



TARSHI'S CHILD PROTECTION POLICY

2023

TARSHI has policies and provisions for mitigating risks and keeping people safe by safeguarding the organisation, our team members, associates, and the people we work with, from harm. Harm may take many forms that include exploitation, harassment, abuse and various kinds of misconduct and/or fraud.

Any issues related to safeguarding may be brought to the notice of a Safeguarding Lead, unless otherwise specified, or as per legal requirement, such as laid out in particular policies, such as in the Anti-Sexual Harassment Policy. Two individuals are designated Safeguarding Leads so that in the absence of either, or in the case that either individual is the subject of, or involved in, a safeguarding issue, the other may be contacted.

A copy of this policy is to be made available to all employees, (whether part-time or full-time), volunteers, interns, and consultants of TARSHI. In the case of staff / ancillary staff members who may not be literate / comfortable with English, key points of policy may be discussed with them by a Safeguarding Lead or a senior team member of TARSHI's Programmes or Administration, Finance and Human Resources department.

As of June 2023, the Safeguarding Leads at TARSHI are:

Veronica George, Chairperson, TARSHI's Board of Directors
vee.george@gmail.com

Prabha Nagaraja, Executive Director, TARSHI
prabha@tarshi.net

TARSHI has a zero tolerance policy to disrespect of children, to child abuse, to violence against children in any form, and to discrimination and inequality in the treatment of children on the basis of factors such as perceived age, caste, class, disability, domestic circumstances / family background, religion, HIV status, gender and sexual identity.

In the regular course of work, TARSHI does not have direct contact with children. Our work impacts children since we do engage with individuals, institutions and organisations that work directly with children. Some of our publications include outreach, awareness and informational materials that address gender, sexuality and reproductive health issues across age-groups.

This Child Protection Policy (CPP) strives to approach child rights and child protection in a manner that enables the empowerment of children and young people, keeping in mind evolving capacity, as well as age, socio-cultural context, health and ability, education, exposure and support infrastructure.

We understand that the legal, child rights advocacy, and socio-political terrain of child rights and child protection, is enormously complex. The Constitution of India recognizes children as equal rights holders and gives the highest priority to their protection and

well-being. India is also signatory to the United Nations Convention on the Rights of the Child (UNCRC). There is a multitude of laws applicable or related to children, child rights and child protection in India. It is beyond the scope and purpose of this internal policy document to outline, or present an overview of this framework.

Therefore, we acknowledge that (i) the primary content of this child protection policy document is based on, and adapts/takes from the 2018 draft National Child Protection Policy of the Ministry of Women and Child Development, Government of India, and (ii) the CPP of HAQ: Centre for Child Rights has been a key resource supporting the draft of this policy.

The experiential learning, desk reviews, thought and dialogue that have helped create this policy take a rights based approach, and as all of the organisation's policies, this document too is a living, evolving presence, integral to TARSHI.

We believe that through a self-affirming understanding of rights and responsibilities, all people - including children and young people - build a sense of self-worth, confidence and agency, which is crucial to self-development and to self-advocacy. All of this is dependent on an environment that nurtures the whole person, physically, emotionally, mentally, intellectually and spiritually, at micro and macro levels. Therefore all elements of this environment play their part, particularly, (i) relationships, within the home and domestic structure, with peers and community, educational, health and recreational systems, and (ii) knowledge and information exchanges in the spaces inhabited by a child.

In line with TARSHI's values, the vision and intent behind this policy is to promote an affirmative approach that is sensitive to the issues that are faced by those from marginalised communities. While this policy is specific to child protection, all TARSHI policy and implementation is in compliance with the laws as applicable to the organisation and use an intersectional lens to understand the specific factors that are relevant to any given context.

No internal policy can override laws and legal provisions and if there is any contradiction between law and policy, or if the provisions of this policy do not cover a specific circumstance or case, then legal provisions will prevail with regard to child rights and child protection.

1. Objective and Applicability

This policy aims to support the creation of safe, inclusive, self-affirming spaces for children, and helping foster those environmental factors that may be expected to contribute to child protection, and to the prevention of, / response to, child abuse, exploitation and neglect.

Children need to be included in key conversations across personal, family, peer group, educational, health, wellbeing and social development spaces, using an intersectional lens. To this end, TARSHI'S work engagements, while they may or may not be directly with children, do intend to influence the creation of an environment where children are respected, and their views and diverse life experiences and needs are assessed and responded to.

With this in mind our CPP as laid out here is to ensure that in our work we maintain an awareness of and responsibility to our role in relation to safeguarding/ protecting children and promoting the welfare of children; individually and collectively.

It is equally important to be aware of intersectionality and power dynamics in any engagement - and to focus on the interactions (i) amongst children, and (ii) between the children and program facilitators / team members. This is important so that in any group program engagement - the children themselves become aware and sensitive, so as to create safe and inclusive spaces for each other, and in fact for all others, including team members and facilitators, who may be involved in any capacity.

The policy applies to all of TARSHI'S staff members, consultants, collaborators and volunteers.

2. Definitions

For the purpose of this policy, a child is defined as any person under the age of 18.

- However, we remain aware in our approach to all our work and engagements that there is a great diversity in the ability to understand and process information, and to engage with issues (such as of gender and sexuality) on the basis of this.
- This diversity emerges from many factors that include, for example, family micro-culture, disability, community norms and socio-cultural environments, education and exposure levels of different individuals, even amongst those who may be in a shared domestic space. We respect this.
- We are equally aware of the need to connect and communicate at a level that does not infantilise or condescend to any individual, no matter what their age or ability. Therefore, this policy states up front that as far as possible we avoid generalisations in our approach.

3. Inclusion and Anti-discrimination

TARSHI takes an approach that is inclusive of all children, without discrimination on the basis of age, gender, sexuality, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

4. Dos and Don'ts

It is very important that in any engagement with a child or children, and as far as possible, TARSHI team members work in pairs or as a group, in a manner that is child friendly and not overwhelming for the child. Since all such engagements are planned in advance with parents groups or with educational institutions, it is required to have some representatives from amongst the parents or the teachers as appropriate.

Do:

- treat children with empathy and respect;
- welcome and accept diversity;
- listen to children and respect their views;
- encourage the autonomy of children towards fostering independence and confidence;
- be actively aware of issues of privacy and confidentiality and respect the same;

- if there may be cause for concern regarding legal compliance or possible rights violations, these are to be flagged immediately with senior TARSHI staff.
- be aware of child rights and child protection aspects that may be a part of any communication that goes out from TARSHI, across all communication platforms public and private, including social media, and messaging;
- ensure as far as possible that any TARSHI products / publications / services meant for children have age-differentiated modules and materials for comprehensive and clear education and awareness purposes.
 - As per the assessed requirements, these may be reviewed by, or created in consultation with, internal and/or external resource persons with the experience and expertise appropriate to the task;
- ensure as far as possible that children are not at risk of being harmed or traumatized in any way during processes of engagement, such as undertaking research / collecting feedback or data, directly from children or indirectly from parents/community;
 - All team members engaged in such processes must be aware of, and experienced / trained in ethical practices and child friendly procedures.
- encourage, (as appropriate to the work under way), the voices, expression, communication and participation of children in a safe and non-judgemental space – by incorporating the concept of children’s self-advocacy and self-expression in all modules and materials of engagement meant for children or adults.
- be aware of the role and influence of adult gatekeepers in children’s lives outside of the events and programme engagements being conducted.
- ensure that for the purpose of programme engagements and events that involve children - the assent of participating children, and the consent of their parents and guardians to their participation - is taken in writing;
 - this requirement implies that the assent so received is on the basis of adequate and appropriate communication, with information imparted, received and understood, particularly when children or their adult caregivers may require support such as interpretation, or additional clarifications and explanations.
 - engagements with children in the course of work are to follow the framework of the engagement.
 - ensure that no further relationship after the engagement is complete is to be pursued with any child by any staff member of TARSHI as representing the organisation.
 - in case children are participating in campaigns, events and activities that involve their appearance in public space, or involve the use of images, pictures, video, voice etc. in public spaces online and offline, clear assent is to be taken from the children as well as informed consent to be taken in writing from their parents or guardians prior to such activity.
- use language and behaviour towards children that is sensitive to context
- ensure that participating children at any programme or event are accompanied by their parents / guardians / caregivers such as teachers or regular care attendants, in a manner that the children have the support they need for personal / self-care from their regular familiar carers, such as, for example, bathroom breaks.

Don’t:

- use language or behavior towards children that is inappropriate, harassing, bullying, abusive in any way whatsoever, or may be perceived as intending or inviting a sexual response or interaction, or is covertly or overtly sexual, demeaning, degrading, dismissive, patronising.
- develop or induce or support in any way physical/sexual relationships with children;
- develop any form of relationship or arrangement with children which could in any way be deemed to be exploitative or abusive;
- undertake the responsibilities of a child care attendant;

- place a child at risk of abuse or exploitation, or be aware of these and not report it or not do anything about it;
- share or make public in any way whatsoever, online or on site, pictures, images or the personal information of children;

* There are some key offences/behaviours that are punishable by law and a listing of these has been included as an Annexure to this policy, for the purpose of knowledge and awareness.

5. **Implementation**

All those to whom this policy applies, must receive and read a copy of this policy.

Each person in the organisation is enjoined to be aware of child rights and child protection aspects that may be linked to various work products, programs and services, individually and as a member of a project or program team.

Where such requirement is perceived by any member of the TARSHI team, they are to flag aspects, issues or challenges in the context of child rights and child protection that are seen as requiring training, discussion, consultation or clarification, with senior members of the team.

- Further, and particularly in the context of legal provisions / mandates / imperatives that senior team members may not have clarity or clear knowledge of, a person with experience in the field of child rights and child protection laws is to be consulted.

Teams working on programme initiatives that involve working and / or contact with children directly - or that which may impact children, therefore working with children indirectly - are to prepare guidelines specific to the context.

- Direct work with children may be online or on site, such as at book fairs or at schools or PTA events. Indirect work with children may also be online or on site, such as working with school or health care staff, with PTAs, and diverse communities, such as caregivers and people with disabilities. These are examples and they are not all-inclusive.

In the current context, at the time of drafting this CPP document, provisions under the Act make reporting of offences under the Act mandatory for any individual (except a child) who may have knowledge or suspicion that an offence has been committed under the Act.

CHILDLINE 1098 is to be contacted in case of any situation of urgency or emergency where a child is at risk and child protection and care / medical attention is required.

Any violations of or questions on the implementation of this policy must be flagged to the Safeguarding Lead/s. More details are available in the Safeguarding Policy.

6. **Resource Organisations**

Resource organisations that may be contacted for support related to child rights and child protection:

HAQ: Centre for Child Rights

B-1/2, Ground Floor
Malviya Nagar, New Delhi-110017

+91-11-26677412

+91-11-26674688

Email: info@haqcrc.org

Enfold Proactive Health Trust

No. 22, 3rd Main Road, Ashwini Layout, Ejipura,
Off Inner Ring Road, Koramangala,
Bengaluru, 560047

+91-99000-94251

+91-80-25520489

info@enfoldindia.org

7. Annexure

Here are some of the offences punishable by law. This Annexure draws its content primarily from the 2018 draft National Child Protection Policy of the Ministry of Women and Child Development, Government of India, but also includes some additions and revisions.

Offences/Behaviours	Laws
Sexual assault, sexual harassment, use of child for pornographic purpose	Protection of Children from Sexual Offences Act 2012
Non-reporting when it is known that an offence under the POCSO Act has been committed or when it is feared / apprehending that such an offence may be committed.	Protection of Children from Sexual Offences Act 2012
Disclosing identity of the child victim to anyone other than appropriate authority	Protection of Children from Sexual Offences Act 2012, JJ Act 2015
Production, dissemination and use of child sexual abuse materials	The Information Technology Act, 2000
Sale and procurement of children for any purpose including illegal adoption, trafficking of children for sexual exploitation, use of children by militant groups, giving children intoxicating liquor, narcotic drug or tobacco products or psychotropic substances, offences against disabled children, trafficking of children for sexual exploitation/exploitative labour/other reasons and, kidnapping	JJ Act 2015; Immoral Traffic (Prevention) Act 1956; Human trafficking (section 370 & 370A IPC), after creation of specific section in IPC by the Criminal Law (Amendment) Act 2013

Corporal punishment in child care institutions	JJ Act, 2015
Corporal punishment in schools	Right of Children to Free and Compulsory Education Act, 2009
Adopting a child without due procedure through CARINGS and child welfare committees/ promoting or facilitating such illegal adoption	JJ Act, 2015
Employment of children below 14 years in any occupation or industry	Child Labour (Prohibition and Regulation) Amendment Act, 2016
Employment of children 15-18 years in hazardous occupation or industries	Child Labour (Prohibition and Regulation) Amendment Act, 2016
Marrying a child/ promoting or solemnizing child marriage	Prohibition of Child Marriage Act, 2006