



Guidelines to promote child protection

Background

Mumbai Smiles, a non-profit organisation was founded in 2005, by a Spanish journalist and writer, Jaume Sanllorente, with the pursuit of "peaceful struggle against poverty" in the city of Mumbai, financial capital of India.

Mumbai is the city of dreams, however there is a cruel reality behind all the glitz. Mumbai Smiles aspires to eradicate poverty and get social justice for the most disadvantaged communities in the city.

Today, our projects are geared to generate social transformation through self sufficiency and access to equal rights and livelihood opportunities for the underprivileged communities living in the slums of Andheri East and the surroundings, focusing on Health, Education, Livelihood and Awareness programs.

Our campaigns include awareness drives to denounce the Human Rights denial and social exclusion suffered by millions of Mumbai citizens. We have engaged in multiple projects to empower these communities through this peaceful fight for over a decade now, encouraging participation from within the communities – we work with them, not for them – and creating a cooperative urban development framework to shape up a new reality.

So far, over 7000 beneficiaries have reaped the benefits of our work that includes a realistic vision of social inclusion, gender mainstreaming and promotion of Human Rights.

Mission, vision, values, principles of action:

Mumbai Smiles stands firm on respecting and monitoring of each of the following:

Mission

Transform the reality of people vulnerable to trafficking, as well as their families, to promote the empowerment of communities, thus achieving sustainable changes.

Vision

A world free of poverty in which all people enjoy freedom, Human Rights and a dignified life.

Values

Justice

Our development work is aimed at promoting fair access to opportunities and the full exercise of human freedom universally.

Non-discrimination

We respect human diversity in all its forms, regardless of origin, nationality, caste, age, political or sexual orientation, religion or gender.

Transparency:

We manage our resources with rigour, relying on transparency and accountability to our partners/ collaborators, donors, beneficiaries, and society in general.

Consistency

Our work is based on doing what we believe and say, being faithful to the fulfillment of our mission and vision, and our work speaks for itself.

Principles of Action

Commitment

Committed to our mission, we assume the responsibility of working towards its achievement.

Unity

We intend to join efforts promoting teamwork and collaboration with other organisations and

Participation

To induce a real social transformation, we promote participatory mechanisms, integrating the implementation of the projects with all stakeholders.

Enthusiasm

Motivated by the results of our work, we carry our work with hope, enthusiasm, passion and interest.

Where we work

The centre of our scope of action is Mumbai, the fifth largest city in the world, which despite being the financial capital of India, has enormous rates of poverty and inequality. Since Mumbai, we have expanded our scope of action in order to more effectively combat one of the main problems affecting this region of Asia: human trafficking.

Thus, in addition to the poorer neighbourhoods of Mumbai and the surrounding rural areas, we work in two other parts of India, such as Calcutta, Goa and Pondicherry.

Mumbai Smiles also works in Nepal and Bangladesh, countries that share a border with India and are points of origin for many of the victims of human trafficking, who end up being exploited in Mumbai and other Indian cities. From these countries we work to prevent and avoid trafficking, raising awareness in communities and strengthening the most vulnerable people, potential victims of this problem..

Areas of work

The peaceful struggle to achieve the mission of Mumbai Smiles is divided into our five Areas of Work and the projects herewith:

- Education
- Health
- Livelihood
- Awareness
- Advocacy



Introduction

Mumbai Smiles, a registered non-governmental organisation (NGO) is a child friendly organisation working with the less privileged children from slum communities in Mumbai.

We work extensively with children from the slum pockets of Mumbai for their holistic development. We firmly believe that children define the foundation for a progressive and developing nation. Our implemented programmes and projects foster an enabling environment for a child's well being and overall development.

Following the quote- "Childhood should be carefree, playing in the sun; not living a nightmare in the darkness of the soul"; the organisation's mission is "To facilitate an enabling environment for a child from the marginalised section of the society living in grim situation by providing quality education, health services, awareness and dignified livelihood by Rights-Based Approach".

In tandem with its vision and commitment and also the fact that children are often vulnerable to abuse and exploitation, Mumbai Smiles is highly sensitive and accords top priority to the protection and safety of children and their Rights.

Mumbai Smiles has ratified, until now, the principles regarding child protection mentioned in the United Nations Global Compact, where Mumbai Smiles is a member signatory.

'United Nations Global Compact' is both, a policy platform and a practical framework, for companies that are committed to sustainability and responsible business practices. UNICEF, United Nations Global Compact & Save the Children together formed a body which laid down a robust guideline for Child Protection Policy which has to be adhered by all the companies engaged in sustainable businesses.

We were also a part of an Opinion Poll project conducted by the UNICEF, called 'Play It Safe' in 2015. It was conducted in order to identify, record and track the violence that children experience in their daily lives in their neighbourhood, community, school, out of the school situations, at home etc. The main purpose was to create a mechanism towards creating safe spaces for children, within homes, schools, institutions and their communities, encouraging the children to speak up and break the silence around child abuse. The poll sought the opinion of children, as well as that of various stakeholders, in order to understand better the challenges and to design with children effective interventions to defend children's right and to protect children from abuse and exploitation. The results of this study revealed that there is a strong need for a robust, practical approach for dealing with child abuse which exists in various forms of violence.

Mumbai Smiles commits to protect its children from exploitation, neglect, sexual and physical abuse and therefore has formulated a Child Protection Policy translating its commitment into practicality. It is intended to keep children safe from possible abuse and exploitation within the organisation (Staff members, Volunteers, Resource Persons) and community, partners, sponsors and volunteers they come in contact with during different activities. The policy also is to serve as advocacy to create (and/or increase) awareness on child protection in the community as well as in the family.

Definitions

Child: A child is defined as any person under the age of 18 years as per the United Nations Convention on the Rights of the Child.

Child Abuse is defined as all forms of physical abuse, emotional ill treatment, sexual abuse and exploitation, neglect or negligent treatment, commercial or other exploitation of a child and includes any actions that results in actual or potential harm to a child. Child abuse may be a deliberate act or it may be falling in action to prevent harm.

Child Protection entails safeguarding children from any harm deliberate or otherwise and Policy enunciates responsibilities, measures and activities proposed to be undertaken.

All Children, regardless of age, disability, gender, racial heritage, religious belief, sexual orientation or identity, have the right to equal protection from all types of harm or abuse.

Physical Abuse occurs when a person purposefully injures or threatens to injure a child or young person. This may take the form of slapping, punching, shaking, kicking, burning, pinching, shoving or grabbing. The injury may take the form of bruises, cuts, burns or fractures.

Emotional Abuse can take the form of name calling, threats to harm the child, ridicule, intimidation, put downs and repeated neglect of the child's needs that effects their emotional and physical development. This can be through verbal or non-verbal means leaving the child frightened.

Neglect is the deliberate denial or failure to provide the child with the basic necessities of life including food, water, clothing, shelter, sanitation or supervision of care to the extent that the child's health and development are placed at risk.

Sexual Abuse occurs when an adult, older child or adolescent who is more powerful uses his or her power and/or authority to involve the child in sexual activities for his or her own sexual stimulation, gratification or economic gain. This power can be physical, emotional, and verbal and can include non-contact threats including exposure to pornography or other explicit material.

Sexual Exploitation means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

Grooming is the act of gaining trust to prepare/ groom the child for future sexual exploitation or abuse. It can involve developing friendship and trust through communications online and the sending of messages.

Child Protection: A program or initiative designed to protect children from any form of harm.

Child Protection Policy – A set of rules and regulations that demonstrate a commitment to the protection of all children from all forms of abuse and neglect. In order to protect children clear procedures are developed.

Children at Risk are any child or children who are vulnerable to any form of abuse. This includes, and is not limited to, mentally or physically impaired children, street children, orphans, poor children and homeless children.

Working With Children: Any person who is employed in any position that involves direct or indirect contact with children on a regular basis, either paid or at a voluntary level.

Recruitment involves the process of hiring new staff by way of advertising, interviewing, candidate selection, reference checking, training and employing.

Risk Management involves the procedures in place to reduce the possible risk of the abuse of children arising within an organisation.

Child protection policy (CPP)

Purpose of the policy

To provide protection for the children who receive Mumbai Smiles's services, including the children of all our staff as well as beneficiaries.

Sources of authority

International

- The United Nations Convention on the Rights of the Child (ratified through our Global Compact membership).
- Geneva Declaration of the Rights of the Child.
- ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

National

- The Protection of Children from Sexual Offences Act, 2012
- The Juvenile Justice (Care and Protection of Children) Amendment Act, 2015
- Amendment made in 2015 Immoral Traffic Prevention Act, 1956
- The Commissions for Protection of Child Rights Act, 2005
- The Right of Children to Free and Compulsory Education Act, 2009
- Child Labour (Prohibition and Regulation) Amendment Act, 2016

- The Protection of Children from Sexual Offences Act, 2012
- Person with Disability Act, 1995
- Immoral Traffic Prevention Act, 1986
- Right to Food Legislation and Children
- Schedule Castes & Schedule Tribes Act, 1989
- Prohibition of Child Marriage Act, 2006
- Factories Act, 1948

Scope of child protection policy (CPP)

The Child Protection Policy applies to each and everyone working for or associated with Mumbai Smiles:

- All staff members and resource persons, own and from counterparts, based in office or program sites.
- Other Members – Members of Board of Directors, Volunteers/Interns, Corporate/Community Volunteers, contractors and others who may come in contact with children through Mumbai Smiles.
- Guests/Visitors – donors, journalists, media persons, researchers, celebrities etc, who may come in contact with children through Mumbai Smiles.

Implementation guidelines

CPP1. Awareness Program

- To organise regular awareness programs on Child Rights to staff members, volunteers, community leaders, field volunteers, parents of children enrolled under Mumbai Smiles's implemented programs.
- Impart special training to all the staff on child protection.
- Awareness building and sensitisation of partner school staff and other implementing stakeholders on child protection.
- Include in all manuals for teachers, monitors and other staff in contact with children information regarding Child Rights.

CPP2. 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.
- Mobilising and sensitizing families in order to make them responsible for the well being of children and prevention of exploitation or any kind of abuse.

CPP3. Compliance Mechanism

1. Selection of workers:

- **Reference Checks** – Before an applicant is permitted to work with children, at least two of the applicants references will be checked. These references should be of an institutional nature, preferably from organisations where the applicant has worked with children in the past. Documentation of the reference checks will be maintained in confidence on file.
- **Criminal Background Checks** – A national criminal background check is required for all employees at the office and field (regardless of position) and for all the interns and volunteers with regular contact with children at Mumbai Smiles.

2. Involvement of the Employees, Interns and volunteers (own and from counterparts):

- Capacity building of staff members working with children in project will be conducted, to effectively deal with and promote rights of children and to help protect from any kind of exploitations and abuse. Monitor staff's performance and conduct to ensure the same.
- All personnel, staff, volunteers, interns, consultants, visitors or anyone else, connected with Mumbai Smiles, will not spend time alone with a child (there will always be, at least 2 members of the team interacting with the child and the doors shall remain open; nor will they touch the child inappropriately or make the child feel insecure.
- Mumbai Smiles will also ensure that all the visitors and donors and volunteers, those who come to see the programs involving children, may be facilitated visit to the field accompanied by staff member of Mumbai Smiles and shall be informed about Child Protection Policy.

3. Participation of Children:

- Children must not only be heard but also encouraged to voice their concerns and problems. All staff, volunteers and whoever come into contact with children must ensure it.

4. Contractors, Vendors and Donors

- Mumbai Smiles shall make Contractors, Vendors and Donors aware of its Child Protection Policy and ensure complete adherence to Child Rights.
- All donors must be aware of Child Rights and must sign an Ethical Code ensuring, among other issues, the accomplishment of Child Rights in their activities.

5. Establish a Child Protection Committee (CPC)

- Establish a Child Protection Committee (CPC) in the organisation consisting of 6 representatives of executive team, members from community (parents and/or direct family), teachers and other staff of programs involving children under overall supervision of the President of Mumbai Smiles. Necessary functional linkages with local MLA, police and hospital shall be established.

6. Monitor the staff's performance and general conduct

- Monitor the staff's performance and general conduct in order to ensure that the same is in tandem with the philosophy, mission and vision of Mumbai Smiles and also culturally sensitive.

7. Anyone connected with Mumbai Smiles

- All personnel, staff, volunteers, interns, consultants, visitors or anyone else connected with Mumbai Smiles will not spend time alone with a child, nor touch the child inappropriately or make the child feel insecure.

8. Form Child Parliaments

- Form Child Parliaments which ensures a platform for children to express & discuss their experiences & problems. The organisation should extend support in terms of group formation, managing the group and most importantly provide guidance to help them be more vocal about their problems.

CPP4. Complaints/ Allegations Handling

The following are the procedures for communicating, reporting and responding are in place in order to minimise risk to the child if an incident occurs and to promptly address these incidents when they arise:

- Any person, who has knowledge of, suspicions or has been witness to abuse in any form, shall inform management immediately. Any of the following concerns must be reported: sexual or emotional abuse, violence or suspected physical abuse, knowledge of neglect or any other form of abuse of a child.

Incident Reporting

- MSF's personnel are required to report immediately any known incident or suspected concern of a child. This report is to be made to the Director and documented on the Incident Report Form which needs to be submitted within 24 hours of the known or suspected incident. Any report made to MSF's personnel shall be taken seriously and immediate steps shall be taken to ensure the child's protection. Family/guardians/caretakers should be informed of the issues and of the action proposed and consulted as the incident is dealt with by MSF's management.
- If the accused or suspected perpetrator is a foreigner, the relevant law enforcement authorities will be contacted and informed of the events.

Documentation

- Within 24 hours, a full written report should be prepared which details all aspects of the alleged incident. This should give full details of person/s involved, time, places, witnesses and what occurred.
- When a child reports any concerns of another child or that he/she are the subject of the abuse, they will be protected, taken seriously and treated with respect. If necessary the relevant authorities will be contacted and the child will be assisted by MSF to our fullest of capabilities including medical attention if required.

- Adults are required to report any incidents of inappropriate behaviour by the children. This includes children touching adults or other children in a sexual or inappropriate manner, which includes and is not limited to any form of abuse. The adult involved must advise the staff member they are working alongside of the incident as soon as it occurs and request the child to cease the behaviour. An incident report must be written and submitted within 24 hours of the incident occurring.
- If the allegations are found untrue but made in good faith, no action will be taken against the maker of the allegation. Malicious and/or false allegations are not acceptable.

Confidentiality

- All parties will be granted full confidentiality this includes the victim, the alleged perpetrator and the individual reporting the incident. Only those required to deal with the situation will be privy to the details of the incident in order to best protect the child.

Distance of Parties

- If the incident involves a staff member or volunteer they will be automatically suspended pending the investigation. All staff members and volunteers are entitled to the due process of investigation with no presupposition of guilt or innocence.

Legal Recourse

- Physical or sexual abuse is considered a crime and shall be treated as such. On completion of the investigation by MSF, a decision shall be made by the investigation team (CPC) to determine whether substantive evidence is given for criminal behaviour requiring informing the relevant authorities. Should expatriates be involved as perpetrators, there may also be legal recourse taken in their own country.

Counselling Support

- It is recognised that parties to the child abuse will require appropriate counselling. Counsellors shall be identified to provide this service to the victim, perpetrator and other involved as deemed appropriate.

CPR5. Policy Issues

1. Mumbai Smiles shall network and collaborate with likeminded individuals and institutions for sharing knowledge and experiences (best practices); and to support advocacy campaigns on child protection, development and promoting children's participation.
2. Mumbai Smiles shall ensure that pictures/ captions in all literature, documents and IEC materials on children are not offensive, commercializing poverty and/or attempting the child's dignity.
3. It is committed to keep information about children confidential. Child abuse incidents, if any, shall be kept confidential and handled with utmost care and concern. It is to be ensured that information about any such incident is shared with people only if it is deemed necessary by Child Protection monitoring group and ensure names and identities are not disclosed outside or to the media.

Use of child's photos & information

- The use of child's photographs and information is to be strictly regulated so as to ensure protection of the child from any form of exploitation. Any communications about the children should use only those pictures that are decent, respectful and culturally appropriate.
- In terms of using the photograph for success stories, prior written permission of the beneficiaries and direct family/guardian have to be taken into consideration.
- In any form of communication, no information regarding the child's exact location shall be provided.
- All the information about the children is to be kept strictly confidential by all the staff and volunteers of the organisation. Volunteers are strictly prohibited from asking any personal information about any of the children involved with MSF.
- Always ask permission from any child/children that will be directly in the photograph and follow the company protocol for the safety of the child/children. Some personalities will feel comfortable to say no to photographs and some might be more reserved. Do not assume that a child will always be able to say "no" to you, you are an adult they don't know.
- Under no circumstances, should any photographs that may be deemed inappropriate be taken. This may include when children are inappropriately clothed or positioned, where children may not want their photograph taken or when the photograph may appear sexualised in any possible manner.
- Be completely aware while posting to media sites, such as Facebook, Twitter, Instagram and other platforms that images of children are decent, respectful and culturally appropriate. It is required that you ask permission of the children before taking pictures in their villages at all times.

Code of conduct

All staff, visitors, volunteers, advisors, consultants, partners, donors or any other personnel associated with MSF is required to behave in the appropriate manner with the children that fully respect their rights, as laid out in the Child Protection Policy, to minimise any possible situation of risk.

Staff / Visitors / Volunteers / Interns / Counterpart's staff must:

- Never hit or physically assault or abuse children. This includes, and not limited to, kicking, punching, pushing, shoving, slapping, pinching, biting and/or threats of violence.
- If a child is behaving in an inappropriate manner, including, and not limited to, kicking, punching, pushing, shoving, slapping, pinching, biting and/or threats of violence, including inappropriate physical contact towards adult or children, they are required to report to the teacher and management staff as soon as this behavior arises and to complete an incident report.
- Never develop or become involved in a physical or sexual relationship with any child.
- Never develop a relationship that could possibly been deemed as abusive or exploitative.
- Not swear or use offensive language around the children.
- Never participate in or condone the behavior of children which is illegal, unsafe or abusive.
- Never humiliate, belittle, or degrade a child. Any form of emotional abuse is not acceptable.
- Never provide any child alcohol, cigarettes or drugs of any kind. These are never allowed on any of the premises where there are children under the age of 18 years and under the management of MSF.
- Not communicate or become friends with the children through social media such as Facebook etc and/or personal emails.

- Not give gifts to individual children. It is inappropriate and unfair to all the other children. If the children require any supplies or stationary etc. please advise management.
- Not provide individual financial support or promise that they will receive individual support or sponsorship. Sponsorship is to be arranged through MSF management and not directly with any child or family member.
- Always respect the Rights of the child for protection against abuse and exploitation.
- Always act appropriately and in a culturally sensitive manner, with children, understanding the importance of my behavior with children and the potential perceptions that may follow from my actions or words
- Be fully aware of MSF's Child Protection Policy and Code of Conduct and agree to follow the policy while fully aware of any disciplinary action that may be taken against you.

Allegation handling

1. Any complain regarding incident of misbehaviour/misconduct with child (abuse) in any program implemented in the target community shall be reported to the Child Protection Committee (CPC) constituted under Mumbai Smiles, which will, first of all, facilitate medical care to the victim, if need be; subsequently carry out a thorough unbiased investigation or if need be, get First Information Report (FIR) filed and take help from local police for appropriate legal process and actions.
2. CPC members of Mumbai Smiles shall extend moral support to parents and the victim (child) and if need be; help to file the First Information Report (FIR) at the local police station. CPC has the responsibility of informing the abuse case immediately to the President/Executive Director/Unit Head of Mumbai Smiles who will then initiate appropriate legal recourse - dealing the case with due sensitivity and confidentiality.

3. In case the wrongdoer is a staff member or any other person connected with Mumbai Smiles, the matter shall be reported to the Nodal Officer of the Child Protection Committee (CPC) constituted, the alleged person put under suspension with immediate effect, initiate appropriate investigations in house or, if need be, through official machineries; the accused person to be reinstated only after being found innocent by investigations done.
4. Child subjected to abuse, more often than not, gets psychologically upset which is extremely traumatic and leaves a deep scar on their mind. Often they find themselves experiencing conflicting emotions- confusion, fear, anger, shame, depression- which leads to lack of confidence, low self-esteem. Such upheaval may have serious repercussions later in life. Hence the CPC shall conduct counselling sessions for parents/direct family as well as the child.
5. Mumbai Smiles shall encourage visits by donors to projects on receiving prior permission. In case of special requests by donor's/photographers/volunteers for a visit to homes or project operational sites where children are present; they should be accompanied by a staff member. The visitors/donors shall also be briefed on the Code of Conduct to be followed during the visit by Responsive Action Coordinator. It shall always be insisted that the visitors/donors/photographers/volunteers meet the child at the project operational sites and not in a personal space.



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