld.nl
5. Child Protection Policy of KDSS