

# **Child Rights Policy & Guideline**



**RURAL EDUCATIONAL ACTIVITIES FOR DEVELOPMENT**

# **READ**

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### **Purpose of Child Protection Policy**

Rural Educational Activities for Development (READ) committed to ensure safe environment for children, safeguards children from all forms of exploitation: sexual, emotional physical abuse, neglect and harm. This policy is framed with minimum standards and procedures with an aim to create safe, friendly and enabling environment for the children. The policy looks ahead to protect children from any intentional or/and unintentional harm by promoting good practices and certain preventive behaviour among the staff and READ associates such as children at village, Self Help Group, Representative of Panchayt Raj, Farmers Club, Teachers, Parents, trainer, visitors and Government Officials who associates with the Organisation. Thus, certain guidelines and procedures are set for action that is to be adhered with respect to children, their rights and safety.

### **READ Vision for Child Protection Policy**

READ aims to create child safe environment, where children are respected, protected and empowered to protect themselves, where staff are enhanced capacity to be competent and be skilled enough to ensure their protection responsibilities.

### **Policy Statement**

Rural Educational Activities for Development (READ) committed to promote the Rights of Children protecting from harmful influences, maltreatment and exploitation. Since READ inception in Community Development process takes active measures to ensure rights of the children protection are realized. *In the year 2011 READ initiated a process of Child Rights Protection Policy (CPP) as a mandate of the organization to ensure protection and promotion of Rights of the Child within the operational area of READ at office and also in the field. After 5 years of implementation the 1st follow-up review was conducted in the year 2016 and in 2017, 2nd follow up review was conducted.* READ take seriously its responsibilities to promote child safe practices and protect child from harm, abuses, neglect and exploitation in any form. READ takes stringent measures guided by the principle of best interest of the child.

### **Scope**

**1. Staff at all levels:** In office, in field and elsewhere

**2. READ Associates:** general and governing body members, consultants, interns, volunteers, visitors, Farmers, Self Help Group, Panchayat Raj representative, Children at village, Teachers, Parents, SMCS and who may come into contact with children through READ

### **Definition under the Child Protection Policy**

#### **Child/Children**

According to the UN Convention on the Rights of the Child (Article 1), a child is every human being below the age of 18 years.

#### **Child Abuse**

According to World Health Organisation (WHO) "Child abuse or mal treatment 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 holistic development. Child abuse, in other words, is a state of emotional, physical, economic and sexual maltreatment meted out to a person below the age of eighteen; leading to potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power

## **Child Protection**

Children have the right to be protected from being hurt and mistreated: physically and/or mentally. Hence, protection refers to policies, programmes, guidelines and procedures that seek to protect children from all forms of harms/abuses which can be physical, emotional, sexual and/or any form of exploitation and neglect:-no matter it is unintentional or intentional.

## **Guiding Principles**

- Child protection is the responsibility of each one of us at staff all level and READ associate.
- Respect for the child's privacy and confidentiality is NON NEGOTIABLE.
- Any form of child abuse, direct or indirect, intentional or unintentional is unacceptable.
- Every child has a right to express one's desires/wishes/opinions and is capable of making decisions at family or at institution. Respect the dignity, liberty and freedom of all children.
- Firmly support the children's right to development, where the teachers, farmers, animator and Livelihood Resource Persons (LRP) monitor the status.
- Listening to young people; allowing them to ask questions and providing accurate answers; and helping them to sort through the mixed messages they receive and facilitate to choose the right one.
- Modelling openness and respect and standing up for the rights of each person.
- Affirming that each person, irrespective of gender, race, ethnicity, religion and sexual orientation is a beloved child of God.
- Promoting and protecting the best interest of children at all time
- Mandatory reporting of conformed or suspected child abuse
- Teachers, farmers, animator and Livelihood Resource Persons (LRP), Project Coordinator play the role of Child Protection officers who monitor the Child Rights Status and case management is a mechanism in implementation of CPP.

## **Procedures and Guidelines for Implementing the Policy (code of conduct)**

### **Organization**

- The organisation will ensure that right persons with right aptitude are recruited and he/she is well oriented on the perspective of child rights protection. They will have to sign an agreement
- All members of the society, consultants and staff will be a signatory to an explicit code of conduct pertaining to 'child protection'. In the case of staff, this code shall be deemed as part of the employment contract
- Good practices as outlined hereunder are promoted within the organisation ensuring protection of children from all forms of abuse and harms
- Views of children are to be listened, valued and taken seriously in true spirit and with objectivity
- Act on child's concern and problems immediately
- Give opportunity for children to express their feelings and encourage them to participate in decision making on matters pertaining to them
- Give equal attention to all the children, with no-favouritism, irrespective of gender, caste, economical status and colour
- Educate and make aware all the persons concerned; never use corporal punishment on children
- Permission of children and concerned authority to be obtained before taking their images or using it in case studies/reports
- In case of case studies confidentiality should be maintained. The name of child has to be changed as well as no personal information to identify location of child to be given
- One must wear clothes that are appropriate keeping in mind the local context in which the children live
- Visitors must be oriented on the child protection norms, give their consent in writing before they are allowed to interact with the children

## **STAFF**

- Sensitivity to child protection will count during staff selection/membership to general body
- All the staff members are trained on child protection policies to raise their awareness and right-perspective on child protection
- Staff members are encouraged in institution-building process – strengthening of Anganwadis centres, local bodies, community based organisations for their increased ownership towards child protection
- Staff and persons, directly connected with the organisation, practice child protection guidelines and procedures within their homes by giving an enabling environment for the children
- Staff will not employ children as domestic workers in their homes and provide a conducive atmosphere for the development of children: give them freedom and due respect
- Staff members should be cautious and careful in allowing the visitors to interact with the children
- Respect children irrespective of their age, sex, social background and abilities
- Staff and others connected with organisation are prohibited from
  - Developing physical/sexual relationship with children
  - Developing relationship with children who deemed to be exploitative or abusive in nature
  - Striking or touching inappropriately or otherwise physically assaulting or abusing children
  - Using slang or abuse language in front of children which is inappropriate, offensive, threatening or abusive to children
  - Behaving physically in a manner which is inappropriate or sexually provocative to children
  - Discriminating and showing differential treatment or favouring particular children to the exclusion of others
  - Sleeping in the same room or bed with children with whom they are working, mostly when the staff stay at community
  - As far as possible work with children in a place within the vicinity of others
  - Never stigmatize or humiliate children
  - Never physically assault, threaten or sexually abuse children.
  - Never tease children or call out nickname
  - Never spread rumour or gossip about any child
  - Condoning or participating in behaviour which is illegal, unsafe and/or abusive to children

## **VISITORS**

- Permission of children and the authority concerned to be obtained before taking their images or using it in case studies/reports
- Respect the dignity and freedom of every child –
- Visitors must get oriented on the READ child protection norms, give their consent in writing before they interact with the children.
- Confidentiality has to be maintained, in case of writing case studies. Name and personal information such as location, family details disclosing the identity of child should be concealed –the picture of the person is given prior to get permission with no objection certificate from parents, and also share with them before publish.
- Maintain a file with these details.
- Mind the language to be written on saura or kui..?

- Visitors must wear clothes that are appropriate keeping in mind the local context in which the children live

### **Case Management:**

#### **Procedures for dealing with specific cases**

**Reporting an Incident:** Any READ staff or member or concerned person shall inform the Programme Manager (Child Protection Officer) of the society or the authorities about any incident of exploitation or abuse of children by any person, to whom the policy applies, preferably within 24 hours of such happenings or as early as possible. (refer for the reporting format)

**Investigation:** Objective investigation to be carried out by the competent authority in the organisation, designated for this purpose by the secretary of the society. In order to determine and assess the extent and magnitude of abuse caused on the child by the abuser. Written report with recommendations will be submitted to the secretary of the society within two weeks from the date of commencement of investigation. (refer for the investigation report)

**Taking Appropriate Action:** The secretary then, in discussion with the senior staff, takes appropriate action against the person concerned without any delay. Every effort should be made to provide all required assistance to the concerned child. Appropriate action will be taken against the guilty, which may include even dismissal or termination of employment. The legal procedures as prescribed for disciplinary proceeding shall be followed. (refer for the structures responsible for taking action)

**The whole process shall get completed within 3 weeks' time from the time the abuse was reported**

#### **Self-Audit of Implementation**

The self-audit shall take place every year before the Annual General Meeting of the READ society. The report from the audit shall be tabled for ratification by the Secretary. The audit shall cover **SIX** areas for reflection. *Refer annexure for the self audit tool.*

1. Children and the Organisation
2. Policies and Procedures
3. Preventing harm to Children
4. Implementation and Training
5. Information and Communication
6. Monitoring and review.

#### **The self-audit web**

When the self-audit is finished, answers are transferred to the web using different coloured pens or three different kinds of shading. The self-audit-**web** will enable to make a pictorial presentation showing how well as an organisation **READ** is doing in making children safe; as well as where you need to take further action. Use a different colour, or different kind of shading for the three levels presented in the shading keys in the next page. Please note that this web reflects the “children safe standards” on par with prescribed international standards. The aim of this exercise is to map out any gaps in each of the six sections.

Once the above key criteria have been read and ticked as either **Completely, Moderately, or Minimally / Dissatisfactory**, transfer the results to the web. The web visually illustrates the stage reached by the organisation in safeguarding children and highlights wherever further action is required. Please note that there is no intended hierarchical progression from 1 – 6. The aim of this exercise is to identify gaps, if any.

## ANEXURE-1

In India, the children constitute nearly 446 million and they represent 19 per cent of the world's children population. Various existing studies report prevalence of child abuse in all forms: physical, sexual and emotional. About 69 per cent of the children are reported to be victims of child abuse. In addition, 53 per cent of the children are the victims of sexual abuse, violence and exploitation.

In Odisha, where Rural Educational Activities for Development [READ] operates, the children, especially girls, are more vulnerable to abuses of different forms especially trafficking, sexual and physical abuse is highly prevalent due to their socio-cultural factors. educational and economical backwardness. This subject of child abuse and protection of children remain less addressed so far.

In general, at national level the topic of child rights and protection has been largely ignored and the issues that affect the children are less addressed in its true spirit. There is a wide disparity in guaranteeing child rights and child protection. A large number of children here need care and protection for their holistic growth and development. In order to ensure protection and care for children, there is a need to create an enabling environment by addressing and preventing the issue of child abuse, no matter its form. The Teachers, parents, farmers, GVC, LRP, SHGs and PRI representatives and the government together play a role of safety net for ensuring Child Rights and protection.

### **Legal Provisions for Children in India**

The Government of India acceded to the UN Convention on the Rights of the child in 1992, and is committed to its full implementation for the benefit of children. The United Nations Convention on the Rights of Child (commonly abbreviated as the CRC or UNCRC) is a human rights treaty setting out the civil, political, economic, social, health and cultural rights of children. UNCRC is the guiding principle for implementing basic rights for all children below the age of 18 years.

**READ** focuses the legal provision of United Nation Convention on the Rights of the Child that elaborate the major principle:-

**Right to survival/life:** that is most basic to existence, such as nutrition, shelter, an adequate living standard, and access to medical services.

**Right to development:** It includes the right to education, play, leisure, cultural activities, access to information, and freedom of thought, conscience and religion

**Right to protection:** Children have the right to be protected from being hurt and mistreated, physically or mentally. Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them. It ensures children are safeguarded against all forms of abuse, neglect and exploitation, safeguards for children in the criminal justice system; protection for children in employment; protection and rehabilitation for children who have suffered exploitation or abuse of any kind.

**Right to participation:** encompass children's freedom to express opinions, to have a say in matters affecting their own lives, This means that children have the right to participate in the activities of their society, in preparation for responsible adulthood.

## Constitution of India

**Article 19(1) (a):** All citizens shall have the right (a) to freedom of speech and expression

**Article 21:** Protection of life and personal liberty-No person shall be deprived of his life or personal liberty except according to procedure established by law

**Article 21A:** Free and compulsory education for all children of the age of 6 to 14 years (86th Amendment – December 2002)

**Article 23:** Prohibition of traffic in human beings and forced labour-(1) Traffic inhuman beings and beggars and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law

**Article 24:** Prohibition of employment of children in factories etc. No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment

**Article 39 (f)** - that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and childhood and youth are protected against exploitation and against moral and material abandonment

**Article 45** - Provision of early childhood care and education to children below the age of six years. – The state shall endeavour to provide early childhood care and education for all children until they complete the age of six years. (86th Amendment – 2002)

**The Right of Children to Free and Compulsory Education Act - 2009** came into force on April 1, 2010, makes education a fundamental right of every child between the ages of 6 to 14. **(March 2014)**

**The Protection of Children from Sexual Offences (POCSO) Act 2012:** The Protection of Children from Sexual Offences Act, 2012 defines a child as any person below the age of 18 years and provides protection to all children under the age of 18 years from the offences of sexual assault, sexual harassment and pornography. **(March, 2015)**

**The Juvenile Justice (Care and Protection of Children) Act, 2014:** The Rajya Sabha on 22nd Dec. 2015 cleared the Juvenile Justice (Amendment) Bill, 2015, lowering the age of a legally defined juvenile from 18 to 16 in the case of heinous crimes like rape or murder under laws for adults, but there is no such provision of life imprisonment or sentence to death. The children in conflict with law should not be handcuffed or sent to jail and that there shall be no barriers, such as witness boxes or bars. **(March, 2015)**

**Changes to Child Labour laws:** The Union Cabinet on 13th May 2015 approved a proposal to ban employment of children aged under 14 in all kinds of commercial enterprises. The Child Labour Prohibition Act, 1986, imposes the ban only 18 hazardous industries. However, the Cabinet has made an exception for work done in family enterprises and on farmlands, provided it is done after school hours and during vacation. **(March 2016)**

**Corporal Punishment:** Article 21 of the Constitution protecting the 'right to life' is the first point of reference. The Child Rights Charter 2003 of India specifically states "All children have a right to be protected against neglect, maltreatment, injury, trafficking, sexual and physical abuse of all kinds, corporal punishment, torture, exploitation, violence and degrading treatment." -

“17. (1) No child shall be subjected to physical punishment or mental harassment. (2) whoever contravenes the provisions of sub-section (1) shall be liable to disciplinary action under the service rules applicable to such person.” –

### **Physical Abuse**

Physical abuse of a child is that which results in 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 and/or trust. There may be single or repeated incidents. Physical abuse is the infliction of physical injury upon a child. This may include burning, hitting, punching, shaking, kicking, beating or any other harming activity towards a child.

### **Possible or proven Indicators of Physical Abuse**

- Bruises, burns, bites, cuts and dislocations
- Excuses given to explain injuries
- Refusal to discuss injuries
- Aggressive behaviour towards others
- Withdrawal from physical contact
- Fear of returning home or of having parents contacted
- Self-destructive tendencies
- Heat burns, Warm fire bath

### **Emotional Abuse**

Emotional abuse is any harm done by persistent or severe emotional ill-treatment or rejection such as degrading, punishments, threats, bullying, not giving care and affection, etc. resulting in adverse effects on the behaviour and emotional development of a child. (*Acts include restriction of movement, patterns of belittling, denigrating, make a scapegoat of, threatening, scaring, discriminating, ridiculing, or other non-physical forms of hostile or rejecting treatment (WHO 1999).*)

Emotional abuse is also known as verbal abuse, mental abuse, and psychological maltreatment. It includes acts or the failure to act by parents or caretakers that have caused or could cause a serious behavioural, cognitive, emotional, or mental trauma.

This can include parents/caretakers using extreme and/or bizarre forms of punishment such as confinement in a closet or dark room or being tied to a chair for long time or threatening or terrorizing a child. Also includes other less severe acts, but equally damaging ones, such as belittling or rejecting treatment, using derogatory terms to describe the child, habitual tendency to blame the child or make him/her a scapegoat.

### **Possible Indicators of Emotional Abuse**

- Delayed physical, mental and emotional development
- Increased anxiety-
- Low self-esteem – shy and guilt due to family fight and lose self-dignity.
- Inappropriate emotional response to painful situations
- Drug or alcohol abuse = consequentially fighting and forcing and child seeing something not appropriate to their age.
- Fear of new situations –
- Aggressive behaviour -Vulgar or abusive languages in front of children
- Fighting in front of children and children are afraid
- Disappointments – due to marriage and family feud the child who is married gets upset and helplessness.



## **Sexual Abuse**

Sexual abuse is any kind of sexual activity involving a child, whether or not the child is aware of what is happening or has tacitly or on force consented to what happens. It includes fondling a child's genitals, making the child fondle the adult's genitals, intercourse, incest, rape, sodomy, exhibitionism and sexual exploitation. When these acts are committed by a person responsible for the care of a child (for example a baby sitter, a parent, or a day care provider), or related to the child it is considered as an abuse. If a stranger commits these acts, it would be considered sexual assault and handled solely by the police and criminal courts.

### **Possible prevailing Indicators of Sexual Abuse**

- Sexualized behaviour inappropriate to a child's age
- Pregnancy (depending on child's age)
- Sleep disorders – can also be emotional abusive signs
- Kissing.
- Verbal sexual stimulation act
- Voyeurism
- Serious difficulties relating to peers and/or adults
- Constant complaints of headache and/or abdominal pains
- Change in level of performance at school

## **Exploitation – commercial and other forms**

Exploitation of a child refers to the use of a 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 detrimental to the child's physical health, mental health, education, spiritual, moral, social or emotional development. Basically children are engaged in household work in agriculture activities, commercial activities even they don't show their interest to work.

## **Neglect**

It is the failure to provide for a child's basic needs. Neglect can be physical, educational, or emotional. Physical neglect includes: not providing adequate food and/or clothing, appropriate medical care, supervision, or proper weather protection (heat or cold). It may include abandonment also. Neglect also occurs when there is failure to protect a child from exposure to any kind of danger, resulting in serious impairment of a child's health, education or development.

### **Possible prevailing Indicators of Neglect**

- Poor social relations
- Low self-esteem
- Frequent hunger
- Non-attendance at school
- Unattended physical problems or medical needs
- Poor personal hygiene
- Stealing